

ADMINISTRATIVE PANEL DECISION

Swedish Match North Europe AB and Philip Morris International, Inc. v.
shengshi zhao
Case No. D2025-4902

1. The Parties

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

The Respondent is shengshi zhao, China.

2. The Domain Names and Registrar

The disputed domain names <nyczyn.com> and <zyn-au.com> are registered with GoDaddy.com, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 25, 2025. On November 25, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On November 25, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondent (Registration Private, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 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 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 3, 2025. In accordance with the Rules, paragraph 5, the due date for Response was December 23, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on December 24, 2025.

The Center appointed Moonchul Chang as the sole panelist in this matter on January 6, 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 first Complainant, Swedish Match North Europe AB, is a company which is part of a group of companies affiliated to the second Complainant, Philip Morris International Inc. In May 2022, the first Complainant was acquired by the second Complainant (jointly referred to as "the Complainant"). The Complainant is primarily engaged in the business of manufacturing, marketing, and selling smoke-free tobacco products, such as snus and nicotine pouches. The Complainant's brand portfolio includes the trademark ZYN. Today, ZYN nicotine products are available in around 40 markets across the world.

The Complainant owns a large portfolio of the trademarks ZYN which were registered in numerous jurisdictions, including as follows:

- Australia trademark ZYN with registration No. 2318846, registered on November 10, 2022;
- International trademark ZYN with registration No.1421212 registered on April 18, 2018; and
- International trademark ZYN, with registration No. 1456681 registered on December 27, 2018.

The disputed domain name <niczyn.com> was registered on May 8, 2025. It resolves to a website selling and offering the Complainant's ZYN nicotine products, as well as competing third party products of other commercial origin. On the other hand, the disputed domain name <zyn-au.com> was registered on August 31, 2025, which resolved to a website which sells and offers the Complainant's ZYN nicotine products, as well as competing third party products of other commercial origin, however, at the time of filing this Complaint, resolved to an inactive webpage. Both of the websites under the disputed domain names are provided in English, indicating all prices in Australian Dollars (Australian currency), as well as referring to "AUS" which indicates that both of the websites are apparently directed to Australia. Further, both of the websites are using the Complainant's registered ZYN trademark.

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 names.

The Complainant contends that:

- (a) the disputed domain names are confusingly similar to the trademark ZYN in which the Complainant has rights, because the disputed domain names reproduce the ZYN trademark in its entirety, in addition to the descriptive term "nic" or "-au".
- (b) the Respondent has no rights or legitimate interests in the disputed domain names. The Respondent is not an authorized distributor or reseller of the ZYN nicotine products. The Respondent's websites under the disputed domain names not only offer the Complainant's products but also the competing tobacco products and accessories of other commercial origin. The Respondent intended to obtain an unfair commercial gain, with a view to misleadingly diverting consumers or to tarnish the trademarks owned by the Complainant.

Accordingly, the Respondent is not using the disputed domain name in connection with a bona fide offering of goods.

(c) the disputed domain names were registered and are being used in bad faith. Considering the term “ZYN” is unique to the Complainant and the websites under the disputed domain names offer the ZYN products, it is evident that the Respondent knew of the Complainant’s trademarks at the time of registering the disputed domain names. Further, the Respondent uses the disputed domain names with the intention to attract, for commercial gain, Internet users to the websites to which the disputed domain names resolve by creating a likelihood of confusion with the ZYN trademark as to the source, sponsorship, affiliation, endorsement of its websites and of the products on its websites, which constitutes bad faith use of the disputed domain names.

B. Respondent

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

6. Discussion and Findings

Under paragraph 4(a) of the Policy, the Complainant must demonstrate that the three elements enumerated in paragraph 4(a) of the Policy have been satisfied. These elements are that: (i) the disputed domain name is identical or confusingly similar to the Complainant’s trademark or service mark; (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and (iii) 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 names. 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 disputed domain names incorporate the Complainant’s trademark ZYN in the entirety with the addition of the term “.nic” or “.au”. The Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain names and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8. In addition, the generic Top-Level Domain (“gTLD”) “.com” is disregarded under the first element test. [WIPO Overview 3.0](#), section 1.11.1.

Therefore, 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. Under paragraph 4(a)(ii) of the Policy, the overall burden of proof is on the Complainant. However, once the Complainant presents a *prima facie* case that the Respondent has no rights or legitimate interests in the disputed domain name, the burden of production of evidence 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.

Firstly, the Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain name. Although the Complainant has not given the Respondent permission, authorization, consent, or license to use its ZYN mark, the Respondent registered and has used the disputed domain names which include the Complainant's trademark.

Secondly, the Complainant contends that the Respondent is not using the disputed domain names in connection with a bona fide offering of goods or services or fair use of the disputed domain names. Here, the Respondent has used the disputed domain names for the purpose of not only selling the Complainant's products but also selling the competing third party tobacco products and accessories of other commercial origin. Further, both of the websites under the disputed domain names are using the Complainant's registered ZYN trademark. The Complainant contends that the Respondent has intended to obtain an unfair commercial gain, with a view to misleadingly diverting consumers or to tarnish the trademarks owned by the Complainant. The Panel considers that such use cannot confer rights or legitimate interests on a respondent as the disputed domain names have not been used to provide any bona fide offering of goods or services and such use does not constitute fair use of the disputed domain names.

Thirdly, there is no evidence to suggest that the Respondent has been commonly known by the disputed domain names.

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 names. 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 names such as those enumerated in the Policy or otherwise.

Therefore, the Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

Paragraph 4(a)(iii) of the Policy requires that the disputed domain name has "been registered and is being used in bad faith". Thus, for the Complainant to succeed, a UDRP panel must be satisfied that a domain name has been registered and is being used in bad faith. These requirements are conjunctive; each must be proven, otherwise the Complaint fails. In addition, 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.

Firstly, the disputed domain names include the Complainant's trademark ZYN in its entirety with the addition of the term "nic" or "-au". The term "ZYN" is not commonly used to refer to tobacco products or electronic devices and is unique to the Complainant. Under this circumstance, it is clear that the Respondent was aware of the Complainant's trademark and targeted it at the time of registration of the disputed domain names. The Panel considers it is bad faith registration that the Respondent deliberately chose the disputed domain names to create a likelihood of confusion with the Complainant's ZYN trademark, so as to create a false association or affiliation with the Complainant.

Secondly, as earlier mentioned, the Respondent uses the Complainant's trademark ZYN for the websites to sell and offer competing third party products of other commercial origin as well. In addition, both of the websites are using the Complainant's ZYN trademark. Accordingly, the Complainant contends that the Respondent intends to obtain an unfair commercial gain, with a view to misleadingly diverting consumers or to tarnish the trademarks owned by the Complainant. The Panel considers that such use of the disputed domain names constitutes bad faith use under paragraph 4(b)(iv) of the Policy. [WIPO Overview 3.0](#), section 3.1.

Having reviewed the available record, the Panel finds the Respondent's registration and use of the disputed domain names constitute bad faith use under the Policy.

Therefore, the Panel concludes that third element of the Policy has been established.

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 names <niczyn.com> and <zyn-au.com> be transferred to the Complainant.

/Moonchul Chang/

Moonchul Chang

Sole Panelist

Date: January 20, 2026