

## **ADMINISTRATIVE PANEL DECISION**

Swedish Match North Europe and Philip Morris International, Inc. v. Kj Oscar  
Case No. D2025-4842

### **1. The Parties**

The Complainants are Swedish Match North Europe, Sweden, and Philip Morris International, Inc., United States of America ("United States") (collectively referred to as the "Complainant"), represented by D.M. Kisch Inc., South Africa.

The Respondent is Kj Oscar, United States.

### **2. The Domain Name and Registrar**

The disputed domain name <buyzyn.online> is registered with Spaceship, Inc. (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on November 21, 2025. On November 21, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 21, 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 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 Complainant filed an amended Complaint on December 1, 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 December 9, 2025. In accordance with the Rules, paragraph 5, the due date for Response was December 29, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on January 5, 2026.

The Center appointed Gary Saposnik as the sole panelist in this matter on January 12, 2026. 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 second Complainant is the parent company of the first Complainant.

The first Complainant was originally founded in 1992, and is primarily engaged in the manufacturing, marketing, and sale of smoke-free tobacco products, such as snus and nicotine pouches. Its products are sold in several countries, including in the United States and in the Nordic countries. The first Complainant was acquired by the second Complainant in May 2022.

One of the Complainant's smoke-free products are nicotine pouches sold under the ZYN brand. The ZYN product was first launched in the United States in 2016, and, according to the Complainant, has obtained there a 76% market share. The ZYN nicotine product is available in approximately 40 markets across the world. The first Complainant is the owner of a number of trademark registrations for ZYN, including the following:

- ZYN, International Registration No. 1421212, registered on April 18, 2018, in class 34, including for tobacco, tobacco substitutes; and snuff;
- ZYN (figurative), International Registration No. 1456681, registered on December 27, 2018, in class 34, including for tobacco, tobacco, substitutes; and snuff;
- ZYN, European Union Registration No. 015272487, registered on July 8, 2016, in class 34; and
- ZYN, United States Registration No. 5061008, registered on October 11, 2016, in class 34, owned by Pinkerton Tobacco Co. LP, which is part of the group of companies affiliated to the Complainant.

The Respondent registered the disputed domain name on June 19, 2025. At the time the Complaint was filed, the disputed domain name resolved to an online shop with a header "ZYN-SWEDE Online" that was allegedly selling and offering the Complainant's ZYN nicotine product, 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.

Notably, the Complainant contends that the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights. The disputed domain name reproduces the ZYN trademark in its entirety, with the mere addition of the descriptive term "buy" and the generic Top-Level Domain ("gTLD") ".online".

The Complainant alleges that the Respondent has no rights or legitimate interests in respect of the disputed domain name. 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, or any domain name associated with this trademark. The Respondent is not making a legitimate noncommercial or fair use of the disputed domain name. Rather, the Respondent is intending to obtain an unfair commercial gain, and misleadingly diverting consumers or tarnishing the trademarks owned by the Complainant.

The Respondent is not an authorized distributor or reseller of the ZYN nicotine product, and the resolving website provided under the disputed domain name does not meet the requirements for a bona fide offering of goods, as set out in *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#). The use of a domain name cannot be “fair” if it suggests an affiliation with the trademark owner. See *AB Electrolux v. Handi Sofian, Service Electrolux Lampung*, WIPO Case No. [D2016-2416](#).

The disputed domain name itself suggests at least an affiliation with the Complainant, as it wholly reproduces the Complainant's ZYN trademark together with the non-distinctive and descriptive words “buy” and “online”. The website prominently, and without authorization, presents the ZYN trademark at the top of the website, as well as within the tab interface of the website, where relevant consumers will usually expect to find the name of the online shop and/or the name of the website provider. The website uses the Complainant's official product images without authorization, while falsely claiming copyright in this material. This further supports the false impression that the website is endorsed by the Complainant, which it is not. The resolving website does not include any information regarding the identity of the provider of the website, further serving to perpetuate the false impression of an official commercial relationship between the website and the Complainant. Additionally, the Respondent is offering competing nicotine products of other known and unknown commercial origin. As such, the Respondent would be unable to avail itself of the safe harbor found in the *Oki Data* case.

