

ADMINISTRATIVE PANEL DECISION

Swedish Match North Europe AB, Philip Morris International, Inc. v. 蔡宁川
(cai ning chuan / caining chuan)

Case No. D2025-3284

1. The Parties

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

The Respondent is 蔡宁川 (cai ning chuan / caining chuan), China.

2. The Domain Name and Registrar

The disputed domain name <zynpuff.com> is registered with Xin Net Technology Corp. (the "Registrar").

3. Procedural History

The Complaint was filed in English 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 name. On August 19, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name which differed from the named Respondent (Private Registration) 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 in English on August 25, 2025.

On August 22, 2025, the Center informed the Parties in Chinese and English, that the language of the Registration Agreement for the disputed domain name is Chinese. On August 25, 2025, the Complainants confirmed its request that English be the language of the proceeding. The Respondent did not submit any comment on the Complainants' submission.

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 in Chinese and English of the Complaint, and the proceedings commenced on August 29, 2025. In accordance with the Rules, paragraph 5, the due date for Response was September 18, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on September 19, 2025.

The Center appointed Leo (Yi) Liu as the sole panelist in this matter on September 26, 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 and the second Complainant are in same group of the companies (hereinafter collectively referred to as the "Complainant"). The first Complainant states that it is a company primarily engaged in the business of manufacturing, marketing, and selling smoke free tobacco products, such as snus and nicotine pouches, which are sold in several countries.

"ZYN" is one of the smoke-free product brands owned by the Complainant, which was launched in the USA in 2016. The ZYN nicotine product is available in around 40 markets across the world.

The Complainant is the owner of several trademarks for ZYN, including:

- International trademark registration No. 1421212 for ZYN in Class 34, registered on April 18, 2018; and
- International trademark registration No. 1456681 for ZYN in Class 34, registered on December 27, 2018.

The disputed domain name was registered on February 23, 2025. As evidenced by the Complainant's screenshots, the disputed domain name used to link to an online shop purportedly selling the Complainant's and its competitor's products. Currently, the disputed domain name does not resolve to an active website.

5. Parties' Contentions

A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, the Complainant contends that:

- the disputed domain name is confusingly similar to its well-known and distinctive trademark ZYN;
- the Respondent has no rights or legitimate interests in respect of the disputed domain name;
- the disputed domain name was registered and is being used in bad faith.

B. Respondent

The Respondent did not reply to the Complainant's contentions.

6. Discussion and Findings

6.1 Preliminary Issue: Language of the Proceeding

The language of the Registration Agreement for the disputed domain name is Chinese. Pursuant to the Rules, paragraph 11(a), in the absence of an agreement between the parties, or unless specified otherwise in the registration agreement, the language of the administrative proceeding shall be the language of the registration agreement.

The Complaint was filed in English. The Complainant requested that the language of the proceeding be English for several reasons, including the fact that:

- the disputed domain name is composed of terms that emulate or approximate a Latin-origin brand name, and resolved to a website in English;
- proceeding in Chinese would require the Complainant to retain specialized translation services, and the time and costs required for translation of the Complaint would unfairly burden the Complainant;
- the Respondent can reasonably be expected to understand and respond to communications in English.

The Respondent did not make any specific submissions with respect to the language of the proceeding.

In exercising its discretion to use a language other than that of the registration agreement, the Panel has to exercise such discretion judicially in the spirit of fairness and justice to both parties, taking into account all relevant circumstances of the case, including matters such as the parties' ability to understand and use the proposed language, time and costs (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.5.1).

Having considered all the matters above, the Panel determines under paragraph 11(a) of the Rules that the language of the proceeding shall be English.

6.2 Substantive Issues

To obtain the relief it has requested, the Complainant must prove the presence of each of the three elements of the Policy: 1) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; 2) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and 3) the disputed domain name has been registered and is being used in bad faith.

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 Complainant's trademark and the disputed domain name. [WIPO Overview 3.0](#), section 1.7.

Based on the record submitted, the Complainant has shown rights in respect of the ZYN trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds that, despite the addition of the term "puff" at the end of the disputed domain name, the ZYN trademark remains recognizable.

Although the addition of the term “puff” may bear on assessment of the second and third elements, the Panel finds that the addition of such term does not prevent a finding of confusing similarity between the disputed domain name and the Complainant’s 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.

As noted above, the disputed domain name used to link to an online shop purportedly selling the Complainant’s and its competitor’s products. The Complainant claims that the Respondent used the Complainant’s copyrighted works on the website at the disputed domain name without authorization, while no cooperative relationship exists between the Respondent and the Complainant. The Respondent has not come forward with any evidence that it has engaged in any use of or demonstrable preparations to use the disputed domain name in connection with a bona fide offering of goods or services in accordance with paragraph 4(c)(i) of the Policy.

The Respondent’s name does not correspond to the disputed domain name, and there is no evidence to support a finding that the Respondent is commonly known by the disputed domain name within the meaning of paragraph 4(c)(ii) of the Policy.

Nor is the Respondent making any legitimate noncommercial or fair use of the disputed domain name pursuant to paragraph 4(c)(iii) of the Policy.

Having reviewed the available record, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the Complainant’s prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain name 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.

In the present case, the Panel notes that the Respondent’s registration of the disputed domain name incorporating the Complainant’s trademark with a term “puff”, along with the purported sale of the Complainant’s products on the website at the disputed domain name, clearly demonstrate the Respondent’s awareness of the Complainant and its brand. Consequently, the Panel infers that the Respondent knew or should have known the Complainant’s ZYN trademark. [WIPO Overview 3.0](#), section 3.2.1

The Respondent's use of the disputed domain name to purportedly offer the Complainant's ZYN nicotine products by using the Complainant's copyrighted images without authorization and the competing products is clearly intended to create a likelihood of confusion among Internet users, misleading them into believing that the Respondent is affiliated with or endorsed by the Complainant, for commercial gain. Having reviewed the record, the Panel concludes that the Respondent's registration and use of the disputed domain name constitute bad faith under the Policy.

The Panel finds that the Complainant has 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 <zynpuff.com> be transferred to the Complainant.

/Leo (Yi) Liu/

Leo (Yi) Liu

Sole Panelist

Date: October 10, 2025