

ADMINISTRATIVE PANEL DECISION

Swedish Match North Europe and Philip Morris International, Inc. v. tian tan
Case No. D2025-4022

1. The Parties

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

The Respondent is tian tan, Hong Kong, China.

2. The Domain Name and Registrar

The disputed domain name <zyn.dealer> is registered with Porkbun LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on October 2, 2025. On October 2, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 2, 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 (Whois Privacy, Private by Design, LLC / Zyn) and contact information in the Complaint. The Center sent an email communication to the Complainant on October 3, 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 October 8, 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 October 10, 2025. In accordance with the Rules, paragraph 5, the due date for Response was October 30, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on October 31, 2025.

The Center appointed Christiane Féral-Schuhl as the sole panelist in this matter on November 12, 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 subsidiary of the Second Complainant and operates a manufacturing, marketing and selling of smoke free tobacco products business.

The First Complainant is the owner of several trademarks consisting of the word “ZYN” which designates a brand of nicotine pouches (hereinafter the “ZYN Trademarks”) and notably:

- International Registration for the word mark ZYN, No. 1421212, registered on April 18, 2018, for goods in class 34; and
- International Registration for the figurative mark ZYN No. 1456681, registered on December 27, 2018, for goods in class 34.

The disputed domain name was registered on September 15, 2025, and at the time of the Complaint resolved to a website allegedly selling and offering nicotine pouches under the ZYN Trademarks. At the time of the Decision, the disputed domain name is inactive.

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 is identical or confusingly similar to its ZYN Trademarks. It underlines that it is the owner of several ZYN Trademarks across numerous jurisdictions. The Complainant submits that the disputed domain name incorporates the ZYN Trademarks in their entirety and specifies that it is well established that the Top-Level Domain is viewed as a standard registration requirement and, as such, is disregarded under the first element confusing similarity test. The Complainant indicates that any Internet user when visiting a website provided under the disputed domain name will reasonably expect to find a website commercially linked to the owner of the ZYN Trademarks.

Then, the Complainant asserts that the Respondent has no rights or legitimate interests in respect of the disputed domain name, since the Complainant has not licensed or otherwise permitted the latter to use the ZYN Trademarks or to register a domain name incorporating them. The Complainant contends that the Respondent is not making a legitimate noncommercial or fair use of the disputed domain name. On the contrary, for the Complainant, 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 ZYN Trademarks, since the Respondent is not an authorized distributor or reseller of the nicotine pouches sold under the ZYN Trademarks and since the website linked to the disputed domain name does not meet the requirements for a bona fide offering of goods.

Finally, the Complainant submits that the disputed domain name was registered and is being used in bad faith, since it is evident that the Respondent knew of the Complainant's ZYN Trademarks when registering the disputed domain name. The Complainant also contends that it is evident the Respondent registered and used the disputed domain name with the intent to attract, for commercial gain, Internet users to the website by creating a likelihood of confusion with the Complainant's registered ZYN Trademarks as to the source, sponsorship, affiliation, endorsement of its website or location or of a product.

B. Respondent

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

6. Discussion and Findings

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 of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[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 identical to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

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.

Indeed, it appears that the Respondent has no connection or affiliation with the Complainant and has not received any authorization, license, or consent, whether express or implied, to use the ZYN Trademarks in the disputed domain name or in any other manner. Moreover, the Respondent has used the disputed domain name to allegedly offer for sale nicotine pouches under the name ZYN without any authorization.

Noting the lack of any authorization by the Complainant and the absence of any disclosure as to the lack of relationship with the Complainant, the Respondent's use of the disputed domain name does not amount to a bona fide offer. The Panel also notes the composition of the disputed domain name itself which is identical to the Zyn Trademark combined with a Top-Level Domain ".dealer", which may falsely suggest to Internet users the mistaken belief that they may find an authorized distributor of the Complainant's goods.

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 Respondent has registered the disputed domain name well after the registration of the ZYN Trademarks. The Panel also notes that the Respondent used to offer for sale, via the website linked to the disputed domain name, products of the Complainant sold under the ZYN Trademarks using the Complainant's packaging photos without any authorization and without disclosing its lack of relationship with 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.

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 <zyn.dealer> be transferred to the Complainant.

/Christiane Féral-Schuhl/

Christiane Féral-Schuhl

Sole Panelist

Date: November 26, 2025