

ADMINISTRATIVE PANEL DECISION

Swedish Match North Europe, Philip Morris International, Inc. v. shan zhang

Case No. D2026-0970

1. The Parties

The Complainant is 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 shan zhang, Philippines.

2. The Domain Name and Registrar

The disputed domain name <zynspot.com> is registered with PDR Ltd. d/b/a PublicDomainRegistry.com (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 6, 2026. On March 6, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 7, 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 (Domain Admin, Privacy Protect, LLC (PrivacyProtect.org)) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 10, 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 March 16, 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 March 20, 2026. In accordance with the Rules, paragraph 5, the due date for Response was April 9, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on April 10, 2026.

The Center appointed Edward C. Chiasson K.C. as the sole panelist in this matter on April 16, 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 the 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 "Swedish Match").

Founded in 1992, Swedish Match 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 unequalled brand portfolio contains brands like ZYN, the market leading brand for nicotine pouches in the USA.

Swedish Match has a long history of selling and manufacturing smoke-free tobacco products and is very well known for its products in the Nordics and in the USA.

One of these smoke-free products manufactured and sold by Swedish Match are nicotine pouches under the ZYN brand (hereinafter referred to as the "ZYN nicotine product"). First launched in the USA in 2016, the ZYN brand has obtained a 76 % share of the market in the USA. Today, the ZYN nicotine product is available in around 40 markets across the world. As a result of the extensive international sales (in accordance with local laws), the ZYN nicotine product has achieved considerable international success and reputation for its smoke-free products. The Complainant owns a large portfolio of well-known trademarks. Among them, but by no means limited to, are the following trademark registrations (referred as "Trademarks"): International Registration ZYN (word) No. 1421212 registered on April 18, 2018, designating numerous jurisdictions; International Registration ZYN (word/device) No. 1456681 registered on December 27, 2018, designating numerous jurisdictions.

According to the Whois information, as at March 4, 2026, the Respondent was behind a privacy service provider. The Registrar revealed registration details that appear to be an individual based in the Philippines.

The Respondent is not known or in any way related to the Complainant or any PMI affiliate and is not authorized to use the ZYN trademarks.

The disputed domain name was registered on March 13, 2025, and resolved to an online shop (referred to as the "Website") allegedly selling and offering the Complainant's ZYN nicotine product. The Website is provided in English. The Website has all prices in United States currency (USD).

The Respondent is prominently using the Complainant's registered ZYN trademark at the top of the Website as well as using the Complainant's registered trademark within the tab interface of the Website. This is a location where Internet users usually expect to find the name of the online shop and, or the name of the provider of the Website.

The Website is using a number of the Complainant's official product images and marketing material without the Complainant's authorization.

In addition to using the Complainant's official product images and marketing materials without the Complainant's authorization, the Respondent has reproduced the official ZYN video belonging to the Complainant on the Website without the Complainant's authorization.

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.

The Complainant asserts that the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights. The Complainant asserts that the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Complainant asserts that the disputed domain name was registered and is being used in bad faith.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

The Complainant is the registered owner of the ZYN trademark in numerous jurisdictions. It is well accepted that the test for confusing similarity involves a reasoned, but relatively straightforward, comparison between a complainant's trademark and the domain name to assess whether the mark is recognizable within the domain name (see section 1.7 of the WIPO Overview of WIPO Panel Views on Select UDRP Questions ("[WIPO Overview 3.1](#)"). The similarity test of the first UDRP element serves as a standing requirement, building the connection between the domain name and the trademark rights on which a dispute is based. A domain name is confusingly similar to a trademark, when the domain name includes the trademark, or a confusingly similar approximation, regardless of the other terms in the domain name. The disputed domain name adopts the Complainant's ZYN trademarks and is therefore confusingly similar to the ZYN trademarks of the Complainant.

It is well established that the applicable Top Level Domain ("TLD") in a domain name is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test (see [WIPO Overview 3.1](#), section 1.11 and the cases referenced therein).

The Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

The Complainant has not licensed or otherwise permitted the Respondent to use any of its trademarks or to register a domain name incorporating its ZYN trademark or a domain name which will be associated with this trademark.

The Respondent is not making a legitimate noncommercial or fair use of the disputed domain name. The Panel notes that the Respondent shows a clear intent to obtain an unfair commercial gain, with a view to misleadingly diverting consumers or to tarnish the trademarks owned by the Complainant. Firstly, the Respondent is not an authorized distributor or reseller of the ZYN nicotine product. Secondly, the Website does not meet the requirements set out by prior panel decisions for a bona fide offering of goods.

The disputed domain name suggests an affiliation with the Complainant and its ZYN trademark, as it wholly reproduces the Complainant's registered ZYN trademark together with the term "spot".

The Respondent prominently and without authorization presents the Complainant's registered ZYN trademark appearing at the top of the Website as well as using the Complainant's registered trademark within the tab interface of the Website where Internet users will usually expect to find the name of the online shop and/or the name of the website provider. The Website further uses the Complainant's official product images without authorization, as well as a reproduction of the Complainant's official IQOS System videos. This use of the Complainant's official copyright protected material further supports the false impression that the Website is endorsed by the Complainant, which it is not.

The Website includes no information regarding the identity of the provider of the Website, which is only identified as "ZYNSPOT" on the Website, being a name which similarly includes the Complainant's registered ZYN trademark without authorization and further serves to perpetuate the false impression of an official commercial relationship between the Website and the Complainant.

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.

In the present case, it is evident from the Respondent's registration and use of the disputed domain name that the Respondent knew of the Complainant's ZYN trademark when registering the disputed domain name. The term ZYN is purely an imaginative term and unique to the Complainant. The term ZYN is not commonly used to refer to nicotine, tobacco products, or electronic devices other than those of the Complainant. It is inconceivable to the Panel that the Respondent chose the disputed domain name without the intention of invoking a misleading association with the Complainant.

The Respondent started offering the Complainant's ZYN nicotine product immediately after registering the disputed domain name.

It is evident from the Respondent's use of the disputed domain name that the Respondent registered and used the disputed domain name with the intention to attract, for commercial gain, Internet users to the Website 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 paragraph 4(b)(iv) of the Policy.

By reproducing the Complainant's registered trademark in the disputed domain name and the title of the Website, the Respondent is clearly suggesting to any Internet user visiting the Website that the Complainant, or an affiliated dealer of the Complainant is the source of the Website, which it is not. This suggestion is further supported by the Respondent's use of the Complainant's official product images and marketing materials, as well as a reproduction of the Complainant's official ZYN video.

The fact that the Respondent is using a privacy protection service to hide its true identity may constitute an additional factor indicating 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 <zynspot.com> be transferred to the Complainant.

/Edward C. Chiasson K.C./

Edward C. Chiasson K.C.

Sole Panelist

Date: April 24, 2026