

ADMINISTRATIVE PANEL DECISION

Swedish Match North Europe AB, Philip Morris International, Inc. v. 谭健琪
(tan jian qi / tanjian qi / tanjianqi)

Case No. D2025-3778

1. The Parties

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

The Respondent is 谭健琪 (tan jian qi / tanjian qi / tanjianqi), China.

2. The Domain Names and Registrar

The disputed domain names <zynkns.com> and <zynxyz.com> are registered with Xin Net Technology Corporation (the “Registrar”).

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the “Center”) on September 17, 2025. On September 18, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On September 23, 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 (Private Registration) and contact information in the Complaint. The Center sent an email communication to the Complainants on September 24, 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 in English on September 30, 2025.

On September 24, 2025, the Center informed the Parties in Chinese and English, that the language of the Registration Agreement for the disputed domain names is Chinese. On September 30, 2025, the Complainants confirmed their 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 October 2, 2025. In accordance with the Rules, paragraph 5, the due date for Response was October 22, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on November 2, 2025.

The Center appointed Linda Chang as the sole panelist in this matter on November 6, 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 two Complainants filed the Complaint. The First Complainant is Swedish Match North Europe AB, and the Second Complainant is Philip Morris International, Inc. (collectively, the “Complainants”). The Complainants are related companies, with the First Complainant being acquired by the Second Complainant in 2022.

The First Complainant, founded in 1992, has a long history of selling and manufacturing smoke-free tobacco products, such as snus and nicotine pouches, which are sold in several countries. The Second Complainant is a 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 ZYN trademark in 40 markets across the globe.

The First Complainant owns numerous trademark registrations for ZYN trademark, including:

- The International trademark ZYN Registration No. 1411950, registered on April 18, 2018, in class 34;
- The International trademark ZYN Registration No. 1421212, registered on April 18, 2018, in class 34; and
- The International trademark ZYN Registration No. 1456681, registered on December 27, 2018, in class 34.

The disputed domain name <zynkns.com> was registered on April 6, 2025, and the disputed domain name <zynxyz.com> was registered on April 25, 2025. Presently, both disputed domain names resolve to invalid websites. According to the Complainants’ evidence, both disputed domain names previously resolved to similar websites displaying the Complainants’ ZYN trademark and allegedly selling and offering the ZYN nicotine products. The website associated with the disputed domain name <zynkns.com> also allegedly sold and offered products from the Complainants’ competitors.

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 names.

Notably, the Complainants contend that :

i) the disputed domain names reproduce the Complainants' ZYN trademark. The addition of letters "kns" and "xyz" are insufficient to avoid a finding of confusing similarity between the disputed domain names and the Complainants' ZYN trademark. Therefore, the disputed domain names are confusingly similar to the ZYN trademark;

ii) the Complainants have not authorized the Respondent to use the ZYN trademark for any reason or in any manner;

iii) 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 trademark owned by the Complainants;

iv) the Respondent is not authorized distributors or resellers of the ZYN nicotine products, and the websites associated with the disputed domain names do not meet the requirements for a bona fide offering of goods;

v) given the reputation of the Complainants and the ZYN trademark, the Respondent's registration of the disputed domain names cannot be reasonable coincidence and without the intention of invoking a misleading association with the Complainants; and

vi) the Respondent's use of the disputed domain names is with the intention to attract, for commercial gain, Internet users to the websites associated with the disputed domain names by creating a likelihood of confusion with the Complainants' registered ZYN trademark as to the source, sponsorship, affiliation, or endorsement of their websites or location or of a product or service on their websites or locations.

B. Respondent

The Respondent did not reply to the Complainants' contentions.

6. Discussion and Findings

6.1 Procedural Issues – Consolidation of the Complainants

The two Complainants have filed one single Complaint together against the Respondent.

The Complainants have convinced the Panel that the First Complainant and the Second Complainant are related companies that share a common grievance and legal interests in the ZYN trademark, and their commercial rights are both targeted by the Respondent's conduct of registering and using the disputed domain names.

