

ADMINISTRATIVE PANEL DECISION

Swedish Match North Europe AB, Philip Morris International, Inc. v. jiajia luo
Case No. D2026-3049

1. The Parties

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

The Respondent is jiajia luo, China.

2. The Domain Name and Registrar

The disputed domain name <zynsuns.shop> is registered with GoDaddy.com, LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on July 10, 2026. On July 13, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 13, 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 (Registration Private, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 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 July 17, 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 July 21, 2026. In accordance with the Rules, paragraph 5, the due date for Response was August 10, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on August 11, 2026.

The Center appointed Harini Narayanswamy as the sole panelist in this matter on August 13, 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 part of the Second Complainant and its group of companies. The First Complainant was acquired by the Second Complainant in May 2022 and is in the business of manufacture and selling of smoke free tobacco products like snus and nicotine pouches. The Complainants are collectively referred to in these proceedings as “the Complainant”.

The Complainant’s tobacco products are sold under the trademark ZYN. Among its several trademark registrations for the ZYN mark are:

ZYN (word) mark, international registration No. 1421212, registered on April 18, 2018 under class 34 for, inter alia, tobacco and snuff products.

ZYN (word / device) mark, international registration No 1456681, registered on December 27, 2018 under class 34 for, inter alia, tobacco and snuff products.

ZYN (word) mark, United States registration No. 5061008, registered on October 11, 2016 under class 34 for tobacco derived nicotine pouches.

ZYN (word) mark, European Union registration No. 015272487, registered on July 8, 2016 under class 34 for, inter alia, tobacco and snuff products.

The Respondent is located in Shenzhen province in China as per the records. The disputed domain name was registered by the Respondent on June 3, 2026. At the time of filing the Complaint, the disputed domain name resolved to a website, being used as an online shop purportedly to sell tobacco products. Among the products offered on the website, ZYN products are also displayed for sale. The ZYN products on the Respondent’s site appear similar to the products that are being offered on the Complainant’s official website.

In addition to offering ZYN nicotine pouches, the website also promotes third party products of other brands such as Pablo, Velo and iFox that directly compete with the Complainant’s products. The Respondent’s website also shows information regarding the “Terms of Usage” for the nicotine pouches being offered on the 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.

The Complainant asserts that it is well established in the business of smokeless tobacco in the Nordic region and in the United States. The Complainant further contends that ZYN tobacco products are available in 40 markets across the world and has a considerable international reputation. The Complainant states that ZYN smoke free nicotine pouches were first launched in USA in 2016, and claims to have 76 percent share of the USA market.

The Complainant argues that the disputed domain name is confusingly similar to its mark ZYN. The Complainant states that the word “suns”, in the disputed domain name is possibly a misspelling of “snus”, which is a tobacco product.

The Complainant contends that the evidence collected from the Respondent's TikTok account indicates that the products being offered by the Respondent are counterfeit. Further stating that the Respondent advertises and promotes ZYN purported products in flavours and varieties that are not manufactured, distributed, authorized or licensed by the Complainant, which constitutes evidence of non-genuine counterfeit products.

The Complainant adds that the ZYN trademark is not licensed to the Respondent and the disputed domain name is not being used for noncommercial or fair use, but misleads users. The Complainant argues that the Respondent's use of the mark in the disputed domain name and on the website to purportedly offer third party competing products is not bona fide use, but constitutes unfair targeting of the ZYN mark to obtain commercial gain.

The Complainant further argues that the use of the disputed domain name does not meet the reseller distributor test of bona fide use under the *Okidata Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#), ("Okidata") as the Respondent does not use the website to sell only the trademarked goods, and does not disclose the relationship between the parties. The Complainant refers to *AB Electrolux v. Handi Sofian, Service Electrolux Lampung*, WIPO Case No. [D2016-2416](#), noting that the use of the disputed domain name cannot be termed fair use, if it suggests affiliation with the trademark owner.

The Complainant contends that disputed domain name was registered and is being used in bad faith and the Respondent ought to have known of the ZYN mark. The Complainant argues that ZYN is a unique mark, and is an imaginative term and it is not a coincidence that the Respondent registered and used the disputed domain name with an intention to mislead users. Furthermore, arguing that the Respondent's website started offering ZYN nicotine products soon after it was registered on June 3, 2026, which also shows bad faith.

B. Respondent

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

6. Discussion and Findings

Preliminary Issue: Multiple Complainants and Consolidation.

Multiple complainants can file a single complaint against a respondent when they have a common grievance against one respondent. WIPO Overview of WIPO Panel Views on Select UDRP Questions ("[WIPO Overview 3.1](#)"), section 4.11.1. In the present case, the First Complainant is the owner of the trademark ZYN; the Second Complainant is the parent company of the First Complainant. The Complainants are aggrieved by the Respondent targeting the trademark, and the Respondent's action affects both Complainants.

As the Complainants have a common grievance against the same Respondent, the Panel allows the Complainants to file a single Complaint in these proceedings. It is equitable and procedurally efficient to allow the Complainants to file a single Complaint, and no prejudice is caused to the Respondent.

