ARBITRATION
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# ADMINISTRATIVE PANEL DECISION

Swedish Match North Europe, Philip Morris International, Inc. v. Privacy Department, IceNetworks Ltd.
Case No. D2026-1298

## 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 Privacy Department, IceNetworks Ltd., Iceland.

## 2. The Domain Name and Registrar

The disputed domain name <zynmall.com> is registered with Internet Domain Service BS Corp (the "Registrar").

## 3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on March 26, 2026. On March 26, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 27, 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) and contact information in the Complaint. The Center sent an email communication to the Complainants on March 27, 2026, 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 April 1, 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 April 7, 2026. In accordance with the Rules, paragraph 5, the due date for Response was April 27, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on April 28, 2026.

The Center appointed Estela Mariel de Luca as the sole panelist in this matter on May 5, 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, a Swedish company and part of the Philip Morris International ("PMI") group of companies following its acquisition by PMI in May 2022, and Philip Morris International Inc., a company established under the laws of the Commonwealth of Virginia, United States of America. Hereinafter, the Complainants are collectively referred to as "the Complainant".

Founded in 1992, Swedish Match North Europe AB manufactures and sells smoke-free tobacco and nicotine products internationally, including those sold under the ZYN brand. ZYN products are currently available in approximately 40 markets worldwide.

The Complainant, Swedish Match North Europe AB, is the owner of the following trademark registrations, including, among others:

- International Trademark Registration No. 1421212 for ZYN, registered on April 18, 2018, in int. class 34;

- International Trademark Registration No. 1411950 for ZYN registered on April 18, 2018; in int. class 34; and

- United States Trademark Registration No. 5061008 for ZYN, registered on October 11, 2016, in int. class 34.

The Complainant, Swedish Match North Europe AB, is the registrant of the domain name <zyn.com>, registered on August 31, 1993, through which they offer ZYN nicotine pouches.

The disputed domain name was registered on October 28, 2025. The Complainant contends that the website at the disputed domain name reproduced the Complainant's official product images and marketing materials without authorization while also displaying a copyright notice in relation to such content. In support of this contention, the Complainant submitted screenshots as Annex 8 showing a website displaying the Complainant's ZYN trademark together with images and promotional materials relating to ZYN products.

## 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 wholly incorporates its ZYN trademark together with the descriptive term "mall", while the inclusion of the generic Top-Level Domain ("gTLD") ".com" is a standard registration requirement and does not prevent a finding of confusing similarity.

The Complainant further asserts that the Respondent has no rights or legitimate interests in respect of the disputed domain name, noting that the Respondent has neither been licensed nor authorized to use the Complainant's ZYN trademark or to register any domain name incorporating such mark.

The Complainant further contends that the Respondent is not making a legitimate noncommercial or fair use of the disputed domain name. On the contrary, the Complainant submits that the Respondent's conduct shows a clear intent to obtain unfair commercial gain by misleadingly diverting consumers or tarnishing the Complainant's trademarks.

The Complainant further contends that, as at March 10, 2026, the website reproduced the Complainant's official product images and marketing materials without authorization while also displaying a copyright notice in relation to such content. According to the Complainant, such use of the disputed domain name cannot constitute a bona fide offering of goods or services within the meaning of the Policy.

The Complainant further contends that the disputed domain name was registered and is being used in bad faith. In particular, the Complainant submits that the Respondent was aware of the Complainant's ZYN trademark at the time of registration, noting that "ZYN" is a distinctive and imaginative term associated exclusively with the Complainant.

The Complainant further contends that the Respondent intentionally used the disputed domain name to attract Internet users for commercial gain by creating a likelihood of confusion with the Complainant's ZYN trademark as to the source, sponsorship, affiliation, or endorsement of the website and the products offered therein. Finally, the Complainant submits that the Respondent's use of a privacy protection service constitutes a further indication of bad faith.

The Complainant requests that the disputed domain name be transferred to the Complainant.

**B. Respondent**

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

## 6. Discussion and Findings

Under paragraph 4(a) of the Policy, the Complainant carries the burden of proving:

(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;

(iii) that the disputed domain name has been registered and is being used in bad faith.

The Respondent's default in the case at hand does not automatically result in a decision in favor of the Complainant, however, paragraph 5(f) of the Rules provides that if the Respondent does not submit a Response, in the absence of exceptional circumstances, the Panel shall decide the dispute based upon the Complaint.

Further, according to paragraph 14(b) of the Rules, the Panel may draw such inferences from the Respondent's failure to submit a Response 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.

Although the addition of other terms here, "mall", may bear on assessment of the second and third elements, the Panel finds the addition of such 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 3.1, 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 that 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 Complainant has stated that the Respondent is not affiliated with the Complainant and has not been authorized or licensed to use the ZYN trademark or to register any domain name incorporating such mark. In addition, there is no evidence that the Respondent has been commonly known by the disputed domain name (see WIPO Overview 3.1, section 2.3).

Panels have held that the use of a domain name for illegal activity, including impersonation or other fraudulent conduct, can never confer rights or legitimate interests on a respondent (see WIPO Overview 3.1, section 2.13.1).

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.

The evidence demonstrates that the Complainant's rights in the ZYN trademark predate the registration of the disputed domain name. The Panel further notes that the disputed domain name wholly incorporates the Complainant's ZYN trademark together with the term "mall", thereby reinforcing the impression that the disputed domain name is associated with the Complainant.

The mere registration of a domain name that is confusingly similar to a well-known trademark by an unaffiliated party may, in itself, create a presumption of bad faith (see WIPO Overview 3.1, section 3.1.4).

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.

Panels have held that the use of a domain name for illegitimate activity, here, claimed impersonation or other types of fraud constitutes bad faith. WIPO Overview 3.1, section 3.4.

In the present case, the Complaint includes screenshots showing a website associated with the disputed domain name displaying the Complainant's ZYN trademark together with images and promotional materials relating to ZYN products. Further to paragraph 14(b) of the Rules, panels have been prepared to draw certain inferences in light of the particular facts and circumstances of the case, including where an explanation by the respondent is called for but is not forthcoming.

In the present case, while the Panel has not independently verified the content of the website associated with the disputed domain name, the Respondent has not submitted any Response or otherwise challenged the authenticity of the screenshots submitted by the Complainant. There is no reason to doubt that these screenshots are genuine. In the absence of any contrary explanation or evidence and noting that no other plausible conclusion appears from the record, the Panel accepts such evidence for purposes of this proceeding.

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 <zynmall.com> be transferred to the Complainant.

*/Estela Mariel de Luca/*
**Estela Mariel de Luca**
Sole Panelist
Date: May 19, 2026