Accordingly, the Panel determines that it would be equitable and procedurally efficient to consolidate the Complainants in this administrative proceeding. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.11.1.

6.2 Procedural Issues - Language of the Proceeding

The language of the Registration Agreement for the disputed domain names 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 Complainants requested that the language of the proceeding be English for several reasons, including the fact that: 1) using Chinese as language of the proceeding would unfairly disadvantage and burden the Complainants and delay the proceeding and adjudication of this matter; 2) the disputed domain names contain Latin characters and the websites associated with the disputed domain names contained English content, which indicates that the Respondent is able to understand 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. [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.

6.3 Substantive Issues

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 names. [WIPO Overview 3.0](#), section 1.7.

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

The generic Top-Level Domain ("gTLD") ".com" as a standard registration requirement should be disregarded in the assessment of confusing similarity under the Policy.

The entirety of the ZYN trademark is reproduced within the disputed domain names. While the letters "kns" and "xyz" are respectively included, the ZYN trademark remains clearly recognizable in the disputed domain names. The Panel finds that the extra letters do not prevent a finding of confusing similarity between the disputed domain names and the ZYN trademark. Accordingly, the disputed domain names are confusingly similar to the ZYN trademark for the purposes of the Policy. [WIPO Overview 3.0](#), sections 1.7 and 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 information in the case file shows that:

- the disputed domain names resolved to similar websites displaying the Complainants' ZYN trademark and purportedly offering the Complainants' products without any prominent and accurate explanation of the relationship (or lack thereof) between the Parties. Additionally, the website associated with the disputed domain name <zynkns.com> purportedly offered products from the Complainants' competitors as well. Such use of the disputed domain names indicates the Respondent's intention to divert Internet traffic to its own websites by confusing the relationship between its own websites and the Complainants, which cannot be deemed as a bona fide offering of goods or services or a legitimate noncommercial or fair use;
- there is no evidence proving that the Respondent has been commonly known by the disputed domain names; and
- no other factors demonstrate any rights or legitimate interests of the Respondent in the disputed domain names.

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.

In the present case, the Panel notes that the Complainants obtained the trademark registration for ZYN as early as in 2018, which predates the registration dates of the disputed domain names <zynkns.com> (April 6, 2025) and <zynxyz.com> (April 25, 2025). According to the Complainants' evidence, the Panel accepts that the ZYN trademark has gained a certain degree of reputation and distinctiveness through the Complainants' continuous use and advertising worldwide. The Respondent registered the disputed domain names that fully incorporate the Complainants' ZYN trademark and resolved the disputed domain names to similar websites displaying the Complainants' ZYN trademark and purportedly offering the Complainants' ZYN products, along with products from the Complainants' competitors on the website at one of the disputed domain names. The Panel determines that the Respondent had actual knowledge of the Complainants and the ZYN trademark at the time of registering the disputed domain names, and bad faith is found.

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 disputed domain names resolve to invalid websites at the time of Decision but were once used to host websites that displayed the Complainants' ZYN trademark and purportedly offered the Complainants' ZYN products, along with products from the Complainants' competitors on the website at one of the disputed domain names. The Panel holds that by selecting domain names confusingly similar to the Complainants' ZYN trademark, and using them in the manner as described, the Respondent obviously intended to attract, for commercial gain, Internet users to the disputed domain names and the associated websites by creating a likelihood of confusion with the Complainants' ZYN trademark as to the source, sponsorship, affiliation, or endorsement of the Respondent's websites, which constitutes bad faith within the meaning of paragraph 4(b)(iv) of the Policy. The current non-use of the disputed domain names does not change the Panel's finding of the Respondent's bad faith.

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 names <zynkns.com> and <zynxyz.com> be transferred to the Complainants.

/Linda Chang/

Linda Chang

Sole Panelist

Date: November 20, 2025