

ADMINISTRATIVE PANEL DECISION

Swedish Match North Europe, Philip Morris International, Inc. v. LEE

HAOYING

Case No. D2025-4359

1. The Parties

The First Complainant is Swedish Match North Europe AB, Sweden.

The Second Complainant is Philip Morris International, Inc., United States of America.

The First and Second Complainants are part of the same corporate group. For convenience they are referred to collectively as the “Complainant” except where the context requires otherwise. The Complainant is represented by D.M. Kisch Inc., South Africa.

The Respondent is LEE HAOYING, Hong Kong, China.

2. The Domain Name and Registrar

The disputed domain name <zyn-outlets.com> (“The Disputed Domain Name”) is registered with Dominet (HK) Limited (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on October 23, 2025. On October 24, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 27, 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) and contact information in the Complaint. The Center sent an email communication to the Complainant on October 27, 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 29, 2025. In accordance with the Rules, paragraph 5, the due date for Response was November 18, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on November 19, 2025.

The Center appointed Yuri Chumak as the sole panelist in this matter on November 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 forms part of the Swedish Match group of companies, which was acquired by the Second Complainant in May 2022. Swedish Match is engaged in the manufacture, marketing, and sale of smoke-free tobacco products sold in multiple countries. One of its brands is ZYN, a nicotine pouch product offered in multiple markets. The Complainant states that ZYN has achieved a leading market share and significant international recognition.

The Complainant owns a portfolio of trademark registrations for ZYN and related marks for tobacco and nicotine products, including by way of example:

- International Registration No. 1421212 for the trademark ZYN, registered April 18, 2018, designating multiple jurisdictions; and
- United States Registration No. 5061008 for the trademark ZYN, registered October 11, 2016.

The Complainant has also provided a list of further ZYN trademarks and applications.

The Disputed Domain Name was registered on August 31, 2025.

The evidence shows that, as at October 16, 2025, the Disputed Domain Name resolved to an English-language online shop at "www.zyn-outlets.com" (the "Website"), which offered for sale ZYN-branded nicotine pouch products. Prices were displayed in United States dollars.

By October 22, 2025, the Website had been modified and references to the Complainant's ZYN products removed.

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 Complainant has registered rights in the ZYN mark in numerous jurisdictions. The Disputed Domain Name wholly incorporates the ZYN mark, combined only with the descriptive word "outlets" and the ".com" generic Top-Level Domain ("gTLD"). Under UDRP practice, the addition of such a descriptive term and the gTLD does not prevent a finding of confusing similarity. Internet users encountering <zyn-outlets.com> would reasonably expect a website commercially linked to the owner of the ZYN mark.

As well, the Complainant has not licensed or otherwise permitted the Respondent to use the ZYN mark, nor to register any domain name incorporating it.

The Complainant submits that the Respondent is not making a legitimate noncommercial or fair use of the Disputed Domain Name. Rather, the Website used the Complainant's trademark, logos, and official product imagery without authorization and presented itself as "zyn outlets", which suggests an official or authorized online outlet. The website did not accurately disclose any relationship (or lack thereof) with the Complainant and gave the false impression of being operated by the Complainant or an official distributor.

The Complainant submits that the Respondent does not meet the requirements for a bona fide reseller use, in particular because the site suggests an official affiliation and does not clearly disclose that the Respondent is an independent third party.

The Complainant argues that the Respondent must have been aware of the Complainant and its ZYN mark when registering the Disputed Domain Name, given the arbitrary nature of "ZYN" for nicotine products and the immediate use of the site to offer purported ZYN products.

By using the Disputed Domain Name, which wholly incorporates the ZYN mark together with the descriptive term "outlets", and by copying official ZYN product imagery and marketing materials, the Respondent seeks to attract Internet users for commercial gain by creating a likelihood of confusion as to the source, sponsorship, affiliation, or endorsement of the Website. This constitutes evidence of registration and use in bad faith under the Policy.

The Complainant further notes the Respondent's use of a privacy service to mask its identity as an additional indicium of bad faith.

B. Respondent

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

6. Discussion and Findings

A. Preliminary Issue – Multiple Complainants

The Complaint is brought by two related corporate entities. The First Complainant owns a portfolio of ZYN marks outside the United States, while rights in the ZYN mark in the United States are held by Pinkerton Tobacco Co. LP, an affiliated entity within the same corporate group. The Second Complainant is the parent company of the group. Panels have allowed multiple complainants where they have a common legal interest in the mark at issue ([WIPO Overview 3.0](#), section 4.11.1). On this record, the Panel is satisfied that the Complainants share such an interest and a common grievance, and that consolidation is appropriate.

B. 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 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, the descriptive term "outlets", 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.

C. 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 Complainant has stated that it has not authorized the Respondent to use the ZYN mark or to register the Disputed Domain Name. There is no evidence that the Respondent is commonly known by the Disputed Domain Name or any corresponding name.

The evidence shows that, prior to the filing of the Complaint, the Disputed Domain Name resolved to a Website that:

- used the ZYN mark and logo at the top of the site and in the tab;
- used official-looking ZYN product images and marketing material;
- offered purported ZYN products for sale; and
- did not identify the operator or accurately disclose any relationship with the Complainant.

Such use is clearly commercial in nature.

Even if the Respondent could be characterized as a reseller, it must, among other things, (i) use the site to sell only the trademark owner’s genuine goods and (ii) accurately and prominently disclose the relationship (or lack thereof) with the trademark owner. The evidence in this case shows that the Website strongly suggests an official or authorized outlet and does not contain any clear disclaimer or identification of a third-party operator. The choice of domain name, which pairs the ZYN mark with “outlets”, likewise implies an official channel.

Such use does not qualify as a bona fide offering of goods or services or a legitimate fair use under paragraph 4(c) of the Policy. Rather, it trades on the Complainant’s mark and misleads Internet users as to the source or endorsement of the Website.

On this record, the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the Disputed Domain Name, which the Respondent has not rebutted.

The Panel finds the second element of the Policy has been established.

D. 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 circumstances described in paragraph 4(b)(iv) of the Policy are present. The Disputed Domain Name incorporates the Complainant's distinctive ZYN mark together with the retail-descriptive term "outlets", and has been used for a website that:

- displayed the Complainant's ZYN mark at the top of the page and in the browser tab;
- used what appear to be the Complainant's official product images and marketing materials without authorization;
- was presented under the name "zyn outlets" without any identification of the relationship with the Complainant; and
- offered ZYN-branded products for sale in a manner that suggested an official online outlet or at least an authorized retailer.

Given the arbitrary nature of the term "ZYN" in relation to nicotine products and the considerable reputation of the Complainant's ZYN mark, the Panel considers it inconceivable that the Respondent chose the Disputed Domain Name without knowledge of the Complainant and its mark. The composition of the Disputed Domain Name, the content and presentation of the associated website, and the use of the Complainant's branding and imagery together demonstrate that the Respondent registered and has used the Disputed Domain Name with the intention of creating a misleading association 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.

The Panel therefore finds that, by using the Disputed Domain Name in this manner, 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 ZYN mark as to the source, sponsorship, affiliation, or endorsement of the website and the products offered on it, within the meaning of 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 <zyn-outlets.com> be transferred to the Complainant.

/Yuri Chumak/

Yuri Chumak

Sole Panelist

Date: December 8, 2025