

## **ADMINISTRATIVE PANEL DECISION**

Swedish Match North Europe, Philip Morris International, Inc. v. Brenda Dubose  
Case No. D2025-4955

### **1. The Parties**

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

The Respondent is Brenda Dubose, Bangladesh.

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

The disputed domain name <www-zynrewards.com> (the "Disputed Domain Name") is registered with NameCheap, Inc. (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on November 27, 2025. On November 28, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On November 28, 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 (Private Registration, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on December 1, 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 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 5, 2025. In accordance with the Rules, paragraph 5, the due date for Response was December 25, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on December 26, 2025.

The Center appointed Marilena Comanescu 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 Complainant, Swedish Match North Europe AB, is part of the group of companies affiliated to the Complainant, Philip Morris International, Inc., an international tobacco company, which is engaged in the business of manufacturing, marketing, and selling tobacco and smoke-free products worldwide.

The Complainant has a long history of selling and manufacturing smoke-free tobacco products; one of these products are snus and nicotine pouches under the ZYN brand. First launched in the United States in 2016, the ZYN brand has obtained a 76 percent share of the United States market; and currently, the ZYN nicotine product is available in around 40 markets across the world. The Complainant's ZYN nicotine product is primarily distributed through official or endorsed stores.

The Complainant, directly or through affiliates, holds trademarks for ZYN in numerous jurisdictions worldwide, such as the following:

- the International trademark registration number 1421212 for ZYN (word), registered on April 18, 2018, and covering goods in International Class 34;
- the International trademark registration number 1456681 for ZYN (device), registered on December 27, 2018, and covering goods in International Class 34; and
- the United States trademark registration number 5061008 for ZYN (word), filed on December 7, 2015, registered on October 11, 2016, covering goods in International Class 34.

The Disputed Domain Name was registered on July 20, 2024, and, at the time of filing of the Complaint, it was used to resolve to a website purporting to provide Guide & Tutorial to log into the Complainant's loyalty program for its ZYN nicotine product, "ZYN Rewards", while displaying the Complainant's ZYN trademark at the top of the website. No accurate information regarding the operator of the website at the Disputed Domain Name is provided thereon apart from the name "ZYNRewards".

At the bottom of the website under the Disputed Domain Name there was a disclaimer, stating "This website is an independent resource and is not affiliated with, endorsed by, or associated with ZYN Rewards or any of its products or services. Any trademarks, service marks, trade names, product names, and logos mentioned on this website are the property of their respective owners. All visual content, including images, illustrations, and photographs, is copyrighted by its respective owner. [...] This website is for informational purposes only and should not be considered a substitute for professional advice. It is not endorsed by or affiliated with zynrewards.com [...]" and then again stating that "This website is not associated with ZYNrewards", while contradictory allegations were displayed above and below such disclaimer, such as "This website is your central hub for using ZYN Rewards", "Hi there! I'm [xxx], your ZYN Rewards guide here at ZYN. Want to make the most of your rewards?", or "Enjoy your ZYN Rewards experience!".

Also, the website under the Disputed Domain Name displays under the Privacy Policy that “We may share Your personal information in the following situations: [...] With business partners: We may share Your information with Our business partners to offer You certain products, services or promotions”. Moreover, the Respondent further promotes a social media account which includes the Complainant’s ZYN trademark in its name and under that account, the Complainant’s registered ZYN logo and official product images are displayed.

