

ADMINISTRATIVE PANEL DECISION

Swedish Match North Europe, Philip Morris International, Inc. v. Lu Yang Wang

Case No. D2025-4903

1. The Parties

The Complainants are Swedish Match North Europe, Sweden, and Philip Morris International, Inc., United States of America (“United States” or “USA”), represented by D.M. Kisch Inc., South Africa.

The Respondent is Lu Yang Wang, China.

2. The Domain Name and Registrar

The disputed domain name (“Disputed Domain Name”) <zynmart.com> is 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 Name. On November 25, 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 (Registration Private, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 26, 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 1, 2025. In accordance with the Rules, paragraph 5, the due date for Response was December 21, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on December 22, 2025.

The Center appointed Douglas Clark as the sole panelist in this matter on December 29, 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, is a subsidiary of the second Complainant Philip Morris International Inc. The first Complainant is primarily engaged in the business of manufacturing, marketing and selling smoke free tobacco products, such as snus and nicotine pouches, which are sold in several countries. One of these smoke-free products manufactured and sold by the first Complainant are nicotine pouches under the ZYN brand (hereinafter referred to as the "ZYN nicotine product"). First launched in the USA in 2016, the mentioned ZYN brand has obtained an extraordinary 76% share of the market in the USA. Today, the ZYN nicotine product is available in around 40 markets across the world.

The first Complainant is the registered proprietor, inter alia, of the following trademarks

- International Registration ZYN (word) No. 1421212 registered on April 18, 2018, designating inter alia Afghanistan, Albania, Australia, Azerbaijan, Bosnia and Herzegovina, Bahrain, Belarus, Switzerland, Chile, Denmark, Algeria, Egypt, United Kingdom, Indonesia, Israel, India, Iceland, Japan, Kenya, Republic of Korea, Kazakhstan, Liechtenstein, Morocco, Montenegro, Mexico, Malaysia, Norway, New Zealand, African Intellectual Property Organization, Oman, Philippines, Pakistan, Serbia, Russian Federation, Sudan, Singapore, San Marino, Thailand, Turkmenistan, Tunisia, Türkiye, Ukraine, Uzbekistan, Viet Nam, and Zimbabwe;

- International Registration ZYN (device) No. 1456681 registered on December 27, 2018, designating inter alia Australia, Bahrain, Switzerland, Egypt, United Kingdom, Israel, Kenya, Norway, Oman, and Philippines.

The Complaint also states that the first Complainant is the registered proprietor of two trademarks for ZYN in the United States. A footnote explains that the ZYN trademarks are owned by the first Complainant outside of the United States, and by Pinkerton Tobacco Co. LP in the United States. The footnote further states Pinkerton Tobacco Co. LP is a company which is part of the group of companies affiliated to the first Complainant. This is not supported by evidence. The Panel will rely on the trademarks registered in the first Complainant's name.

The Respondent is an individual based in China.

The Disputed Domain Name was registered on October 17, 2024, and is linked to an online shop allegedly selling and offering the Complainant's ZYN nicotine product as well as a competing third party product of other commercial origin. The website at the Disputed Domain Name is prominently using the Complainant's registered ZYN trademark on the website. The website is further using a number of the Complainant's official product images and marketing materials without the Complainant's authorization, while at the same time providing a copyright notice at the bottom of the website claiming copyright in the material presented on the website.

5. Parties' Contentions

A. Complainants

The Complainants contend that they have satisfied each of the elements required under the Policy for a transfer of the Disputed Domain Name.

B. Respondent

The Respondent did not reply to the Complainants' 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 of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.7.

The first Complainant has shown rights in respect of a trademark or service mark ZYN 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, "mart" may bear on assessment of the second and third elements, the Panel finds the addition of such a 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.

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.

The Panel finds the Complainants have established a prima facie case that the Respondent lacks rights or legitimate interests in the Disputed Domain Name. The Respondent has not rebutted the Complainants' 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 Disputed Domain Name resolves to a website allegedly selling and offering the Complainant's ZYN nicotine product as well as a competing third party product of other commercial origin. In *Ok! Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#), the panel held that to be bona fide within the meaning of paragraph 4(c)(i) of the policy, the offering should meet the following requirements:

- The Respondent must actually be offering the goods or services at issue;
- The Respondent must use the site to sell only the trademarked goods; otherwise, it could be using the trademark to bait Internet users and then switch them to other goods;

- The site must accurately and prominently disclose the registrant's relationship with the trademark owner; it may not, for example, false suggest that it is the trademark owner, or that the website is the official site; and
- The Respondent must not try to corner the market in all domain names, thus depriving the trademark owner of reflecting its own mark in a domain name.

In this case the Respondent does not meet, at least, the second and third requirements set out above. The website under the Disputed Domain Name does not accurately and prominently disclose its relationship with the Complainants. It also sells a competing third party product.

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.

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 Respondent gives the impression that it is affiliated to the Complainants. It is clearly aware of the Complainants and the first Complainant's trademarks, and is seeking to attract Internet users to the Disputed Domain Name.

The Panel finds the Respondent's registration and use of the Disputed Domain Name constitutes bad faith under paragraph 4(b)(iv) of the Policy.

The Panel finds that the Complainants have 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 <zynmart.com> be transferred to the Complainants.

/Douglas Clark/

Douglas Clark

Sole Panelist

Date: January 15, 2026