

## **ADMINISTRATIVE PANEL DECISION**

Swedish Match North Europe AB and Philip Morris International, Inc. v.  
zynfox pouch, zynfox pouch  
Case No. D2025-3780

### **1. The Parties**

The Complainants are Swedish Match North Europe AB, Sweden and Philip Morris International, Inc., United States of America (“United States” or “USA”), collectively referred to as the Complainant, represented by D.M. Kisch Inc., South Africa.

The Respondent is zynfox pouch, zynfox pouch, Hong Kong, China, self-represented.

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

The disputed domain name <zynfoxpouch.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 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 name. On September 18, 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 (The RDAP server redacted the value) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 19, 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 an amended Complaint on September 23, 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 25, 2025. In accordance with the Rules, paragraph 5, the due date for Response was October 15, 2025. Between September 25 and October 16, 2025, the Respondent sent several email communications to the Center expressing its willingness to explore

settlement with the Complainant. However, the Respondent did not file any formal Response. Accordingly, the Center notified the Parties of the commencement of panel appointment process on October 23, 2025. On October 24, 2025, the proceeding was suspended until November 23, 2025 upon the Complainant's request and on November 20, 2025, the Complainant informed the Center that the Parties could not reach the agreement and requested to reinstitute the proceeding. The proceeding was reinstated on the same day.

The Center appointed David-Irving Tayer as the sole panelist in this matter on November 21, 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 ("Swedish Match"), 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, Swedish Match 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. Swedish Match is one of the market leading brands for nicotine pouches in the USA under the trademark ZYN. One of these smoke free products manufactured and sold by Swedish Match are nicotine pouches under the ZYN brand. First launched in the USA in 2016, the ZYN brand has obtained 76% share of the market in the USA. Today, the ZYN nicotine product is available in around 40 countries across the world.

For its smoke-free products the Complainant owns a large portfolio of ZYN trademarks. Among them, but by no means limited to, are the following trademark registrations:

- International Registration ZYN (word) No. 1421212, registered on April 18, 2018, designating over 40 jurisdictions;
- International Registration ZYN (figurative) No. 1456681, registered on December 27, 2018, designating over 40 jurisdictions; and
- United States Registration ZYN (word) No. 5061008 registered on October 11, 2016.

The disputed domain name was registered on February 12, 2025. It resolves to an active website in the English language purportedly offering the Complainant's ZYN nicotine products for sale. The products appear to be sold in USD and the website specifies that "We ship within the contiguous US, excluding Alaska".

#### **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 each of the three elements specified in paragraph 4(a) of the Policy are satisfied in the present case.

Firstly, the Complainant submits that the disputed domain name is identical or confusingly similar to the trademark registrations of the Complainant.

Secondly, the Complainant argues that the Respondent has neither rights nor legitimate interests in the disputed domain name.

Thirdly, the Complainant submits that the disputed domain name was registered and is being used in bad faith. In particular, the Complainant asserts that the disputed domain name leads to an active website offering online selling of allegedly products of the Complainant. Furthermore, the Complainant indicates that the Respondent could not ignore the reputation of the Complainant's trademarks.

## **B. Respondent**

Apart from the email communications mentioned under section 4, the Respondent did not formally reply to the Complainant's contentions.

## **6. Discussion and Findings**

Paragraph 4(a) of the Policy provides that a complainant must prove each of the following elements with respect to a disputed domain name:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights; and
- (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.

The burden of proof of each element is borne by the Complainant. The Respondent's failure to submit a formal Response does not by itself mean that the Complainant is deemed to have prevailed. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.3.

### **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 is reproduced within the disputed domain name. 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, "fox" and "pouch" after the Complainant's trademarks, may bear on assessment of the second and third elements, the Panel finds the addition of such terms, "fox" and for "pouch", 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.

The Respondent's behavior shows a clear intent to obtain unfair commercial gain, with a view to misleadingly diverting consumers or to tarnish the trademarks owned by the Complainant. The Panel finds that:

- the Respondent is not an authorized distributor or reseller of the ZYN nicotine products; and
- the website to which the disputed domain name resolves does not meet the requirements set out by numerous panel decisions for a bona fide offering of goods. A reseller or distributor can be making a bona fide offering of goods or services and thus have a legitimate interest in the domain name at issue only if certain requirements are met, which is not the case here because the website at the disputed domain name does not prominently and accurately display a disclaimer regarding the relationship between the Respondent and Complainant (see *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#)).

Further, the Panel notes that the Respondent's name coincides with the disputed domain name. However, there is no evidence on record showing that the Respondent has been commonly known by the disputed domain name.

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 Complainant is well known as one of the worldwide leaders in retail of snus and nicotine pouches, smoke-free tobacco products or nicotine products;
- the disputed domain name was registered on February 12, 2025, after the registration of the ZYN trademarks; and
- the disputed domain name resolves to an active webpage offering allegedly products of the Complainant.

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 Panel finds that by using the disputed domain name, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of its website or of a product or service on its website, which constitutes bad faith pursuant to paragraph 4(b)(iv) of the Policy. 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 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 <zynfoxpouch.com> be transferred to the Complainant.

*/David-Irving Tayer/*

**David-Irving Tayer**

Sole Panelist

Date: December 5, 2025