

ADMINISTRATIVE PANEL DECISION

Swedish Match North Europe AB, and Philip Morris International, Inc. v. jian li
Case No. D2026-0084

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.

The Respondent is jian li, China.

2. The Domain Name and Registrar

The disputed domain name <nicotinepoucheszyn.com> is registered with Porkbun LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 9, 2026. On January 9, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 11, 2026, 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 (Whois Privacy, Private by Design, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on January 13, 2026, 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 January 19, 2026.

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 January 20, 2026. In accordance with the Rules, paragraph 5, the due date for Response was February 9, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on February 10, 2026.

The Center appointed Kateryna Oliinyk as the sole panelist in this matter on February 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 Complainants are Swedish Match North Europe AB (“Swedish Match”), a Swedish company established under the laws of Sweden and a subsidiary of Philip Morris International, Inc., and Philip Morris International, Inc., a company established under the laws of the Commonwealth of Virginia, United States. The latter acquired Swedish Match in May 2022 and both belong to the same group of companies. The Complainants will be hereinafter referred to collectively as the “Complainant”.

Swedish Match was founded in 1992 and 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. Swedish Match’s brand portfolio contains the ZYN trademark used for nicotine pouches, first launched in the United States in 2016.

Currently, the nicotine product under the ZYN trademark is available in around 40 markets across the world.

The Complainant itself or through its affiliated company owns trademark registrations across various jurisdictions, a few of which are detailed below:

- International Trademark Registration No. 1421212 for ZYN, registered on April 18, 2018, for goods in International Class 34;
- International Trademark Registration No. 1456681 for ZYN, registered on December 27, 2018, for goods in International Class 34.

The disputed domain name was created on June 30, 2025 and resolves to a commercial website purportedly offering for sale the Complainant’s nicotine products under the ZYN trademark. The website prominently displays the Complainant’s ZYN trademark at the top of its homepage.

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.

(1) Identical or Confusingly Similar

The Complainant contends that it owns rights in the ZYN trademark.

The Complainant further contends that the disputed domain name entirely incorporates the ZYN trademark, which is clearly recognizable within the disputed domain name, despite the additional descriptive terms “nicotine” and “pouches”, which are not sufficient to avoid any confusion between the disputed domain name and the ZYN trademark of the Complainant.

Addition of the Top-Level Domain (“TLD”) shall be viewed as a mere registration requirement.

(2) No Rights or Legitimate Interests

The Complainant asserts that the Respondent lacks rights or legitimate interests in the disputed domain name.

The Complainant claims that it has not licensed or authorized the Respondent to register or use the disputed domain name, nor is the Respondent affiliated to the Complainant in any form. There is no evidence demonstrating that the Respondent might be commonly known by the disputed domain name.

There is no evidence of the Respondent's use of the disputed domain name in connection with a bona fide offering of goods or services, nor any evidence of a legitimate noncommercial or fair use of the disputed domain name by the Respondent. Moreover, the disputed domain name and the associated website suggest confusion regarding affiliation of the disputed domain name with the Complainant.

The Complainant contends that the website associated with the disputed domain name falsely presents itself as official online retailer of the Complainant's nicotine products under the ZYN trademark or, at the very least, as official and authorized licensee of the Complainant. This impression is created through the use of the Complainant's ZYN trademark in the disputed domain name, combined with the non-distinctive and descriptive elements "nicotine" and "pouches", thereby suggesting that the Respondent has the Complainant's permission or consent to use the mark.

The Complainant argues that the Respondent does not satisfy the conditions of the Oki Data test (*Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#)).

(3) Registered and Used in Bad Faith

The Complainant contends that the disputed domain name has been registered and is being used in bad faith.

The Complainant contends that the Respondent could not have been unaware of the ZYN trademark when it registered the disputed domain name, which is confusingly similar to the Complainant's trademark which has gained a high degree of recognition among the public. Furthermore, the Respondent's actual knowledge of the Complainant and its trademark is clearly demonstrated by the use of the Complainant's ZYN trademark on the commercial website under the disputed domain name. The Respondent was clearly well aware of the Complainant and its trademark and registered the disputed domain name with such trademark in mind, in order to capitalize on the reputation of the Complainant and its trademark to attract Internet users.

B. Respondent

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

6. Discussion and Findings

Paragraph 15(a) of the Rules instructs the Panel as to the principles the Panel is to use in determining the dispute: "[a] Panel shall decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable."

Paragraph 4(a) of the Policy directs that the Complainant must prove each of the following:

- i. that the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- ii. that the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- iii. that the disputed domain name has been registered and is being used in bad faith.

Considering that the Respondent did not reply to the Complainant's contentions, in order to determine whether the Complainant has met its burden as stated in paragraph 4(a) of the Policy, the Panel bases its decision on the statements and documents submitted in accordance with the Policy and the Rules.

