

ADMINISTRATIVE PANEL DECISION

Swedish Match North Europe AB, Philip Morris International, Inc. v. Adam Clancy

Case No. D2025-4350

1. The Parties

The Complainants are Swedish Match North Europe AB, 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 Adam Clancy, Australia.

2. The Domain Name and Registrar

The disputed domain name <zyncotine.com> is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on October 23, 2025. On October 23, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 23, 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, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on October 23, 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 28, 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 31, 2025. In accordance with the Rules, paragraph 5, the due date for Response was November 20, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on November 21, 2025.

The Center appointed Alexandre Nappey as the sole panelist in this matter on November 27, 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 Swedish Match North Europe AB, a Swedish company established under the laws of Sweden and a subsidiary of Philip Morris International, Inc., the Second Complainant, a company established under the laws of the Commonwealth of Virginia, United States, and the First Complainant belongs to the same group of companies as the Second Complainant (hereinafter collectively 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 brand portfolio contains brands like ZYN, the market leading brand for nicotine pouches in the United States.

One of these smoke-free products manufactured named “ZYN” and sold by Swedish Match are an extraordinary 76 % share of the market in the United States. Today, the ZYN nicotine product is available in around 40 markets across the world.

In that context, the Complainant is the owner of several ZYN trademarks among which:

- International word mark ZYN No. 1421212 registered on April 18, 2018, for products in class 34.

The disputed domain name <zyncotine.com> was registered on July 17, 2025.

At the time of the present decision, it is no longer active but, according to the Complainant, it used to redirect to an online shop selling ZYN nicotine products, as well as competing third party products.

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.

First, the Complainant states that the disputed domain name is identical to its trademark ZYN as it reproduces the ZYN trademark in its entirety, in addition to a play on the word “cotinine” which is a chemical produced when nicotine is broken down (i.e.: “cotine”).

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 Respondent to use any of its trademarks or to register a domain name incorporating its ZYN trademark. The Complainant asserts that the Respondent is not making a legitimate noncommercial or fair use of the disputed domain name. Firstly, the Respondent is not an authorized distributor or reseller of the ZYN nicotine product. Secondly, the website is selling competing nicotine products and/or accessories of other commercial origin.

Third, the Complainant submits that the Respondent has registered and used the disputed domain name in bad faith. The Complainant asserts that the Respondent knew the ZYN trademark when registering the disputed domain name as it started offering the Complainant’s ZYN nicotine products immediately after registering the disputed domain name. The Complainant also claims that the Respondent 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. By reproducing the registered trademark in the disputed domain name and the title of the Website, the Complainant asserts that the Respondent is clearly suggesting to any Internet user that the Complainant is the source of the website.

Additionally, the Respondent is also using the Complainant's ZYN trademark for offering for sale third party products of other commercial origin.

B. Respondent

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

6. Discussion and Findings

The Respondent did not file a Response. However, as set out in the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[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.

Paragraph 4(a) of the Policy lists the three elements which the Complainant must satisfy with respect to the 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; (ii) and the Respondent has no rights or legitimate interests in respect of the disputed domain name; (iii) and 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 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 "cotine" which is the final part of the word "nicotine", 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.

As the disputed domain name resolves to a website which offers the Complainant’s smoke-free nicotine products for sale and for which the Complainant’s ZYN trademark and product images are used, the Panel first needs to determine whether the Respondent is making or could have made a bona fide offering of goods via the disputed domain name and if the Oki Data criteria, which panels commonly apply in matters of resale, were met. Under this Oki Data test, the following cumulative requirements apply (see also section 2.8 of [WIPO Overview 3.0](#)):

- (i) the respondent must actually be offering the goods or services at issue;
- (ii) the respondent must use the site to sell only the trademarked goods or services;
- (iii) the site must accurately and prominently disclose the registrant’s relationship with the trademark holder; and
- (iv) the respondent must not try to “corner the market” in domain names that reflect the trademark, thus depriving the trademark owner of the ability to reflect its own mark in a domain name.

In the present case, it appears that the Respondent used to sell on its website, activated by the disputed domain name, the Complainant’s ZYN products, but the Complainant’s asserts that the Respondent is not an authorized distributor or reseller of the ZYN nicotine products.

However, there is no disclaimer on the website. On the contrary, the website displays mentions reproducing the trademark “ZYN” and suggesting that the Respondent is an authorized distributor of the Complainant’s products: “Trusted Online Store for Zyn Nicotine Pouches In Australia” and “ZYNCOTINE is the official distributor of ZYN Nicotine Pouches in Australia, proudly offering the ZYN range”.

In addition, the Respondent sold competing nicotine products of other commercial origin.

Therefore, according to the *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#), the Panel finds that this cannot be a bona fide offering of goods.

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 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 has shown that its ZYN trademark has been registered and used prior to the date of registration of the disputed domain name and enjoys goodwill in the field of smoke-free nicotine products.

Thus, the Respondent could not reasonably be unaware of the Complainant's rights when it registered the disputed domain name, and the Panel cannot conceive any use that the Respondent could make of the disputed domain name that would not interfere with the Complainant's trademark rights.

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.

Further, the Panel is satisfied that the Respondent's use of the disputed domain name in connection to the offering for sale of the Complainant's ZYN products, without disclosing the Respondent's relationship with the Complainant but pretending to be an authorized dealer, constitutes an intentional attempt to attract, for commercial gain, Internet users to the Respondent's website by creating a likelihood of confusion with the ZYN trademark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website and the products offered on the Respondent's website. The Panel is therefore satisfied that the Complainant showed that the Respondent used the disputed domain name in bad faith as meant in paragraph 4(b)(iv) of 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 <zyncotine.com> be transferred to the Complainant.

/Alexandre Nappey/

Alexandre Nappey

Sole Panelist

Date: December 11, 2025