

ADMINISTRATIVE PANEL DECISION

Swedish Match North Europe, Philip Morris International, Inc. v. gao hai
Case No. D2025-4700

1. The Parties

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

The Respondent is gao hai, China.

2. The Domain Name and Registrar

The disputed domain name <usazynmart.com> is registered with Gname.com Pte. Ltd. (the “Registrar”).

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the “Center”) on November 13, 2025. On November 13, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 14, 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 25, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainants filed an amended Complaint in English on December 2, 2025.

On November 25, 2025, the Center informed the Parties in Chinese and English, that the language of the Registration Agreement for the disputed domain name is Chinese. On December 2, 2025, the Complainants requested English to be the language of the proceeding. The Respondent did not submit any comment on the Complainant’s submission.

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 in English and Chinese of the Complaint, and the proceedings commenced on December 2, 2025. In accordance with the Rules, paragraph 5, the due date for Response was December 22, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on December 24, 2025.

The Center appointed Deanna Wong Wai Man as the sole panelist in this matter on December 30, 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, has been part of the Second Complainant, Philip Morris International Inc., since its acquisition in May 2022. Founded in 1992, the First Complainant is engaged in the manufacture, marketing, and sale of smoke-free tobacco products, including snus and nicotine pouches, and operates in numerous countries. One of these smoke-free products manufactured and sold by the Complainants are nicotine pouches marketed under the ZYN brand. First launched in the United States in 2016, the ZYN brand has rapidly obtained a large market share. Today, the ZYN-branded nicotine products are available in around 40 markets across the world. As a result of the extensive international sales, the ZYN nicotine product has achieved considerable international success and reputation.

For the sake of clarity and given the common grievances in this proceeding based on being companies in the same corporate group and on the registered trademarks owned by the Complainants, the Panel shall hereafter jointly refer to both Complainants as "the Complainant".

The Complainant owns a large international trademark portfolio for ZYN, including but not limited to the following registered trademarks: International Trademark Registration No. 1421212 for the word mark ZYN, registered on April 18, 2018 designating jurisdictions including Australia, and Switzerland; and International Trademark Registration No. 1456681 for the complex mark ZYN, registered on December 27, 2018 designating jurisdictions including Australia, Bahrain and Switzerland. The Panel also notes that UDRP panels applying the Policy have accepted in prior cases that the abovementioned ZYN trademarks are well-known, see for instance: *Swedish Match North Europe and Philip Morris International, Inc. v. Pan Gao and zyn fy, zynunique.com*, WIPO Case No. [D2025-3289](#).

The disputed domain name was registered on February 21, 2025 and previously directed to an active online shop which allegedly sold and offered what were purported to be the Complainant's ZYN nicotine products, with the Respondent presenting itself as an authorized dealer of the Complainant and prominently using the Complainant's registered ZYN trademark and official product images and providing a copyright notice at the bottom of such website claiming copyright in the material presented. However, on the date of this Decision, the disputed domain name directs to an inactive webpage.

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 ZYN trademarks for the purposes of paragraph 4(a)(i) of the Policy. The Complainant states that it owns registered ZYN trademarks in multiple jurisdictions, including the United States, and that the disputed domain name wholly incorporates the ZYN mark, with only the addition of “USA” and “mart”, which does not prevent confusing similarity. The Complainant argues that Internet users would reasonably expect the website to be linked to the ZYN trademark owner, an impression reinforced by the unauthorized use of official product images and marketing materials.

Further, the Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain name under paragraph 4(a)(ii) of the Policy. The Complainant states that the Respondent is not authorized to use the ZYN trademark, is not an official distributor or reseller, and is not making a bona fide offering of goods. The Complainant further notes that the disputed domain name and website suggest affiliation with the Complainant, display official trademarked materials without authorization, and provide no disclosure of the Respondent’s identity or lack of authorization and connection to the Complainant.

Additionally, the Complainant contends that the disputed domain name was registered and is being used in bad faith under paragraphs 4(a)(iii) and 4(b)(iv) of the Policy. The Complainant argues that the Respondent was aware of the distinctive ZYN mark at registration, immediately offered ZYN products, and deliberately sought to attract Internet users by creating a likelihood of confusion regarding source, sponsorship, or affiliation. The Complainant also contends that the Respondent’s use of a privacy service to conceal the Respondent’s identity further supports the claim of bad faith.

B. Respondent

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

6. Discussion and Findings

6.1. Preliminary Issue: Language of the Proceeding

The language of the Registration Agreement for the disputed domain name is Chinese. Pursuant to the Rules, paragraph 11(a), in the absence of an agreement between the parties, or unless specified otherwise in the registration agreement, the language of the administrative proceeding shall be the language of the registration agreement.