Under paragraph 5(f) and paragraph 14(b) of the Rules, if a respondent does not submit a response, in the absence of exceptional circumstances, the Panel shall decide the dispute based upon the complaint, and where a party does not comply with any provision of the Rules, the Panel "shall draw such inferences therefrom as it considers appropriate".

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 Select UDRP Questions ("[WIPO Overview 3.1](#)"), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.1](#), 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 3.1](#), section 1.7.

The disputed domain name consists of the generic elements "nicotine" and "pouches", coupled with the ZYN trademark, and followed by the gTLD ".com".

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 3.1](#), section 1.7.

Although the addition of other terms "nicotine" and "pouches" 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 3.1](#), 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 3.1](#), 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 Panel notes that neither license nor authorization appears to have been granted to the Respondent by the Complainant to make any use of the Complainant's ZYN trademark, or to apply for registration of the disputed domain name.

The Respondent's choice of the disputed domain name, which incorporates the Complainant's ZYN trademark and the elements "nicotine" and "pouches" signaling content related to tobacco products, and its use of the trademark in the website's design and product descriptions without disclosing its lack of relationship with the Complainant, demonstrates clear targeting of the Complainant, its trademark, and its business. Consequently, the Respondent's conduct cannot be regarded as a legitimate noncommercial or fair use of the disputed domain name.

The Complainant demonstrated that the website under the disputed domain name displays the imitation of the Complainant's ZYN trademark, which shows that the Respondent has attempted to pass off as the Complainant, since the display of the Complainant's ZYN trademark and the overall website content mislead Internet users as to the affiliation, source or sponsorship of the services rendered by the Respondent, clearly seeking a commercial gain (see sections 2.5.1, 2.5.2., and 2.5.3 of the [WIPO Overview 3.1](#)).

The Respondent's behavior shows a clear intent to obtain unfair commercial gain, with a view to misleadingly divert consumers or to tarnish the trademarks owned by the Complainant. The Panel finds that:

- the Respondent is not an authorized distributor or reseller of the ZYN nicotine products; and
- the website to which the disputed domain name resolves does not meet the requirements set out by numerous panel decisions for a bona fide offering of goods. A reseller or distributor can be making a bona fide offering of goods or services and thus have a legitimate interest in the domain name at issue only if certain requirements are met, which is not the case here because the website at the disputed domain name does not prominently and accurately display a disclaimer regarding the relationship between the Respondent and the Complainant (see *Ok! Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#)).

The Panel also finds that the composition of the disputed domain name creates a risk of implied affiliation, effectively impersonating or suggesting sponsorship or endorsement by the Complainant. The inclusion of the words "nicotine" and "pouches" in the disputed domain name, followed by the ZYN trademark, signals content related to tobacco products of the Complainant and falsely implies that the disputed domain name is owned by the Complainant or by a subsidiary or authorized distributor. See [WIPO Overview 3.1](#), section 2.5.1.

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 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 3.1](#), section 3.2.1.

The Panel notes that the Complainant has submitted evidence of its rights in the ZYN trademark through multiple registrations. The Panel further notes that the Complainant is well known as one of the worldwide leaders in retail of snus and nicotine pouches, smoke-free tobacco products or nicotine products, and that the registrations and use of the ZYN trademarks precede the creation of the disputed domain name, which resolves to a commercial website purportedly offering products of the Complainant and prominently displaying the Complainant's ZYN trademark.

Under these circumstances, and considering both the composition of the disputed domain name and the content of the Respondent's website, the Panel finds that the Respondent targeted the Complainant and its well-known trademark with opportunistic bad faith in the registration and use of the disputed domain name.

The Panel finds that the Respondent's use of the disputed domain name indicates a deliberate intention to attract Internet users to the Respondent's website, for commercial gain, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, or affiliation of the website, which constitutes bad faith under paragraph 4(b)(iv) of the Policy. See, e.g., *Inter Ikea Systems B.V. v. Daniel Woodson*, WIPO Case No. [D2011-1933](#); and *Swedish Match North Europe, Philip Morris International, Inc. v. yong lan*, WIPO Case No. [D2025-2641](#).

Furthermore, panels have held that the use of a domain name for illegitimate or unlawful activities, such as claimed passing off, constitutes bad faith. Upon review of the record, the Panel finds that the Respondent's registration and use of the disputed domain name constitute bad faith under the Policy. The prominent display of the Complainant's trademark on the Respondent's website, combined with the composition of the disputed domain name, and the absence of a disclosure on the lack of relationship with the Complainant, and all other relevant circumstances, indicate an effort to impersonate the Complainant or one of its subsidiaries or authorized distributors. Such actions represent an illegitimate or illegal conduct that constitutes bad faith under the Policy. [WIPO Overview 3.1](#), section 3.4.

Therefore, the Panel concludes 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 <nicotinepoucheszyn.com> be transferred to the Complainant.

/Kateryna Oliinyk/

Kateryna Oliinyk

Sole Panelist

Date: February 27, 2026