

ADMINISTRATIVE PANEL DECISION

Swedish Match North Europe AB, Philip Morris International, Inc. v. 谢鑫
(xie xin)

Case No. D2026-2904

1. The Parties

The Complainants are Swedish Match North Europe AB, Sweden ("First Complainant"), and Philip Morris International, Inc., United States of America ("United States") ("Second Complainant"), both represented by Akran Intellectual Property, Italy.

The Respondent is 谢鑫 (xie xin), China.

2. The Domain Names and Registrar

The disputed domain names <zynflavorshop.com>, <zynflavorstore.com>, <zynflavours.com>, <zynns.com>, <zynonlinebr.com>, <zynonlinede.com>, and <zynpt.com> are registered with Alibaba Cloud Computing Ltd. d/b/a HiChina (www.net.cn) (the "Registrar").

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the "Center") on July 2, 2026. On the following day, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On July 6, 2026, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names that differed from the named Respondent (Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainants on July 7, 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 in English on July 10, 2026.

On July 7, 2026, the Center informed the parties in Chinese and English, that the language of the registration agreements for the disputed domain names is Chinese. On July 10, 2026, the Complainants confirmed their request that English be the language of the proceeding. The Respondent did not submit any comment on the Complainants' request.

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 in Chinese and English of the Complaint, and the proceedings commenced on July 13, 2026. In accordance with the Rules, paragraph 5, the due date for Response was August 2, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on August 7, 2026.

The Center appointed Matthew Kennedy as the sole panelist in this matter on August 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 First Complainant, founded in 1992, is primarily engaged in the business of manufacturing, marketing and selling smoke-free tobacco products, such as snus and nicotine pouches. Since 2016, its products have included ZYN brand nicotine pouches, which are available in a variety of flavors. The First Complainant holds multiple trademark registrations, including the following:

- International trademark registration number 1421212 for ZYN, registered on April 18, 2018, designating multiple jurisdictions, and specifying goods in class 34; and
- International trademark registration number 1456681, for a stylized ZYN mark, registered on December 27, 2018, designating multiple jurisdictions, and specifying goods in class 34.

The above trademark registrations are current. The First Complainant uses the domain name <swedishmatch.com> in connection with a website where it provides information about itself and its products. The First Complainant was acquired by the Second Complainant in May 2022. Both companies are referred to below separately and jointly as “the Complainant”, except as otherwise noted.

The Respondent is an individual based in China.

The disputed domain names were all registered on May 20, 2026. They resolve to similar online stores offering for sale nicotine pouches of various brands, including the Complainant’s ZYN nicotine pouches. The online stores show images of the Complainant’s products presented with the Complainant’s stylized ZYN mark. The online stores are variously in English (<zynflavours.com>, <zynflavorstore.com>, and <zynns.com>), Portuguese (<zynonlinebr.com> and <zynpt.com>), German (<zynonlinede.com>) and Spanish (<zynflavorshop.com>). The websites display similar pouch logos alongside a name, variously “PouchLab”, “PouchLux”, “PouchNico”, or “Kai Pouch”. Contact details are in Australia, Canada, United Kingdom, Brazil, Portugal, Germany, or Mexico, respectively. Prices are shown in the currency of the corresponding country.

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 names.

Notably, the Complainant contends that the disputed domain names are confusingly similar to its ZYN mark.

The Respondent has no rights or legitimate interests in respect of the disputed domain names. 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. The Respondent is not an authorized distributor or reseller of the ZYN nicotine product and its websites do not meet the requirements set out by numerous panel decisions for a bona fide offering of goods.

The disputed domain names were registered and are being used in bad faith. The Respondent started offering the Complainant's ZYN nicotine product immediately after registering the disputed domain names. By reproducing the Complainant's registered trademark in the disputed domain names, the Respondent is clearly suggesting to any Internet user visiting its websites that the Respondent is the Complainant's official distributor of ZYN, which it is not. This suggestion is further supported by the Respondent's use of the Complainant's official product images.

B. Respondent

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

6. Discussion and Findings

6.1 Procedural Issue: Language of the Proceeding

The language of the Registration Agreements for the disputed domain names is Chinese. Pursuant to the Rules, paragraph 11(a), in the absence of an agreement between the Parties, or unless specified otherwise in the registration agreement, the language of the administrative proceeding shall be the language of the registration agreement, subject to the authority of the Panel to determine otherwise, having regard to the circumstances of the administrative proceeding.

The Complaint and amended Complaint were filed in English. The Complainant requested that the language of the proceeding be English for several reasons, including that the disputed domain names are in Latin script, three of the associated online stores are entirely in English; the Complainant has no knowledge of Chinese and translation of the Complaint would impose a costly burden on it and unduly delay the proceeding.

Despite the Center having sent an email regarding the language of the proceeding, and the notification of the Complaint, in both Chinese and English, the Respondent did not comment on the language of the proceeding or indicate any interest in otherwise participating in this proceeding.

In exercising its discretion to use a language other than that of the registration agreement, the Panel has to exercise such discretion judicially in the spirit of fairness and justice to both parties, taking into account all relevant circumstances of the case, including matters such as the parties' ability to understand and use the proposed language, time and costs. See WIPO Overview of WIPO Panel Views on Select UDRP Questions ("[WIPO Overview 3.1](#)"), section 4.5.1.