The Complaint and amended Complaint were filed in English. The Complainant requests that English be designated as the language of the proceeding, stating that panels have previously accepted English where the Respondent could be presumed to understand English and requiring translation into the registration agreement language would impose undue burden, cost, and delay. In the present case, the Complainant contends that the Respondent is capable of communicating in English, as evidenced by the disputed domain name in Latin script and the presence of English words and phrases on the associated website, while the Complainant itself does not have knowledge of Chinese. Accordingly, the Complainant submits that English, as a common language of international business and one in which the Respondent appears to conduct business, should be the language of the proceedings.

The Respondent did not make any submissions with respect to the language of the proceeding.

In exercising its discretion to use a language other than that of the registration agreement, the Panel has to exercise such discretion judicially in the spirit of fairness and justice to both parties, taking into account all relevant circumstances of the case, including matters such as the parties' ability to understand and use the proposed language, time and costs (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.5.1).

Having considered all the matters above, the Panel determines under paragraph 11(a) of the Rules that the language of the proceeding shall be English.

6.2. Findings on the Merits

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, "usa" and "mart" may bear on assessment of the second and third elements, the Panel finds the addition of such terms 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 Panel notes that there is no evidence indicating that the Respondent is commonly known by the disputed domain name or that it is making any legitimate noncommercial or fair use of the disputed domain name, nor is there evidence of preparations for such use. The Complainant further states that the Respondent is not a licensee or authorized dealer of the Complainant or its ZYN-branded products, contrary to the clearly misleading representations on the website associated with the disputed domain name, where the Respondent explicitly misrepresents itself as an authorized dealer. The Panel further observes that the Respondent used the disputed domain name to operate an online shop purporting to sell the Complainant's ZYN nicotine products, prominently displaying the Complainant's registered ZYN trademark and official product images, accompanied by a copyright notice falsely claiming ownership of the material, and without providing any clear disclaimer regarding the absence of a relationship between the Parties. In the Panel's view, these circumstances demonstrate that the Respondent was not acting as a good faith provider of goods or services under the disputed domain name, consistent with the principles established in *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#).

Additionally, the Panel finds that the nature of the disputed domain name, incorporating the Complainant's well-known trademark in its entirety and combining it with the common geographic acronym "usa" and the descriptive word "mart", carries a risk of implied affiliation and cannot constitute fair use, as it effectively impersonates the Complainant and its products or suggests sponsorship or endorsement by the Complainant (see [WIPO Overview 3.0](#), section 2.5.1).

Finally, the Panel also notes that the disputed domain name currently directs to an inactive website. In this regard, the Panel finds that holding a domain name passively, without making any use of it, also does not confer any rights or legitimate interests in the disputed domain name on the Respondent in this case (see in this regard earlier UDRP decisions such as *Bollore SE v. 赵竹飞 (Zhao Zhu Fei)*, WIPO Case No. [D2020-0691](#); and *Vente-Privee.Com and Vente-Privee.com IP S.à.r.l. v. 崔郡 (jun cui)*, WIPO Case No. [D2021-1685](#)).

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 which is confusingly similar to the Complainant's well-known, intensely used, and distinctive trademark ZYN. The Panel infers from this fact that by registering the disputed domain name, the Respondent deliberately and consciously targeted the Complainant's prior well-known trademarks for ZYN, which is also further factually confirmed by the previous contents of the disputed domain name, which clearly confirmed that the Respondent was actively targeting these marks. Furthermore, the Panel also notes that the Complainant's trademarks were registered years before the registration date of the disputed domain name and could easily be identified by the Respondent by a simple Internet search or trademark search. The Panel infers from these elements that the Respondent knew of the existence of the Complainant's trademarks at the time of registering the disputed domain name. In the Panel's view, these elements indicate bad faith on the part of the Respondent, and the Panel therefore finds that it has been demonstrated that the Respondent registered the disputed domain name in bad faith.

Further, taking into account the previous use of the disputed domain name by the Respondent, and the composition of the disputed domain name itself, the Panel accepts that the Respondent has intentionally attempted to attract, for commercial gain, Internet users to the Respondent's web site or other on-line location, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the Respondent's web site or location or of a product or service on that web site or location. The Panel considers that this is direct evidence of use in bad faith under the Policy, Paragraph 4(b)(iv).

As to the current use of the disputed domain name, namely directing Internet users to an inactive website, panels have found that the non-use of a domain name (including a blank or “coming soon” page) would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3. Having reviewed the available record, the Panel notes the distinctiveness and well-known nature of the Complainant’s trademark, the composition of the disputed domain name, and the unlikelihood of any future good faith use of the disputed domain name by the Respondent, and finds that in the circumstances of this case the passive holding of the disputed domain name does not prevent a finding of bad faith under 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 <usazynmart.com> be transferred to the Complainant.

/Deanna Wong Wai Man/

Deanna Wong Wai Man

Sole Panelist

Date: January 9, 2026