

## **ADMINISTRATIVE PANEL DECISION**

Swedish Match North Europe, Philip Morris International, Inc. v. Jian Sun  
Case No. D2025-4908

### **1. The Parties**

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

The Respondent is Jian Sun, China.

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

The disputed domain name <zynclub.store> is registered with Hefei Juming Network Technology Co., Ltd (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on November 25, 2025. On November 26, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 27, 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 Complainants on November 27, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainants to submit an amendment to the Complaint. The Complainants filed an amended Complaint on December 2, 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 Peter Burgstaller 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**

Swedish Match North Europe AB (1<sup>st</sup> Complainant) is a Swedish based company, founded in 1992 and 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.

Philip Morris International, Inc (2<sup>nd</sup> Complainant) is a United States of America registered company and a leading tobacco company with products sold around the world. The 1<sup>st</sup> Complainant is part of the group of companies affiliated to the 2<sup>nd</sup> Complainant (Annexes 4 and 5 to the Complaint).

The Complainants own or have rights in several trademark registrations containing and consisting of the mark ZYN, inter alia

- International Trademark Registration ZYN (word), Reg. No. 1421212, registered on April 18, 2018, designated for various jurisdictions around the world, e.g. China, United Kingdom, India, Japan, Switzerland and Mexico;
- United States of America Trademark Registration ZYN (word), Reg. No. 5061008, registered on October 11, 2016 (Annex 6 and 7 to the Complaint).

The disputed domain name was registered on February 14, 2025 (Annex 1 to the Complaint).

At the time of filing the Complaint, the disputed domain name resolved to an online shop where ZYN nicotine products of the Complainants as well as competing third party products were offered for sale; at the website addressed by the disputed domain name the Complainants' official product images were displayed together with a copyright notice claiming copyright in the material presented; the website was provided in English language and the offered products were priced in USD (Annex 8 to the Complaint).

#### **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.

Notably, the Complainants contend that they hold multiple registered trademarks for the term ZYN. The Complainants also highlight the extensive use of the ZYN brand and that ZYN is a distinctive identifier associated with the ZYN products. The disputed domain name includes the entirety of the ZYN mark with the addition of the descriptive term "club". Where a domain name incorporates the entirety of a complainant's trademark, this will be sufficient to establish identical or confusing similarity.

The Complainants further submit that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent does not have any trademark rights to the term ZYN. There is also no evidence that the Respondent retains any unregistered trademark rights to the term ZYN or any term used in the disputed domain name or is commonly known by the term ZYN. The Respondent has not received any license from the Complainants to use a domain name featuring the ZYN trademark. The Complainants submit that the Respondent has not used, nor prepared to use, the disputed domain name in connection with a bona fide offering of goods or services. On the contrary: The disputed domain name resolves to a website that impersonates the Complainants' offerings, using the Complainants' ZYN trademark and their copyrighted materials (and falsely claiming rights in it). The Complainants affirm that no authority has been

given to the Respondent to advertise or use ZYN products for sale. There is no disclaimer clarifying the lack of affiliation with the Complainants on the addressed website and the Respondent also offers competing products to the Complainants'. Hence, it is clear that the Respondent intends to cause confusion in the minds of online users through the use of the distinctive ZYN name.

Finally, the Complainants allege that the disputed domain name was registered and is being used in bad faith: The Complainants' ZYN trademark registrations precede the creation date of the disputed domain name and the ZYN mark is distinctive and well known.

The disputed domain name is also being used in bad faith: The Respondent has intentionally attempted to attract, for commercial gain, online users by creating a likelihood of confusion with the Complainants' ZYN mark and offerings. The use of the disputed domain name to offer the Complainants' products for sale, and featuring the Complainants' product images and trademarks, gives Internet users a false impression that the site is controlled or authorized by the Complainants. Additionally, the Respondent failed to present a clear disclaimer on the website addressed by the disputed domain name to disassociate the Complainants' products from the products purportedly offered under the disputed domain name.

## **B. Respondent**

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

## **6. Discussion and Findings**

According to paragraph 4(a) of the Policy, the Complainants must prove that:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainants have rights; and
- (ii) the Respondent has no rights or legitimate interests with respect to 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 name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.7.

