

## **ADMINISTRATIVE PANEL DECISION**

Swedish Match North Europe and Philip Morris International, Inc. v. Oscar Chilgren-Piard, ZynSocket  
Case No. D2025-3353

### **1. The Parties**

The Complainants are Swedish Match North Europe, 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 Oscar Chilgren-Piard, ZynSocket, United States.

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

The disputed domain name <zynsocket.com> is registered with Tucows Domains Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 20, 2025. On August 20, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 20, 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 (Contact Privacy Inc. Customer 0175250949) 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 Complainant to submit an amendment to the Complaint. The Complainants filed an amended Complaint on August 27, 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. A third party claiming to be the Respondent sent an email communication to the Center on September 10, 2025. On September 22, 2025, the Center informed the Parties that it would proceed to panel appointment.

The Center appointed Mireille Buydens as the sole panelist in this matter on September 24, 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, and are the biggest participant in the nicotine pouch category with the ZYN brand in the United States.

The First Complainant owns various trademark registrations for the trademark ZYN (hereafter “the ZYN Trademark” or “the Trademark”). This notably includes:

- 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 was acquired by the First Complainant in 1985);
- International Trademark Registration no. 1411950 for ZYN (word mark), registered on 18 April, 2018, designating India and Norway;
- International Trademark Registration No. 1421212 for ZYN (word mark) registered on 18 April 2018 designating inter alia Afghanistan, African Intellectual Property Organization, Albania, Algeria, Armenia, Australia, Azerbaijan, Bahrain, Belarus, Bosnia and Herzegovina, Chile, Denmark, Egypt, Iceland, India, Indonesia, Israel, Japan, Kazakhstan, Kenya, Liechtenstein, Malaysia, Mexico, Montenegro, Morocco, New Zealand, Norway, Oman, Pakistan, Philippines, Republic of Korea, Russian Federation, San Marino, Serbia, Singapore, Sudan, Switzerland, Tunisia, Turkmenistan, Türkiye, Ukraine, United Kingdom, Uzbekistan, Viet Nam, Zimbabwe; and
- European Union trademark registration no. 017965871 for ZYN (figurative mark) registered on January 25, 2019.

The disputed domain name was registered on June 15, 2025. According to the Complaint, the disputed domain name resolves to a website selling and offering products under the Complainants’ ZYN Trademark. The website to which the disputed domain name resolves displays the Complainants’ ZYN Trademark prominently and on the products offered for sale and does not mention any details of the company actually running it (except a gmail email address and a postal address). At the date of this Decision, the disputed domain name resolves to a Shopify page indicating “this store does not exist”.

#### **5. Parties’ Contentions**

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

The Complainants contend 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 name is confusingly similar to the ZYN Trademark, as it includes the ZYN Trademark in its entirety (the addition of an additional, descriptive term being irrelevant in this respect). 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 name. The Complainants have not licensed or otherwise permitted the Respondent to use the ZYN Trademark or to register a domain name incorporating the ZYN Trademark. The Respondent is not making a legitimate noncommercial or fair use of the disputed domain name. The website under the disputed domain name is offering unrelated third party products bearing the ZYN Trademark without the Complainants' authorization. According to the OKI Data case law, the use of a trademark as a domain name by a reseller could be deemed a "bona fide offering of goods or services" within the meaning of the Policy only if certain conditions are satisfied, notably the fact that the site under the domain name accurately discloses the respondent's relationship with the trademark owner – which is not the case here. Besides, the use of a domain name cannot be "fair" if it suggests an affiliation with the trademark owner. In the present case, the website to which the disputed domain name resolves suggests an affiliation with the Complainants and their ZYN Trademark, as the domain name wholly reproduces the ZYN Trademark together with the descriptive word "socket" and reproduces the ZYN Trademark at the top of the website (and on every product). Moreover, the website under the disputed domain name includes no information regarding the identity of the provider of the website, which is only identified as "ZynSocket" on the website, being a name which similarly includes the Complainants' registered ZYN Trademark. As a result, Internet users are misled regarding the relationship between the Respondent's website and the Complainants, and will falsely believe the website under the disputed domain name to be an official or endorsed partner of the Complainants.

The Complainants finally contend that the Respondent registered and uses the disputed domain name in bad faith. The Respondent knew of the Complainants' ZYN Trademark when registering the disputed domain name as the term ZYN is a coined term. It is therefore beyond the realm of reasonable coincidence that the Respondent chose the disputed domain name, without the intention of invoking a misleading association with the Complainants. By reproducing the Complainants' ZYN Trademark in the disputed domain name and prominently on the website, the Respondent is clearly suggesting to any Internet user that the Respondent is affiliated with or endorsed by the Complainants. Therefore, the Respondent is using 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 Complainants' ZYN Trademark as to the source, sponsorship, affiliation, or endorsement of its website, which constitutes registration and use in bad faith pursuant to paragraph 4(b)(iv) of the Policy.

