

## **ADMINISTRATIVE PANEL DECISION**

Swedish Match North Europe AB, Philip Morris International, Inc. v. PAYDIRT GOLD COMPANY, LLC  
Case No. D2025-3283

### **1. The Parties**

The Complainants are Swedish Match North Europe AB, Sweden ("The First Complainant") and Philip Morris International, Inc., United States of America ("United States") ("The Second Complainant"), represented by D.M. Kisch Inc., South Africa.

The Respondent is PAYDIRT GOLD COMPANY, LLC, United States.

### **2. The Domain Names and Registrar**

The disputed domain names <discountzyn.com>, <zyn-onlines.com>, <zynonvelo.com> are registered with Dominet (HK) Limited (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on August 15, 2025. On August 18, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On August 19, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondent (Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainants on August 22, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainants to submit an amendment to the Complaint. The Complainants filed an amended Complaint on August 25, 2025.

The Center verified that the Complaint together with the amended Complaint satisfied the formal requirements of the Uniform Domain Name Dispute Resolution Policy (the "Policy" or "UDRP"), the Rules for Uniform Domain Name Dispute Resolution Policy (the "Rules"), and the WIPO Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the "Supplemental Rules").

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on September 2, 2025. In accordance with the Rules, paragraph 5, the due date for Response was September 22, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on September 23, 2025.

The Center appointed Knud Wallberg as the sole panelist in this matter on October 8, 2025. The Panel finds that it was properly constituted. The Panel has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required by the Center to ensure compliance with the Rules, paragraph 7.

#### **4. Factual Background**

The First Complainant is a Swedish company, subsidiary of the Second Complainant since 2022, which notably manufactures snus, nicotine pouches and pouch products with neither nicotine nor tobacco, as well as tobacco products. The Second Complainant is a well-known multinational company primarily engaged in the business of manufacturing, marketing and selling cigarettes and smoke-free products, including heated tobacco, e-vapor, and oral smokeless products throughout the world. The Complainants notably sell nicotine pouches under the trademark ZYN in 40 markets across the globe.

The First Complainant owns various trademark registrations for the trademark ZYN including:

- United States trademark registration No. 5061008 for ZYN (word mark) registered on October 11, 2016 (this trademark was filed and is owned by the Pinkerton Tobacco Co. LP, which is a company part of the group of companies affiliated to the First Complainant);
- International Trademark Registration No. 1421212 for ZYN (word mark) registered on April 18, 2018, designating inter alia, African Intellectual Property Organization, Australia, Azerbaijan, Bahrain, Belarus, Bosnia and Herzegovina, Chile, Denmark, Egypt, Iceland, India, Indonesia, Israel, Japan, Mexico, New Zealand, Norway, Republic of Korea, Russian Federation, Switzerland, Türkiye, Ukraine and United Kingdom; and
- European Union trademark registration no. 017965871 for ZYN (figurative mark) registered on January 25, 2019.

The disputed domain name <discountzyn.com> was registered on April 18, 2025. The disputed domain name <zynonvelo.com> was registered on November 19, 2024. At the time of the filing of the Complaint both disputed domain names resolved to active websites that allegedly offered the Complainants' ZYN product, as well as third party products of other commercial origin. The disputed domain name <zyn-onlines.com> was registered on March 6, 2025. At the time of the filing of the Complaint the disputed domain name directed to an inactive webpage displaying "403 Forbidden ... Access to this resource on the server is denied!".

#### **5. Parties' Contentions**

##### **A. Complainants**

The Complainants contends that they have satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, the Complainants contend that the disputed domain names are confusingly similar to the ZYN Trademark, as they include the ZYN trademark in its entirety and since the addition of a descriptive term is irrelevant in this respect. As far as the disputed domain name <zynonvelo.com> is concerned, the addition of the third-party brand names "ON" and "VELO" does not sufficiently eliminate the general impression that the disputed domain name is associated in some way with the Complainants or used for some sort of co-operative venture between the Complainants and the owner of the third-party brand names "ON" and "VELO". Besides, it is well established that the applicable Top-Level Domain ("TLD") in a domain name is viewed as a standard registration requirement and as such is disregarded under the confusing similarity test.

The Complainants further contend that the Respondent has no rights or legitimate interests in the disputed domain names. The Complainants have not licensed or otherwise permitted the Respondent to use the ZYN trademark or to register domain names incorporating the ZYN trademark. The Respondent is not making a

legitimate noncommercial or fair use of the disputed domain names. On the contrary, the Respondent's behavior shows a clear intent to obtain an unfair commercial gain, with a view to misleadingly diverting consumers or to tarnish the trademarks owned by the Complainants. The Respondent is not an authorized distributor or reseller of the ZYN nicotine product, and the websites provided under the disputed domain names do not meet the requirements set out by numerous panel decisions for a bona fide offering of goods.

The Complainants finally contend that the Respondent registered and use the disputed domain names in bad faith. It is thus evident from the Respondent's use of the disputed domain names that the Respondent knew of the Complainants ZYN trademark when registering the disputed domain names. It is also evident from the Respondent's use of the disputed domain names that the Respondent registered and used the disputed domain names with the intention to attract, for commercial gain Internet users to the websites by creating a likelihood of confusion with the Complainant's registered ZYN trademark as to the source, sponsorship, affiliation, or endorsement of its website or location or of a product or service on its website or location, which constitutes registration and use in bad faith pursuant to paragraph 4(b)(iv) of the Policy.

## **B. Respondent**

The Respondent did not reply to the Complainants' contentions.

## **6. Discussion and Findings**

### **A. Identical or Confusingly Similar**

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainants' trademark and the disputed domain names. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, (["WIPO Overview 3.0"](#)), section 1.7.

The Complainants have shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds the mark ZYN is recognizable within the disputed domain names. Accordingly, the disputed domain names are confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms here, "discount", "onvelo" and "-onlines", may bear on assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

The Panel finds the first element of the Policy has been established.

### **B. Rights or Legitimate Interests**

Paragraph 4(c) of the Policy provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the difficult task of "proving a negative", requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name (although the burden of proof always remains on the complainant). If the respondent fails to come forward with such relevant

evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

Having reviewed the available record, the Panel finds the Complainants have established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain names. The Respondent has not rebutted the Complainants' prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain names such as those enumerated in the Policy or otherwise.

The Panel finds the second element of the Policy has been established.

### **C. Registered and Used in Bad Faith**

The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

In the present case, the Panel notes that at the time of the filing of the Complaint the disputed domain names <discountzyn.com> and <zynonvelo.com> resolved to active websites that allegedly offered the Complainants' ZYN product, as well as third party products of other commercial origin. The Panel finds that by using these disputed domain names, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website, by creating a likelihood of confusion with the Complainants' mark. [WIPO Overview 3.0](#), section 3.1.

At the time of the filing of the Complaint the disputed domain name <zyn-onlines.com>, directed to an inactive webpage displaying "403 Forbidden ... Access to this resource on the server is denied!", but as it is noted in [WIPO Overview 3.0](#), section 3.3, panels have found that the non-use of a domain name (including a blank or "coming soon" page) would not prevent a finding of bad faith under the doctrine of passive holding. Having reviewed the available records, the Panel notes the distinctiveness or reputation of the Complainants' trademark, and the composition of the disputed domain name, and finds that in the circumstances of this case the passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy.

The Panel finds that the Complainants have established the third element of the Policy.

## **7. Decision**

For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the disputed domain name <discountzyn.com>, <zyn-onlines.com> and <zynonvelo.com> be transferred to the Complainants.

*/Knud Wallberg/*

**Knud Wallberg**

Sole Panelist

Date: October 22, 2025