Decision for dispute CAC-UDRP-107505

Case number	CAC-UDRP-107505
Time of filing	2025-04-28 09:54:30
Domain names	chewy-outlet.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	Chewy, Inc.

Complainant representative

Organization	RODENBAUGH LAW LLC

Respondent

Name	Bopan Zack

OTHER LEGAL PROCEEDINGS

The Panel is not aware of any other legal proceedings which are pending or decided and which relate to the disputed domain name <chewy-outlet.com>.

IDENTIFICATION OF RIGHTS

The Complainant, Chewy, Inc., has provided evidence of its ownership of registered trademark rights in the CHEWY mark in multiple jurisdictions. These include registrations in the United States, the European Union, and Australia. Notable among them are:

- U.S. Reg. No. 4,346,308 for CHEWY.COM (registered June 4, 2013);
- U.S. Reg. No. 5,028,009 for CHEWY (registered August 23, 2016);
- EU Reg. No. 016605834 for CHEWY (registered August 10, 2017); and
- AU Reg. No. 2060121 for CHEWY (registered August 10, 2020).

The Complainant has used the CHEWY mark in commerce since at least 2012 in connection with online retail services relating to pet products.

FACTUAL BACKGROUND

The Complainant, Chewy, Inc., is a well-known online retailer providing pet-related goods and services through its main website at <chewy.com>. The CHEWY brand has become highly recognized in the United States and internationally. The Complainant uses the CHEWY mark in connection with the sale of pet food, supplies, and wellness products.

On March 31, 2025, the disputed domain name <chewy-outlet.com> was registered through the Dynadot registrar. The disputed domain name incorporates the CHEWY mark in its entirety, adding only the descriptive term “outlet.”

The disputed domain name resolves to a website that imitates the Complainant’s branding, including unauthorized use of the CHEWY name and logo, and promotes products purporting to originate from the Complainant. The Respondent has also used related Facebook advertising to attract Internet users. The Complainant states that it has no affiliation with the Respondent and has not authorized the use of its marks or branding.

PARTIES CONTENTIONS

COMPLAINANT:

1. The disputed domain name is confusingly similar to the protected mark

The Complainant asserts that the disputed domain name <chewy-outlet.com> is confusingly similar to its CHEWY trademark. It argues that the disputed domain name incorporates the CHEWY mark in its entirety, with the only difference being the addition of the generic term “outlet” and the ".com" top-level domain.

Relying on established UDRP precedent, the Complainant submits that the use of a trademark in its entirety within a domain name is sufficient to establish confusing similarity. The Complainant further contends that the addition of a descriptive term such as “outlet” and the inclusion of the top-level domain does not eliminate the likelihood of confusion, nor does it prevent a finding of confusing similarity under the Policy.

Accordingly, the Complainant maintains that it has satisfied the first element of paragraph 4(a)(i) of the Policy.

2. Respondent does not have any rights or legitimate interest in the disputed domain name

The Complainant asserts that the Respondent has no rights or legitimate interests in the disputed domain name <chewy-outlet.com>. The Complainant states that it has never authorized the Respondent to use the CHEWY trademark, and there is no affiliation or relationship between the parties. The Respondent is not commonly known by the disputed domain name, nor is there any evidence of legitimate use.

The Complainant argues that the Respondent registered the disputed domain name long after the CHEWY trademark became well known and has used it to operate an imitative website that misrepresents itself as an official Chewy outlet. The site uses the CHEWY mark and logo without authorization and offers similar goods and services, while related Facebook advertisements reinforce the false impression of affiliation. The Complainant submits that this use is misleading and commercially exploitative and does not constitute a bona fide offering of goods or services or a legitimate non-commercial or fair use under the Policy.

Citing the WIPO Overview and relevant precedent, the Complainant contends that the Respondent’s conduct amounts to impersonation, which cannot give rise to any rights or legitimate interests. In the absence of any evidence to the contrary, the Complainant maintains that it has satisfied the second element of paragraph 4(a)(ii) of the Policy.

3. The disputed domain name has been registered and is being used in bad faith

The Complainant contends that the disputed domain name <chewy-outlet.com> was registered and is being used in bad faith. It asserts that the Respondent is using the disputed domain name and related Facebook advertising to direct Internet users to a website that imitates the Complainant’s official site and offers similar pet products and services under the CHEWY mark. The Complainant argues that such conduct constitutes disruption of its business and unfairly trades on the goodwill associated with its CHEWY trademark, thereby falling within paragraph 4(b)(iii) of the Policy.

In addition, the Complainant maintains that the Respondent has intentionally attempted to attract users for commercial gain by creating a likelihood of confusion as to the source, sponsorship, affiliation, or endorsement of the website to which the disputed domain name resolves, in violation of paragraph 4(b)(iv) of the Policy. The Complainant emphasizes that the website mimics the appearance and branding of its own, uses the CHEWY name and logo without authorization, and presents itself falsely as a Chewy outlet.

The Complainant further asserts that its CHEWY mark is widely known and distinctive, and that the Respondent could not plausibly have been unaware of the Complainant’s rights. The disputed domain name is only valuable due to its association with the CHEWY brand, and there is no evidence of any good faith use.

Accordingly, the Complainant submits that the Respondent registered and is using the disputed domain name in bad faith and has satisfied the third element of paragraph 4(a)(iii) of the Policy.

Therefore, the Complainant contends that the requirements of the Policy have been met and that the disputed domain name should be transferred to it.

RESPONDENT:

NO ADMINISTRATIVELY COMPLIANT RESPONSE HAS BEEN FILED.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights (within the meaning of paragraph 4(a)(i) of the Policy).