## **B. Respondent**

The Respondent did not formally reply to the Complainant's contentions. However, on September 10, 2025, a person claiming to be the Respondent and with the same name as the Registrar-confirmed Respondent (but using another email address than the one confirmed by the Registrar) sent an email communication to the Center explaining that he did not contest the Complaint and agreed with the remedy requested by the Complainants as he had "no longer any interest in retaining this domain name". The Panel notes that the email communication has been sent by the person who bears the same name as the Registrar-confirmed Respondent and who has apparently received the Center's Notification of Complaint. Noting that this person positions himself as the owner of the disputed domain name, the Panel will refer to this email communication as the one from the Respondent.

## **6. Discussion and Findings**

Paragraph 4(a) of the Policy provides that the Complainants prove each of the following three elements in order to succeed in their Complaint:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainants have rights;
- (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) the disputed domain name was 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 Complainants' trademark and the disputed domain name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (["WIPO Overview 3.0"](#)), section 1.7.

Based on the available record, the Panel finds the Complainants have shown rights in respect of a trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds the entirety of the ZYN Trademark is reproduced within the disputed domain name. The only difference between the ZYN Trademark and the disputed domain name is the addition of the term "socket". Although the addition of this term 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 Trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

Further, the generic TLD ".com" is a standard registration requirement and does not prevent the disputed domain name from being confusingly similar to the ZYN Trademark.

Accordingly, the disputed domain name is confusingly similar to the ZYN Trademark for the purposes of the Policy.

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 name. 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 name such as those enumerated in the Policy or otherwise. On the contrary, the Respondent has sent a communication to the Center on September 10, 2025, notably explaining that he did not contest the Complaint and had no longer any interest in the disputed domain name.

Besides, the Panel notes that the Respondent is not licensed by, nor affiliated with, the Complainants in any way. There is no evidence that the Respondent is commonly known by the disputed domain name, nor is there any evidence of use or demonstrable preparations to use the disputed domain name for a bona fide offering of goods or services. There is no evidence of legitimate noncommercial or fair use of the disputed domain name, either. On the contrary, the Panel notes that the disputed domain name reproduces the ZYN Trademark with the mere addition of the descriptive term "socket". The website under the disputed domain name offered for sale what seems to be sockets for mobile phones bearing the Complainants' ZYN Trademark, which are not similar to the products sold by the Complainants (nicotine pouches and tobacco

products), but which could be sold by the Complainants as merchandising items. In any case, the disputed domain name and the manner in which it is used can mislead Internet users into believing that the website is operated or endorsed by the Complainants.

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.

Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy. The Panel notes that the Respondent has composed the disputed domain name by combining the Complainants' ZYN Trademark with the term "socket" which is descriptive for products (mobile phone sockets) for resolving to a website which sells these products under the ZYN Trademark and where the Respondent prominently displays the ZYN Trademark. The ZYN Trademark is a coined term and is a well-known trademark in the United States where the Respondent is allegedly located. A quick search for the term "ZYN" online would have revealed to the Respondent the existence of the Complainants and their Trademark. As a result, the Panel finds that the Respondent was more likely than not aware of the Complainants' Trademark at the time of the registration of the disputed domain name. [WIPO Overview 3.0](#) section 3.2.2.

The Panel further notes that, by reproducing the Complainants' ZYN Trademark in the disputed domain name and on the top of the website under the disputed domain name, as well as on every product offered for sale on the website, but without disclosing the website's lack of relationship with the Complainants, the Internet users visiting the website can be misled into believing that website is operated or endorsed by the Complainants (or an affiliated dealer of the Complainants), which it is not the case. This suggestion is further supported by the Respondent's use of pictures of products which have the same shape as the Complainants' own products (even if the Respondent's products are a different type of products), accompanied by a copyright notice claiming the copyright for the website and its contents. The products offered for sale on the Respondent's website can appear to Internet users as offered by the Complainants. The Panel also notes that the website does not contain any information on the lack of relationship between the Respondent, its website and the Complainants. By doing so, it appears that the Respondent uses the disputed domain name with the intention to attract, for commercial gain, Internet users to the website under the disputed domain name by creating a likelihood of confusion with the Complainants' ZYN Trademark as to the source, sponsorship, affiliation, or endorsement of its website or products, which constitutes use in bad faith pursuant to paragraph 4(b)(iv) of the Policy.

Currently, the disputed domain name is passively held. Panels have found that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding. Having reviewed the available record, the Panel finds the non-use of the disputed domain name does not prevent a finding of bad faith in the circumstances of these proceedings. Although panelists will look at the totality of the circumstances in each case, factors that have been considered relevant in applying the passive holding doctrine include: (i) the degree of distinctiveness or reputation of the complainant's mark, (ii) the failure of the respondent to submit a response or to provide any evidence of actual or contemplated good-faith use, and (iii) the respondent's concealing its identity (noted to be in breach of its registration agreement). [WIPO Overview 3.0](#), section 3.3.

Having reviewed the available record, the Panel notes the distinctiveness and reputation of the Complainants Trademark in the United States where the Respondent is allegedly located, the composition of the disputed domain name and its prior use. The Panel finds that in the circumstances of this case the current passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy.

Therefore, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

Based on the available record, 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 <zynsocket.com> be transferred to the Complainant.

*/Mireille Buydens/*

**Mireille Buydens**

Sole Panelist

Date: October 6, 2025