Lastly, the Complainant avers that the disputed domain name was registered and is being used in bad faith. From the Respondent's use of the disputed domain name, it is evident that the Respondent knew of the Complainant's ZYN trademark when it registered the disputed domain name. The Respondent started offering the ZYN nicotine product immediately after registering the disputed domain name. The term ZYN is a purely imaginative term and unique to the Complainant, and not a term commonly used to refer to nicotine, tobacco products or electronic devices. It is beyond the realm of reasonable coincidence that the Respondent chose the disputed domain name without the intention of invoking a misleading association with the Complainant. The Respondent registered and has used the disputed domain name with the intention to attract, for commercial gain, Internet users to the website by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of its website. This includes the Respondent's use of the Complainant's official product images and marketing materials, accompanied by a copyright notice claiming the copyright for the website and its contents.

The Complainant finally alleges that the Respondent is using a privacy protection service to hide its true identity, which may in itself constitute a factor indicating bad faith. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), section 3.6.

## **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 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 Complainants have provided evidence of ownership of valid trademark registrations for ZYN.

The entirety of the Complainant's ZYN 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 term "buy" 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 applicable Top-Level Domain in a domain name, such as the gTLD ".online" in this case, is typically viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test. [WIPO Overview 3.0](#), section 1.11.1.

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.

Based on the undisputed evidence in the record, there is no relationship between the Complainant and the Respondent. The Complainant has not authorized the Respondent to register or use its trademark in the disputed domain name or on its website. There is no evidence that the Respondent is commonly known by the disputed domain name. The evidence reflects that the Respondent is not using the disputed domain name in connection with a bona fide offering of goods or services or a legitimate noncommercial or fair use without intention to misleadingly divert consumers or to tarnish the Complainant's trademark.

The evidence provided by the Complainant shows that the disputed domain name resolves to a website publishing the Complainant's ZYN mark along with the wording "ZYN-SWEDE Online" prominently positioned and offering purported ZYN products for sale. Although the website has some indication of origin of the website, it does not provide any disclaimer of non-affiliation with the Complainant. Additionally, the website purportedly contains nicotine products from other sources and under other marks besides the ZYN mark of the Complainant. The Panel finds that such use does not meet the Oki Data requirements for a reseller or distributor to be making a bona fide offering of goods or services under a domain name corresponding to the complainant's trademark. The Respondent has failed to accurately and prominently disclose its lack of relationship with the Complainant and the contents of the website appear to be designed to generate the impression that it is operated by the Complainant or one of their affiliated entities. [WIPO Overview 3.0](#), section 2.8; see also, *Swedish Match North Europe and Philip Morris International, Inc. v. matthew bourke, Matthews stock images*, WIPO Case No. [D2024-3231](#).

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 registered the disputed domain name a number of years after the Complainant's registration and use of their ZYN trademark in connection with nicotine pouches. The distinctive ZYN mark is wholly incorporated within the disputed domain name, along with the associated term "buy". The resolving website included the Complainant's ZYN mark, as well as claiming copyrights in the images of the ZYN products on its website. The Respondent was clearly aware of the Complainant's products and trademark rights and registered the disputed domain name to target the Complainants' trademark.

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.

These circumstances include: a domain name incorporating the complainant's mark plus an additional term, such as "buy" in the instant case; the content of any website to which the domain name directs; a clear absence of rights or legitimate interests coupled with no credible explanation for the respondent's choice of the domain name; or other indicia generally suggesting that the respondent had somehow targeted the complainant.

The totality of the evidence shows that the Respondent reproduced without authorization the Complainant's ZYN mark and offered purported ZYN products for sale, as well as nicotine pouches from other providers. The Respondent's website failed to disclose the lack of affiliation with the Complainant, as well as prominently displayed the wording "ZYN-SWEDE Online" and images of the Complainant's ZYN products, which suggests an affiliation with the Complainant. The Panel finds that the Respondent intentionally attempted to attract Internet users to its website, for commercial gain, by creating a likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation or endorsement of its website and the products offered. The Respondent has failed to come forward with any response or explanation for its selection and use of the disputed domain name or to rebut any of the contentions of the Complainant.

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 <buyzyn.online> be transferred to the Complainant.

/Gary Saposnik/  
**Gary Saposnik**  
Sole Panelist  
Date: January 26, 2026