Having considered all the matters above, the Panel determines under paragraph 11(a) of the Rules that the language of the proceeding shall be English. The Panel would have accepted a Response in Chinese, but none was filed.

6.2 Substantive Issues

Paragraph 4(a) of the Policy provides that the Complainant must prove each of the following elements with respect to each disputed domain name:

(i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and

- (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) the disputed domain name has been registered and is being used in bad faith.

The burden of proof of each element is borne by the Complainant.

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. See [WIPO Overview 3.1](#), section 1.7.

The Complainant has shown rights in respect of a ZYN trademark for the purposes of the Policy. See [WIPO Overview 3.1](#), section 1.2.1.

The disputed domain names all incorporate the ZYN mark as their respective initial elements. Despite the addition of other words, (variously, "flavor", "flavours", "shop", "store" and "online"), geographic references ("br" for Brazil, "de" for Germany, and "pt" for Portugal), other letters ("ns"), or a combination of the above, the ZYN mark remains clearly recognizable in all the disputed domain names. The only other element in each disputed domain name is a generic Top-Level Domain ("gTLD") extension (".com") which, as a standard requirement of domain name registration, may be disregarded in the assessment of confusing similarity for the purposes of the Policy. Accordingly, the Panel finds the disputed domain names confusingly similar to the ZYN mark. See [WIPO Overview 3.1](#), sections 1.7, 1.8, and 1.11.1.

Therefore, 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. See [WIPO Overview 3.1](#), section 2.1.

In the present case, the disputed domain names all incorporate the ZYN mark as their respective initial elements. Three other disputed domain names (<zynflavorshop.com>, <zynflavorstore.com>, and <zynflavours.com>) combine the mark with a word or words that refer to a characteristic of the Complainant's nicotine pouches ("flavor" or "flavours") and, in the former two, a general commercial term ("shop" or "store"), all of which tends to suggest sponsorship or endorsement by the Complainant as trademark owner. Three other disputed domain names (<zynonlinebr.com>, <zynonlinede.com>, and <zynpt.com>) combine the mark with a geographic term ("br" for Brazil, "de" for Germany, or "pt" for Portugal) and, in the former two, a term with an inherent Internet connotation ("online"), all of which tends to suggest sponsorship or endorsement by the Complainant as trademark owner with respect to the referenced geographic markets. However, the Complainant submits that it has not licensed or permitted the Respondent to use its trademark and that the Respondent is not an authorized distributor or reseller of its ZYN nicotine pouches. The other disputed domain name (<zynns.com>) combines a misspelling of the Complainant's mark with a plural suffix. All the disputed domain names resolve to online stores offering for sale not only the Complainant's nicotine pouches but also nicotine pouches of other brands. Further, none of the online stores accurately and

prominently discloses the Respondent's lack of relationship with the Complainant as the trademark holder. In view of these circumstances, the Panel does not consider that the Respondent is using the disputed domain names in connection with a bona fide offering of goods or services for the purposes of the Policy. Nor is the Respondent making a legitimate noncommercial or fair use of the disputed domain names. See [WIPO Overview 3.1](#), sections 2.5.1 and 2.8.1.

The Registrar has verified that the Respondent's name is “谢鑫 (xie xin)”, which does not resemble any of the disputed domain names. Nothing on the record indicates that the Respondent has ever been commonly known by the disputed domain names.

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 names. 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 names such as those enumerated in the Policy or otherwise.

Based on the record, 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 fourth circumstance is as follows:

“(iv) by using the [disputed] domain name, [the respondent has] intentionally attempted 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] web site or location.”

In the present case, the disputed domain names were registered in 2026, years after the registration of the Complainant's ZYN mark. The ZYN mark is a coined term with no apparent meaning. The disputed domain names wholly incorporate that mark, while three of them combine it with a word referring to a characteristic of the Complainant's nicotine pouches (i.e., “flavor” or “flavours”). The disputed domain names resolve to websites offering for sale the Complainant's nicotine pouches, displaying images of those products that show the Complainant's stylized ZYN mark. In view of these circumstances, the Panel finds that the Respondent knew of the Complainant and its ZYN mark at the time when he registered the disputed domain names.

As regards use, the disputed domain names incorporate the ZYN mark as their respective initial elements, and they resolve to websites offering for sale not only the Complainant's ZYN brand nicotine pouches but also nicotine pouches of other brands. Given this circumstance and the other findings in Section 6.2B above, the Panel finds that by using the disputed domain names, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to his website, by creating a likelihood of confusion with the Complainant's ZYN mark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website or of a product on his website, within the terms of paragraph 4(b)(iv) of the Policy.

Therefore, 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 names <zynflavorshop.com>, <zynflavorstore.com>, <zynflavours.com>, <zynns.com>, <zynonlinebr.com>, <zynonlinede.com>, and <zynpt.com> be transferred to the Complainant.

/Matthew Kennedy/

Matthew Kennedy

Sole Panelist

Date: August 19, 2026