NO RIGHTS OR LEGITIMATE INTERESTS

The Complainant has, to the satisfaction of the Panel, shown the Respondent to have no rights or legitimate interests in respect of the disputed domain name (within the meaning of paragraph 4(a)(ii) of the Policy).

BAD FAITH

The Complainant has, to the satisfaction of the Panel, shown the disputed domain name has been registered and is being used in bad faith (within the meaning of paragraph 4(a)(iii) of the Policy).

PROCEDURAL FACTORS

The Panel is satisfied that all procedural requirements under UDRP were met and there is no other reason why it would be inappropriate to provide a decision.

PRINCIPAL REASONS FOR THE DECISION

The UNIFORM DOMAIN NAME DISPUTE RESOLUTION POLICY of the Internet Corporation for Assigned Names and Numbers (ICANN) (the “Policy”) provides that a complainant must prove each of the following to obtain transfer or cancellation of a domain name:

1. that respondent’s domain name is identical or confusingly similar to a trademark or service mark in which complainant has rights; and

2. that respondent has no rights or legitimate interests in respect of the domain name; and

3. the domain name has been registered and is being used in bad faith.

1) The disputed domain name is confusingly similar to a trademark in which the Complainant has rights (Para.4(a)(i) of the Policy).

The Complainant has submitted evidence of its ownership of multiple registered trademarks for the term “CHEWY” in the United States and other jurisdictions. The Panel accepts that the Complainant has established rights in the CHEWY trademark for the purposes of the Policy.

The disputed domain name <chewy-outlet.com> incorporates the CHEWY mark in its entirety. The addition of the generic term “outlet” and the hyphen does not prevent a finding of confusing similarity. On the contrary, the term “outlet” may even increase the likelihood of confusion by suggesting an official retail outlet or clearance branch associated with the Complainant.

According to section 1.8 of the WIPO Overview 3.0, “where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element.” The CHEWY mark remains clearly recognizable within the disputed domain name and is the dominant element.

The addition of the generic top-level domain “.com” is generally disregarded for the purpose of comparing the disputed domain name to the trademark.

In conclusion, the Panel finds that the disputed domain name <chewy-outlet.com> is confusingly similar to a trademark in which the

Complainant has rights, within the meaning of paragraph 4(a)(i) of the Policy.

2) The Respondent lacks rights or legitimate interests in the disputed domain name (Para. 4(a)(ii) of the Policy).

Under paragraph 4(a)(ii) of the Policy, the Complainant is required to establish a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. Once such a prima facie case is made, the burden of production shifts to the Respondent to demonstrate rights or legitimate interests in the domain name (see WIPO Overview 3.0, section 2.1).

In this case, the Complainant asserts that it has not licensed or otherwise authorized the Respondent to use the CHEWY trademark, nor to register a domain name incorporating it. There is no evidence that the Respondent is commonly known by the disputed domain name <chewy-outlet.com>, or that the Respondent has used the disputed domain name for a bona fide offering of goods or services or for a legitimate non-commercial purpose.

To the contrary, the Complainant has presented evidence showing that the Respondent has used the disputed domain name in connection with a website that mimics the appearance and branding of the Complainant's official website, offering goods under the CHEWY name and logo without authorization. Such use is clearly misleading and does not constitute a legitimate or fair use under the Policy.

The Respondent has not filed a Response and has therefore failed to rebut the Complainant's prima facie case or provide any evidence of rights or legitimate interests.

Accordingly, the Panel finds that the Complainant has satisfied the second element of paragraph 4(a)(ii) of the Policy.

3) The disputed domain name has been registered and is being used in bad faith (Paragraph 4(a)(iii) of the Policy).

The Panel finds that the Complainant's CHEWY trademark is distinctive and widely known, particularly in the field of online retail for pet products and services. The disputed domain name <chewy-outlet.com> incorporates the CHEWY mark in its entirety, combined with the generic term "outlet," which suggests an official or affiliated clearance site. Given the reputation of the CHEWY mark, the Panel considers it more likely than not that the Respondent was aware of the Complainant's rights at the time of registration.

The Complainant has submitted uncontested evidence that the disputed domain name resolves to a website that imitates the Complainant's official site, using its name and logo without authorization and purporting to offer similar goods and services. The disputed domain name is further promoted through Facebook advertisements that reinforce a false association with the Complainant. The Panel finds that the Respondent's conduct is intended to mislead consumers and divert traffic for commercial gain, by creating a likelihood of confusion with the Complainant's trademark.

This conduct falls within the circumstances of bad faith outlined in paragraph 4(b)(iv) of the Policy: intentionally attempting to attract, for commercial gain, Internet users to a website by creating confusion as to the source, sponsorship, affiliation, or endorsement of the website.

The Complainant also argues that the Respondent's use of the disputed domain name is disruptive to its business under paragraph 4(b)(iii) of the Policy. Given that the website directly targets the Complainant's customers and offers competing goods, the Panel accepts this contention.

There is no evidence before the Panel of any conceivable good faith use of the disputed domain name. The Respondent has not filed a Response or otherwise provided any explanation for its conduct. In these circumstances, and in light of the totality of the evidence, the Panel concludes that the disputed domain name was registered and is being used in bad faith.

Accordingly, the Complainant has satisfied the requirements of paragraph 4(a)(iii) of the Policy.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

AND THE DISPUTED DOMAIN NAME(S) IS (ARE) TO BE

1. **chewy-outlet.com**: Transferred

PANELLISTS

Name	**Barbora Donathová**

DATE OF PANEL DECISION 2025-05-29

Publish the Decision