The Complainants submitted evidence which incontestably and conclusively establishes rights in the mark ZYN.

In the present case, the disputed domain name is confusingly similar to the ZYN mark in which the Complainants have rights since that mark remains recognizable within the disputed domain name.

Although the disputed domain name adds the descriptive term "club" as suffix, it has long been established under UDRP decisions that adding descriptive/geographic terms to a trademark does not prevent a finding of confusing similarity under the first element of the Policy, if the relevant trademark remains recognizable within the disputed domain name. [WIPO Overview 3.0](#), section 1.8; this is the case here: The ZYN mark of the Complainants is clearly recognizable in the disputed domain name.

Finally, it has also long been held that Top-Level Domains are generally disregarded when evaluating the confusing similarity between a disputed domain name and a trademark. [WIPO Overview 3.0](#), section 1.11.1.

Based on the available record, 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.

While 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 often impossible 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. 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 record, the Panel finds the Complainants have established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name, since it has never assigned, granted, licensed, sold, transferred or in any way authorized the Respondent to register or use the ZYN trademark in any manner. The Respondent did not reply and hence has not rebutted the Complainants’ contentions.

Further, the composition of the disputed domain name, coupled with the use of the disputed domain name to resolve to a website that purported to offer for sale under the ZYN mark unauthorized products of the Complainants, while displaying the Complainants’ product images and falsely claiming copyright in these materials, affirms the Respondent’s intention of taking unfair advantage of the likelihood of confusion between the disputed domain name and the Complainants as to the origin or affiliation of the website at the disputed domain name.

Finally, the evidence in the Complaint revealed no disclaimer at the website accessible through the disputed domain name that disclosed the lack of the Respondent’s relationship with the Complainants and the Respondent also offered products for sale which are in competition with the Complainants’ products. Therefore, it rather appears that the Respondent has purposely attempted to take unfair advantage of the Complainants’ mark and the purported connection with the Complainants. [WIPO Overview 3.0](#), section 2.8; and *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#).

Based on the available record, the Panel finds the second element of the Policy has been established.

## **C. Registered and Used in Bad Faith**

As stated in many decisions rendered under the Policy (e.g. *Robert Ellenbogen v. Mike Pearson*, WIPO Case No. [D2000-0001](#)) both conditions, registration and use in bad faith, must be demonstrated; consequently, the Complainants must show that:

- the disputed domain name was registered by the Respondent in bad faith, and
- the disputed domain name is being used by the Respondent in bad faith.

(i) In the present case, the Complainants provided evidence which demonstrates that they own and/or have rights in the distinctive and well-known registered trademark ZYN, registered and used in many jurisdictions around the world long before the disputed domain name was registered.

It is therefore inconceivable for this Panel that the Respondent registered and used the disputed domain name without knowledge of the Complainants and their rights in the mark ZYN, which leads to the necessary inference of bad faith. [WIPO Overview 3.0](#), section 3.2.2.

This finding is supported by the fact that the disputed domain name incorporates the Complainants' trademark ZYN entirely and merely adds the descriptive term "club".

Therefore, the Panel is convinced that the disputed domain name was registered in bad faith by the Respondent.

(ii) The Complainants have put forward evidence that the disputed domain name was used by the Respondent to resolve to a website featuring the Complainants' official product images and even claiming rights in it and purported to offer the Complainants' ZYN products for sale. In doing so, the Respondent gives Internet users the impression that the site is controlled or at least authorized by the Complainants, which is not the case. This clearly disrupts the Complainants' business and shows that the Respondent intentionally attempts to attract, for commercial gain, Internet users by creating a likelihood of confusion with the Complainants' mark, which constitutes bad faith use.

The evidence and documents produced and put forward by the Complainants together with the fact that the Respondent has failed to file a Response and therefore failed to present any evidence of any good faith registration and use with regard to the disputed domain name further prove that the disputed domain name was registered and is used by the Respondent in bad faith under paragraph 4(a)(iii) of the Policy.

Based on the available record, 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 <zynclub.store> be transferred to the Complainants.

*/Peter Burgstaller/*

**Peter Burgstaller**

Sole Panelist

Date: January 12, 2026