

ADMINISTRATIVE PANEL DECISION

Swedish Match North Europe AB, Philip Morris International, Inc. v. 杨思静
Case No. D2026-2057

1. The Parties

The Complainants are Swedish Match North Europe AB, Sweden (the “first Complainant”), and Philip Morris International, Inc., United States of America (“United States” or “US”) (the “second Complainant”), represented by Akran Intellectual Property, Italy.

The Respondent is 杨思静, Hong Kong, China.

2. The Domain Name and Registrar

The disputed domain name <europezyntasty.com> is registered with Global Domain Group LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on May 13, 2026. On the same date, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 15, 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 (Super Privacy Service LTD c/o Global Domain Group, Global Domain Group Privacy Services) and contact information in the Complaint. The Center sent an email communication to the Complainants on May 18, 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 May 22, 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 May 27, 2026. In accordance with the Rules, paragraph 5, the due date for Response was June 16, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on June 17, 2026.

The Center appointed Indrek Eelmets as the sole panelist in this matter on June 19, 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 is a company which is part of a group of companies affiliated to the second Complainant. In May 2022, the first Complainant was acquired by the second Complainant. Both Complainants are hereinafter referred to as “the Complainant”. The Complainant is primarily engaged in the business of manufacturing, marketing, and selling smoke free tobacco products, such as snus and nicotine pouches. The Complainant’s brand portfolio includes the trademark ZYN which is one of the leading brands for nicotine pouches in the United States. First launched in the United States in 2016, the trademark ZYN has acquired a 76 per cent share of the market in the United States. Today, ZYN nicotine products are available in around 40 markets across the world.

The Complainant owns trademark registrations for ZYN in various jurisdictions. These include:

Jurisdiction	Trademark	Registration Number	Registration Date
European Union	ZYN	015272487	July 8, 2016
Hong Kong, China	ZYN	306106167	December 16, 2022
International, designating, inter alia the United Kingdom and China	ZYN	1421212	April 18, 2018

The disputed domain name was registered on October 15, 2025. At the time of filing the Complaint, the disputed domain name resolved to a website displaying an online shop which appeared to offer ZYN branded nicotine pouches for sale with prices in US dollars. Pursuant to the Complaint, the website used the Complainant’s official product images without authorization and advertised some ZYN branded products with non-official flavours. At the date of this Decision, the disputed domain name resolves to an inactive website.

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 the Complainant’s trademark as the disputed domain name contains the mark in its entirety, and the terms “europe” and “tasty” are descriptive.

Moreover, the Complainant asserts that the Respondent has no rights or legitimate interests in respect of the disputed domain name since the Complainant has not licensed or otherwise permitted the Respondent to use its ZYN trademark or to register a domain name incorporating that trademark. The Complainant further asserts that the Respondent is not an authorized distributor or reseller of the Complainant’s ZYN nicotine products, that the website to which the disputed domain name resolved did not accurately disclose any relationship with the Complainant, and that the use of the disputed domain name and the associated website falsely suggested an affiliation with the Complainant. The Complainant also states that the website used the Complainant’s official product images without authorization and promoted counterfeit ZYN products, including flavours which are not official ZYN flavours.

Finally, the Complainant argues that the Respondent has registered and is using the disputed domain name in bad faith since the Respondent knew of the Complainant's ZYN trademark when registering the disputed domain name, and has used the disputed domain name to create a misleading association with the Complainant, and sought to attract Internet users by creating a likelihood of confusion as to the source, sponsorship, affiliation, or endorsement of the website and the products displayed on it. The Complainant also relies on the Respondent's use of a privacy protection service and the absence of clear information regarding the operator of the website as further indications of bad faith.

B. Respondent

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

6. Discussion and Findings

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 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 "europe" and "tasty", 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 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 evidence in record shows that the disputed domain name resolved to a website purportedly offering ZYN branded products including flavors not officially produced by the Complainant. Panels have held that the use of a domain name for illegal activity, here claimed sale of counterfeit goods, can never confer rights or legitimate interests on a respondent. [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.

In the present case, the Panel notes that the Respondent must have been aware of the Complainant's trademark when registering the disputed domain name, as the trademark had been registered and used internationally long before the registration of the disputed domain name. The Panel further notes that the Respondent has used the disputed domain name for a website purportedly offering ZYN branded products including flavors not officially produced by the Complainant and displaying the Complainant's product images. The Panel finds that the Respondent has registered and used the disputed domain name in bad faith pursuant to paragraph 4(b)(iv) of the Policy. Further, panels have also held that the use of a domain name for illegal activity, here, claimed sale of counterfeit goods constitutes bad faith. [WIPO Overview 3.1](#), section 3.4.

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.

The Panel further that the disputed domain name no longer resolves to the website previously used by the Respondent and is currently inactive. Panels have found that the non-use of a domain name would not by itself prevent a finding of bad faith under the doctrine of passive holding. On the contrary, in looking at the totality of circumstances in each case, panels have found that the registration and non-use of a domain name can still constitute bad faith for purposes of the Policy. [WIPO Overview 3.1](#), section 3.3. Having reviewed the available record, the Panel notes the distinctiveness or reputation of the Complainant's trademark, the composition of the disputed domain name, and the Respondent's failure to submit a response, and finds that in the circumstances of this case the passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy. Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

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

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 <europezyntasty.com> be transferred to the Complainant.

/Indrek Eelmets/

Indrek Eelmets

Sole Panelist

Date: July 3, 2026