## **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 trademark because it is formed of the well-known ZYN mark with the additional non-distinctive and descriptive terms “www-” and “rewards”; that the Respondent has no rights or legitimate interests in the Disputed Domain Name, and is not an authorized distributor or reseller of the ZYN nicotine product nor partner, agent or licensee of the Complainant’s “ZYN Rewards” loyalty program. Further, the Respondent registered and is using the Disputed Domain Name in bad faith, purporting to be an official online retailer of the Complainant’s ZYN nicotine product, prominently displaying the Complainant’s mark on at the top of the website and, falsely claiming to be a digital platform for the Complainant’s “ZYN Rewards” loyalty program for its ZYN nicotine products; also, the information included in the disclaimer on the website under the Disputed Domain Name is inaccurate and does not correctly identify the owners of the ZYN trademark and their relationship (or lack thereof) with the Respondent; the Respondent is using the Complainant’s trademark with the intention to attract, for commercial gain (be it through some form of direct compensation from the website provided under the Disputed Domain Name or through sharing users personal information with its business partners), Internet users to the website under the Disputed Domain Name by creating a likelihood of confusion with the Complainant’s registered ZYN trademark as to the source, sponsorship, affiliation, or endorsement of its website or location or of a product or service on its website or location, which constitutes registration and use in bad faith pursuant to the Policy.

### **B. Respondent**

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

## **6. Discussion and Findings**

Under the Policy, the Complainant is required to prove on the balance of probabilities that:

- (i) the Disputed Domain Name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (ii) the Respondent has no rights or legitimate interests in 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 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 Panel finds the mark is recognizable 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.

While the addition of other terms, here, “www-” and “rewards”, 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 Disputed Domain Name is used in connection with a website purportedly providing Guide & Tutorial to log into the Complainant’s loyalty program for its ZYN nicotine product. The disclaimer provided on the website under the Disputed Domain Name is ambiguous and contradicted by the further statements presented on such website, and does not correctly identify the owner of the ZYN trademark and the Respondent’s relationship (in fact the lack thereof) with the Complainant.

The lack of an accurate disclaimer, as well as the misleading content provided on the website at the Disputed Domain Name (and on the promoted social media account which further presents the Complainant’s trademark and products without any consent) as described under section 4, would falsely suggest to Internet users that the website to which the Disputed Domain Name resolves is owned by the Complainant or at least affiliated to the Complainant. In addition, the nature of the Disputed Domain Name is inherently misleading as it carries a risk of implied affiliation with the Complainant. Accordingly, such use cannot be considered “fair”, nor to have conferred upon the Respondent any rights or legitimate interests for the purposes of the Policy.

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 Disputed Domain Name was registered in bad faith, with knowledge of the Complainant, its trademark and products, particularly because the Disputed Domain Name incorporates the Complainant's trademark, and the use of the ZYN trademark predates the registration of the Disputed Domain Name by almost 9 years and is distinctive and well known worldwide in the relevant industry. Furthermore, the use of the Disputed Domain Name, and the purported disclaimer, corroborates this finding.

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.

Paragraph 4(b)(iv) of the Policy provides that the use of a domain name to intentionally attempt "to attract, for commercial gain, Internet users to [the respondent's] website or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of [the respondent's] website or location or of a product or service on [the respondent's] website or location" is evidence of registration and use in bad faith.

Given that a) the composition of the Disputed Domain Name is inherently misleading by incorporating the Complainant's trademark with the terms referring to a website and the Complainant's loyalty program, b) the website operated under the Disputed Domain Name displays the Complainant's trademark, c) the website includes a social media account under which the Complainant's official product images are displayed, d) the website creates the false impression of an affiliation with the Complainant through various statements and has no accurate disclaimer, e) the website indicates that users personal information may be shared with its business partners to offer users certain products, services or promotions, and f) the website contains no actual information of its operator, indeed in this Panel's view, the Respondent has intended to attract Internet users accessing the website corresponding to the Disputed Domain Name who may be confused and believe that the website is held, controlled by, or somehow affiliated or related to the Complainant, for its commercial gain.

Further, the Respondent failed to provide a response to the Complainant's allegations, and the physical address listed in the Whois appears to be inaccurate as the Written Notice could not be delivered by the courier service. Along with other circumstances in this case, such facts constitute further signs of bad faith.

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 <www-zynrewards.com> be transferred to the Complainant.

*/Marilena Comanescu /*

**Marilena Comanescu**

Sole Panelist

Date: January 20, 2026