

ADMINISTRATIVE PANEL DECISION

Swedish Match North Europe and Philip Morris International, Inc. v.
Muhammad Naeem
Case No. D2025-3290

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 Complainants are hereinafter jointly referred to as the “Complainant”.

The Respondent is Muhammad Naeem, Pakistan.

2. The Domain Name and Registrar

The disputed domain name <zynrewards.net> is registered with Spaceship, Inc. (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 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 Purposes, Privacy Service Provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 20, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed a Complaint on August 29, 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 1, 2025. In accordance with the Rules, paragraph 5, the due date for Response was September 21, 2025. The Respondent sent email communications to the Center on September 3, 2025. The Center informed the Parties of the Commencement of Panel Appointment Process on September 29, 2025.

The Center appointed Alfred Meijboom as the sole panelist in this matter on October 2, 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”) is a company which is part of a group of companies affiliated to the second Complainant (“Philip Morris”). Founded in 1992, the 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’s brand portfolio includes the trademark ZYN which is the market leading brand for nicotine pouches in the United States. In May 2022, Swedish Match was acquired by Philip Morris. First launched in the United States in 2016, the trademark ZYN has acquired a 76 % share of the market in the United States. Today, ZYN nicotine products are available in around forty markets across the world.

The Complainant owns a portfolio of trademark registrations for ZYN in class 34, including the following words marks (the “ZYN Trademark”):

- European Union trademark ZYN with registration number 015272487 of July 8, 2016; and
- International Trademark ZYN with registration number 1421212 of April 18, 2018 designating, inter alia, Australia, India, and Pakistan.

The disputed domain name was registered on May 19, 2025. The disputed domain name resolves to a website under the header “Zyn Rewards” which publishes a blog about gambling and which offers click-through links to third-party gambling websites.

The Panel observes that the Complainant has also undisputedly stated that, prior to August 13, 2025, the disputed website directed to a website that purported to be a rewards store for the Complainant’s ZYN nicotine products and used a number of the Complainant’s official product images. However, the Complainant’s supporting evidence consists of printouts from the Internet Archive dated December 14, 2024 and February 11, 2025, which is prior to the date of registration of the disputed domain name by the Respondent. A brief investigation by the Panel in the Internet Archive shows that seemingly from May 2024 to February 2025, the disputed domain name resolved to the website referred to by the Complainant, but that on March 23, 2025, this website displayed the text “Your domain is expired. Renew the domain to activate the website¹.” From this, the Panel infers that it is likely that the disputed domain name expired and was registered again on May 19, 2025. In this Decision, the Panel shall therefore disregard the website from the date prior to registration of the disputed domain name and the arguments based on it.

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.

¹ Noting in particular the general powers of a panel articulated inter alia in paragraphs 10 and 12 of the Rules, it has been accepted that a panel may undertake limited factual research into matters of public record if it would consider such information useful to assessing the case merits and reaching a decision. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ([“WIPO Overview 3.0”](#)) section 4.8.

Notably, the Complainant contends that the disputed domain name is confusingly similar to the ZYN Trademark, as it identically adopts the ZYN Trademark, while the addition of the non-distinctive and descriptive word “rewards” does not prevent a finding of confusing similarity between the disputed domain name and the ZYN Trademark.

The Complainant contends that the Respondent lacks a right or legitimate interest in the disputed domain name because the Complainant has not licensed or otherwise permitted the Respondent to use any of its trademarks or to register a domain name incorporating the ZYN Trademark or a domain name which will be associated with the ZYN Trademark, and the Respondent is also not making a legitimate noncommercial or fair use of the disputed domain name but rather shows a clear intent to obtain an unfair commercial gain, with a view to misleadingly diverting consumers or to tarnish the Complainant’s trademarks.

According to the Complainant it is evident from the Respondent’s use of the disputed domain name that the Respondent knew of the ZYN Trademark, which term is allegedly purely imaginative and unique to the Complainant, when registering the disputed domain name. The Complainant further contends that it is also evident from the Respondent’s use of the disputed domain name that the Respondent registered and used the disputed domain name with the intention to attract, for commercial gain Internet users to its website by creating a likelihood of confusion with the Complainant’s 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.

B. Respondent

The Respondent did not substantively reply to the Complainant’s contentions. The Respondent only sent an email communication to the Center on September 3, 2025 upon notification of the Complaint stating “why is the complaint filed? what is the reason? I own the domain what’s wrong? the reason for complain not mentioned”.

6. Discussion and Findings

The Respondent did not file a formal Response. However, as set out in the [WIPO Overview 3.0](#), section 4.3, the consensus view of UDRP panels is that the respondent’s default does not automatically result in a decision in favor of the complainant. The Complainant must still establish each of the three elements required by paragraph 4(a) of the Policy. Although the Panel may draw appropriate inferences from the Respondent’s default, paragraph 4(a) of the Policy requires the Complainant to support its assertions with actual evidence in order to succeed in these proceedings. Paragraph 14(b) of the Rules provides that, in the absence of exceptional circumstances, the panel shall draw such inferences as it considers appropriate from a failure of a party to comply with a provision or requirement of the Rules. The Panel finds that in this case there are no such exceptional circumstances.

Under the Policy, the Complainant must prove that:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) 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.

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 ZYN Trademark is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the Complainant's trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms, here "rewards", may bear on assessment of the second and third elements, the Panel finds the addition of such term 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 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.

More notably, the Respondent has not refuted the Complainant's allegations that the Respondent was not authorized or licensed by the Complainant to include the Complainant's ZYN Trademark in the disputed domain name and use the ZYN trademark on the associated website.

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.

The Complainant showed that it has registered the ZYN Trademark well before the Respondent registered the disputed domain name and the Complainant undisputedly alleged that its ZYN products are available in many markets worldwide and have a huge market share in, at least, the United States, while the ZYN Trademark has also been registered in the country where the Respondent allegedly resides more than seven years before the registration of the disputed domain name. As "ZYN" also has no immediately discernable

descriptive meaning in relation to gambling, the Panel considers it likely, in the absence of any explanation provided by the Respondent, that the Respondent registered the disputed domain name because it was familiar with the ZYN Trademark. Consequently, the Panel is satisfied that the disputed domain name was registered in bad faith.

With regard to the alleged use of the disputed domain name in bad faith by the Respondent, the evidence submitted by the Complainant shows that the Respondent misleadingly diverts Internet users to the website linked to the disputed domain name in order to induce them to use the links displayed. In doing so, the Respondent deliberately attempts to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's ZYN Trademark as to the source of the Respondent's website.

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

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 <zynrewards.net> be transferred to the Complainant.

/Alfred Meijboom/

Alfred Meijboom

Sole Panelist

Date: October 16, 2025