

## **ADMINISTRATIVE PANEL DECISION**

Swedish Match North Europe, Philip Morris International, Inc. v. 李吉瑞 (li ji rui)

Case No. D2025-3285

### **1. The Parties**

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

The Respondent is 李吉瑞 (li ji rui), China.

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

The disputed domain name <zynshoponline.com> is registered with Alibaba Cloud Computing Ltd. d/b/a HiChina (www.net.cn) (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 (Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainants on August 21, 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 28, 2025.

On August 21, 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 28, 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 Qiang Ma as the sole panelist in this matter on October 9, 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, Swedish Match North Europe AB, is a company which is part of the group of companies affiliated to the Second Complainant, Philip Morris International Inc. In May 2022, the First Complainant was acquired by the Second Complainant (jointly referred to as the "Complainant").

Founded in 1992, the First Complainant is 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.

The Complainant is the proprietor of numerous trademark registrations for the mark ZYN. These include, inter alia:

International Registration No. 1421212 for the word mark ZYN, with a registration date of April 18, 2018. This registration covers the following goods in International Class 34: tobacco; smokers' articles; matches; tobacco substitutes (not for medical purposes); tobacco alternatives in the form of products based on vegetable fibres, for oral use, not for consumption; snuff; tobacco free snuff; and herbal snuff. The registration designates multiple jurisdictions including: Afghanistan, Albania, the African Intellectual Property Organization (OAPI), Algeria, Australia, Azerbaijan, Bahrain, Belarus, Bosnia and Herzegovina, Chile, Denmark, Egypt, Iceland, India, Indonesia, Israel, Japan, Kazakhstan, Kenya, the Republic of Korea, Liechtenstein, Malaysia, Mexico, Montenegro, Morocco, New Zealand, Norway, Oman, Pakistan, Philippines, Russian Federation, San Marino, Serbia, Singapore, Sudan, Switzerland, Tunisia, Türkiye, Turkmenistan, Ukraine, the United Kingdom, Uzbekistan, Viet Nam, and Zimbabwe.

International Registration No. 1456681 for a word and device version of the ZYN mark, registered on December 27, 2018, designating Australia, Bahrain, Egypt, Israel, Kenya, Norway, Oman, Philippines, Switzerland, and the United Kingdom.

United States Registration No. 5061008 for the word mark ZYN, which was registered on October 11, 2016.

The Respondent is 李吉瑞 (li ji rui), based in China.

The disputed domain name was created on July 18, 2024.

The Complaint alleges that prior to August 15, 2025, the disputed domain name resolved to an online shop at "www.zynshoponline.com" (the "Offending Website"), which purportedly offered for sale the Complainant's ZYN nicotine products. According to the Complaint, on or after August 15, 2025, the disputed domain name began resolving to an inactive webpage (the "Inactive Webpage").

## **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, <zynshoponline.com>, is confusingly similar to its ZYN trademark. The addition of the descriptive words "shop" and "online" does not prevent a finding of confusing similarity, as the Complainant's trademark is wholly incorporated and recognizable within the disputed domain name.

Secondly, the Respondent has no rights or legitimate interests in the disputed domain name. The Respondent is not using the disputed domain name in connection with a bona fide offering of goods or services, as it is not an authorized reseller and the website creates a false impression of affiliation. The Respondent is not commonly known by the disputed domain name and is not making a legitimate noncommercial or fair use thereof.

Thirdly, the Complainant's ZYN trademark is an imaginative and unique term. This distinctiveness suggests that the Respondent's registration of the disputed domain name could not have been in good faith. Given the similarity between the disputed domain name and the Complainant's trademark and considering the Respondent's unauthorized use of the Complainant's official product images and marketing materials, Internet users are likely to be misled into believing the Respondent's website is affiliated with the Complainant. This supports a finding of bad faith registration and use.

### **B. Respondent**

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

## **6. Discussion and Findings**

### **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 Respondent demonstrates a clear understanding of English—as evidenced by the Latin-script disputed domain name and the exclusively English-language content of the associated website. And that requiring the Complainant to translate the materials would impose an unreasonable burden and delay.

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).

In the present case, the Panel finds that there are sufficient circumstances to warrant a decision for the proceedings to be conducted in English. The Panel notes that the disputed domain name itself is composed of Latin characters and incorporates the common English words “shop” and “online,” which suggests that it was intended to target an English-speaking audience. More significantly, the Offending Website was operated exclusively in English. This supports the inference that the Respondent is capable of conducting business and communicating in English. Furthermore, requiring the Complainant to translate the Complaint and all supporting documents would impose an undue burden of cost and delay, contrary to the UDRP’s objective of providing an efficient resolution.

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.

### **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.

The Complainant has 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 entirety of the mark ZYN is reproduced within the disputed domain name <zynshoponline.com>. Accordingly, the disputed domain name is 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, “shop” and “online”, may bear on assessment of the second and third elements, the Panel finds the addition of such descriptive 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.

The Respondent is not using the disputed domain name in connection with a bona fide offering of goods or services, as it is not an authorized reseller and the website creates a false impression of affiliation. The Respondent is not commonly known by the disputed domain name and is not making a legitimate noncommercial or fair use thereof.

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 finds that the Respondent registered and used the disputed domain name in bad faith. The Complainant's ZYN trademark is an invented and inherently distinctive term, with no common meaning related to nicotine products. Given the unique nature of the mark, the Panel finds it is beyond the realm of reasonable coincidence that the Respondent would register a domain name wholly incorporating this mark without having the Complainant and its rights in mind. Furthermore, the disputed domain name was used to resolve to a commercial website that offered the Complainant's ZYN products, creating a direct link to the Complainant's business. The Respondent's intent to trade on the Complainant's goodwill is evident from the Offending Website's unauthorized use of the Complainant's official product images and marketing materials. By using the disputed domain name in this manner, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion as to the source, sponsorship, affiliation, or endorsement of the Respondent's website. This finding is further supported by the Respondent's use of a privacy service to conceal its identity. Such conduct constitutes bad faith registration and use pursuant to paragraph 4(b)(iv) of the Policy.

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.

Panels have found that the non-use of a domain name (as the disputed domain name began resolving to an inactive webpage on and after August 15, 2025) would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3. Having reviewed the available record, the Panel notes the distinctiveness or reputation of the Complainant's 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 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 <zynshoponline.com> be transferred to the Complainant.

*/Qiang Ma/*

**Qiang Ma**

Sole Panelist

Date: October 23, 2025