ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
Swedish Match North Europe AB, Philip Morris International, Inc. v. Chaplin Frank, Frank Chaplin
Case No. D2025-4410

1. The Parties

The Complainant are Swedish Match North Europe AB, Sweden, and Philip Morris International, Inc., United States of America ("United States"), represented by D.M. Kisch Inc., South Africa. [1]

The Respondent is Chaplin Frank, Frank Chaplin, Germany.

2. The Domain Name and Registrar

The disputed domain name <zynau.com> is registered with CNOBIN Information Technology Limited (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on October 27, 2025. On October 27, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 4, 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 November 4, 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 November 12, 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").

[1] The Complainants will be hereinafter collectively referred to as the "Complainant", unless reference is made to any of them separately as the "First Complainant" (Swedish Match North Europe), or the "Second Complainant" (Philip Morris International, Inc.), respectively.

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on November 13, 2025. In accordance with the Rules, paragraph 5, the due date for the Response was December 3, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on December 4, 2025.

The Center appointed Reyes Campello Estebaranz as the sole panelist in this matter on December 9, 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 Complainants are Swedish Match North Europe AB ("First Complainant"), a company organized under the laws of Sweden and a subsidiary of Philip Morris International, Inc. ("Second Complainant"), a company organized under the laws of the Commonwealth of Virginia, United States. The Second Complainant acquired the First Complainant in May 2022, and both entities now belong to the same corporate group.

The First Complainant was founded in 1992 and is primarily engaged in the manufacturing, marketing, and sale of smoke-free tobacco products, such as snus and nicotine pouches, commercialized under various brands in multiple countries. Its ZYN-branded nicotine pouches were first launched in the United States in 2016. Today, ZYN products are available in approximately 40 markets worldwide, having achieved significant international commercial success and reputation.

The First Complainant owns multiple trademark registrations across various jurisdictions for the ZYN brand, including:

- United States Registration No. 5061008, ZYN (word), registered on October 11, 2016, in class 34;

- International Registration No. 1421212, ZYN (word), registered on April 18, 2018, in class 34, designating various jurisdictions (including Australia); and

- International Registration No. 1456681, ZYN (figurative), registered on December 27, 2018, in class 34, designating various jurisdictions (including Australia), with the following graphic representation:

ZYN

These trademarks are hereinafter collectively referred to as the "ZYN mark".

The First Complainant (itself or through one of its affiliated companies) also owns the domain names <zyn.com> (registered on August 31, 1993), and <swedishmatch.com> (registered on March 8, 1999), which resolve to its official corporate website.

The disputed domain name was registered on July 18, 2025, and its content currently appears to be blocked, resolving to an alert message page stating, "Sorry, you have been blocked. You are unable to access zynau.com […]".

According to the evidence submitted by the Complainant, the disputed domain name previously resolved to an English-language website that prominently displayed the ZYN mark in its header and as a favicon in the browser tab, and purported to offer for sale the Complainant's ZYN products, as well as competing nicotine products originating from third parties. The website used copyrighted official images of the Complainant's ZYN products. The website did not disclose any information regarding its operator or the registrant of the disputed domain name, nor did it provide any disclaimer or clarification regarding the absence of any relationship with the Complainant or its trademarks.

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 confusingly similar to its trademark because it incorporates the ZYN mark in its entirety, followed only by the geographical abbreviation for Australia ("au"). The Complainant further submits that this misleading association is reinforced by the content of the Respondent's website.

The Complainant also contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Respondent is not authorized to use the ZYN mark, and it is neither making a legitimate noncommercial or fair use of the disputed domain name nor using it in connection with a bona fide offering of goods or services. The Respondent's website does not meet the standards established in *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. D2001-0903. The website offers for sale not only purported ZYN products but also competing nicotine products and related accessories of third-party origin. Moreover, the website suggests a false affiliation by displaying the ZYN mark and unauthorized official images of ZYN products with no authorization.

The Complainant further asserts that the disputed domain name was registered and is being used in bad faith with the intent to attract Internet users, for commercial gain, to the Respondent's website by creating a likelihood of confusion with the ZYN mark. The Respondent began offering ZYN nicotine products through the disputed domain name immediately after its registration, and "zyn" is a coined term that is unique to the Complainant and highly distinctive in relation to nicotine and tobacco products or electronic devices. The composition of the disputed domain name and the content of the Respondent's website together falsely suggest an affiliation with the Complainant and its reputed trademark. Furthermore, the Respondent uses the disputed domain name to sell competing third-party goods, which constitutes a clear case of bad faith under the Policy and amounts to trademark infringement. The Complainant also highlights the Respondent's use of a privacy protection service to conceal its identity as an additional indicator of bad faith.

B. Respondent

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

6. Discussion and Findings

The Complainant has submitted all relevant assertions under the Policy, and the dispute properly falls within its scope. The Panel has the authority to decide the dispute by examining the three elements set forth in paragraph 4(a) of the Policy, taking into account all relevant evidence, annexed materials, and submissions. The Panel may also conduct limited independent research pursuant to its general powers, as provided, inter alia, in paragraph 10 of the Rules.

A. Identical or Confusingly Similar

It is well established that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned, yet 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, namely the ZYN mark. WIPO Overview 3.0, section 1.2.1.

The entirety of the ZYN mark is reproduced within the disputed domain name, with the addition of the letters "au," a common abbreviation for Australia. The Panel finds that the mark is readily recognizable 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 the common abbreviation for Australia ("au") may be relevant when assessing the second and third elements, the Panel finds that such addition does not preclude a finding of confusing similarity between the disputed domain name and the mark for purposes of the Policy. WIPO Overview 3.0, section 1.8.