Turning to the merits of the case, three elements need to be established by the Complainant, in order to obtain the transfer of the disputed domain name under paragraph 4 (a) of the Policy, these are:

- (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 lacks rights or legitimate interests in the disputed domain name; and
- (iii) The disputed domain name was registered and is being used in bad faith by the Respondent.

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 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 with the addition of the term "suns". 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 the term "suns", may bear on assessment of the second and third elements, the Panel finds the addition of such a 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 generic Top-Level Domain ("gTLD") ".shop" does not prevent finding confusing similarity. The gTLD is generally disregarded for purposes of assessing confusing similarity. [WIPO Overview 3.1](#) sections 1.7 and 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.

The Panel finds that the provisions under paragraph 4 (c) of the Policy do not apply to the facts and circumstances of the case. The record shows that the Respondent is not known by the disputed domain name or any similar business name. The disputed domain name, as discussed in the following paragraphs, is not being used in connection with a bona fide offering of goods or services or for any noncommercial use or fair use.

The Complainant has submitted that the evidence collected from the Respondent's TikTok account strongly indicates that the products being offered by the Respondent are counterfeit. Further stating that the Respondent advertises and promotes ZYN purported products in flavours and varieties that are not manufactured by the Complainant which also indicates that the products ought to be counterfeit. The Complainant has submitted that offering of non-genuine products under the ZYN trademark constitutes counterfeiting and demonstrates the Respondent is intentionally seeking to exploit the reputation and goodwill associated with the mark.

The Panel on reviewing the screenshots filed by the Complainant, notes that the Respondent has used the identical ZYN trademark on products purportedly being offered on the website and notes that the products look similar or almost identical to the Complainant's products. The Respondent's website therefore creates a false impression to users that it could be operated by the Complainant or is authorized by the Complainant.

The Complainant has submitted that the Respondent is not authorized, licensed, or otherwise permitted by the Complainant to use the ZYN mark.

The Panel finds the question of bona fide use or noncommercial fair use of the disputed domain name does not arise under the circumstances, for the reasons that (i) the disputed domain name is being used in a classic bait and switch manner, (ii) the use of the mark in the disputed domain name and on the Respondent's website is likely to create confusion among Internet users as to the source, sponsorship, affiliation or endorsement of the website and the products being offered, (iii) the trademark is not licensed or authorized for use to the Respondent, (iv) the Complainant has no business relationship with the Respondent and (v) the unauthorized use of a mark which is the distinctive of the Complainant's business.

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, [WIPO Overview 3.1](#) section 2.13.1. The Panel finds based on the evidence, that the Respondent's use of the disputed domain name under the discussed circumstances is to intentionally target and commercially exploit the ZYN mark by attracting Internet traffic to the website linked to the disputed domain name. The Respondent's website also promotes products that directly compete with the Complainant's products. These facts and circumstances are not indicative of rights or legitimate interests in the disputed domain name.

With regard to the Complainant's submissions that the Oki Data factors for fair use of the mark does not apply to the fact and the circumstances in this case, the Panel agrees that evidence on record shows that the Respondent does not use the website to sell only the trademarked goods, and does not disclose the relationship between the Parties. Furthermore, the disputed domain name is being used in a "bait and switch" manner. For the reasons discussed, the Panel notes that the Respondent has registered the disputed domain name to take advantage of the confusion arising due to the Complainant's mark, therefore the use of the disputed domain name does not represent a bona fide offering of goods or services under the fair use factors enumerated in Oki Data.

The Panel finds that a prima facie case has been made 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 finds for the reasons discussed under this and the preceding section, that the Respondent's registration and use of the disputed domain name is in bad faith. The evidence on record shows that the disputed domain name resolves to a website that displays the Complainant's trademark and purportedly offers products that appear to be similar to the Complainant's products. Based on the evidence, the Panel finds that the circumstances indicate that the Respondent has intentionally attempted to attract Internet traffic to its website for commercial gain by creating a likelihood of confusion with the Complainant's mark, [WIPO Overview 3.1](#), section 3.1.4.

The evidence on record shows that the Respondent ought to have known of the use of the Complainant's rights in the ZYN mark for smokeless tobacco products for the reasons that (i) the Respondent's website offers tobacco products using the ZYN mark and also offers products directly competing with the

Complainant's products, (ii) The composition of the disputed domain name, which incorporates the ZYN mark with the term "suns" is also likely to generate confusion, as alleged by the Complainant, "suns" is a likely misspelling of "snus", a tobacco product, (iii) The disputed domain name was registered much after the Complainant's mark had become distinctive, (iv) The Complainant's mark is not a descriptive term, but is a unique coined mark that refers to the Complainant's products.

Panels have held that the use of a domain name for impersonation constitutes bad faith. [WIPO Overview 3.1](#), section 3.4. 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 manner of use of the mark on the website displaying similar products in the same area of business as the Complainant is clear evidence of the Respondent's targeting the mark with intention to attract for commercial gain Internet users by creating a like hood of confusion with the Complainant's mark and constitutes bad faith under paragraph 4(b)(iv) of the Policy. Furthermore, given the circumstances, the Respondent's use of a privacy service to suppress identity, under the circumstances is also a reason to find bad faith conduct.

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 <zynsuns.shop> be transferred to the first Complainant.

/Harini Narayanswamy/

Harini Narayanswamy

Sole Panelist

Date: August 27, 2026