Consequently, the Panel concludes that 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 rests with 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 Panel finds no evidence in the record indicating that the Respondent possesses any rights or legitimate interests in the disputed domain name. The Respondent's name bears no resemblance to the disputed domain name; the Respondent has no authorization to use the ZYN mark; and a search of WIPO's Global Brand Database confirms that the Respondent holds no relevant trademark registrations for any of the terms contained in the disputed domain name. [2]

As alleged by the Complainant, the Respondent's use of the disputed domain name cannot be considered legitimate fair use or a bona fide offering of goods or services, as it is clearly commercial and does not comply with the standards established for claims of nominative fair use by resellers or distributors, as outlined in *Oki Data Americas, Inc. v. ASD, Inc., supra*. See WIPO Overview 3.0, section 2.8. The Respondent's website offers for sale not only purported ZYN products but also competing products from other origins and falsely suggests an affiliation with the Complainant and its trademark, rather than accurately and prominently disclosing the absence of any relationship with them.

The Panel further finds that the prominent display of the Complainant's trademark on the Respondent's website and in the disputed domain name, combined with the unauthorized use of copyrighted official images of the Complainant's ZYN products, constitutes an attempt to impersonate the Complainant or one of its

[2]Noting in particular the general powers of a panel articulated inter alia in paragraphs 10 and 12 of the UDRP Rules, it has been accepted that a panel may undertake limited factual research into matters of public record if it would consider such information useful to assessing the case merits and reaching a decision. WIPO Overview 3.0, section 4.8.

subsidiaries or authorized distributors. Such illegitimate or unlawful conduct can never confer rights or legitimate interests on the Respondent. See WIPO Overview 3.0, section 2.13.1.

The Panel also finds that the composition of the disputed domain name creates a risk of implied affiliation, effectively impersonating or suggesting sponsorship or endorsement by the Complainant. The inclusion of the ZYN mark followed by the common abbreviation for Australia implies that the disputed domain name is owned by the Complainant or by a subsidiary or authorized distributor for that country. See WIPO Overview 3.0, section 2.5.1.

Accordingly, 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.

Additionally, 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 also 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.

In the present case, the Panel notes that the ZYN mark is widely used across numerous jurisdictions and online, and has become internationally well-known for its products. Prior decisions under the Policy have recognized the reputation of the ZYN mark, which the Panel concurs with based on the available record and its assessment of the case. See, e.g., *Swedish Match North Europe AB, Philip Morris International, Inc. v. PAYDIRT GOLD COMPANY, LLC*, WIPO Case No. D2025-3283; *Swedish Match North Europe AB, Philip Morris International, Inc. v. Durant Kevin*, WIPO Case No. D2025-3006; *Swedish Match North Europe AB, and Philip Morris International, Inc. v. Qian Xu, Shenzhen Wuteng Technology Ltd*, WIPO Case No. D2025-2256; and *Swedish Match North Europe and Philip Morris International, Inc. v. 陈常清 (Chen Chang Qing)*, WIPO Case No. D2024-3844.

The Panel further notes that the Complainant has submitted evidence of its rights in the ZYN mark through multiple registrations, including international registrations valid in Australia—the country where the Respondent is located, according to the information provided by the Registrar—and where the Complainant markets its ZYN products. The Panel has reviewed the Complainant's official website and conducted an online search for the terms "ZYN Australia," corroborating that Australia is among the jurisdictions where ZYN products are sold. [3]

Under these circumstances, and considering both the composition of the disputed domain name and the content of the Respondent's website, the Panel finds that the Respondent targeted the Complainant and its well-known trademark with opportunistic bad faith in the registration and use of the disputed domain name.

The Panel finds that the Respondent's decision to include the ZYN mark in the disputed domain name alongside "au," the common abbreviation for Australia - the market to which the Respondent's website is apparently directed at - is beyond reasonable coincidence. This indicates a deliberate intention to create a misleading association to attract Internet traffic for commercial gain, constituting bad faith under paragraph 4(b)(iv) of the Policy. See, e.g., *Inter Ikea Systems B.V. v. Daniel Woodson*, WIPO Case No. D2011-1933; and *Swedish Match North Europe, Philip Morris International, Inc. v. Yong Lan*, WIPO Case No. D2025-2641.

The fact that the Respondent's website is, at the time of this Decision, apparently blocked - or even if its content had been removed - does not alter this finding. Upon review of the record, the Panel notes the

[3] See footnote number 2, referred to WIPO Overview 3.0, section 4.8.

distinctiveness and reputation of the Complainant's trademark, the composition of the disputed domain name, and its use in connection with a website that falsely suggested an affiliation in an attempt to impersonate the Complainant or one of its subsidiaries/distributors. The Panel finds that, under these circumstances, even a possible passive holding of the disputed domain name does not preclude a finding of bad faith under the Policy. See WIPO Overview 3.0, section 3.3.

Furthermore, panels have held that the use of a domain name for illegitimate or unlawful activities, such as impersonation or passing off, constitutes bad faith. Upon review of the record, the Panel finds that the Respondent's registration and use of the disputed domain name constitute bad faith under the Policy. The prominent display of the Complainant's trademark on the Respondent's website, combined with the composition of the disputed domain name, the unauthorized use of copyrighted official images of the Complainant's products, and the absence of a disclosure on the lack of relationship with the Complainant , and all other relevant circumstances, indicate an effort to impersonate the Complainant or one of its subsidiaries or authorized distributors in Australia. Such actions represent an illegitimate or illegal conduct that constitutes bad faith under the Policy. WIPO Overview 3.0, section 3.4.

Therefore, the Panel concludes 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 <zynau.com> be transferred to the Complainant.

/Reyes Campello Estebaranz/
Reyes Campello Estebaranz
Sole Panelist
Date: December 12, 2025