Decision for dispute CAC-UDRP-107615

Case number	CAC-UDRP-107615
Time of filing	2025-05-29 10:22:27
Domain names	chewypet.org

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	Chewy, Inc.

Complainant representative

Organization	RODENBAUGH LAW LLC

Respondent

Name	Arsenio Gonzalez

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 (the "Domain Name").

IDENTIFICATION OF RIGHTS

The Complainant is the owner of various registered trade marks around the world that comprise or incorporate the term CHEWY.

These include:

(i) United States trade mark no. 4,346,308 with a filing date of 1 October 2012 and a registration date of 4 June 2013 for CHEWY.COM as a standard character mark in class 35 with a first use in commerce date of 1 September 2012;

(ii) United States trade mark no. 5,028,009 with a filing date of 15 April 2015 and a registration date of 23 August 2016 for CHEWY as a standard character mark in class 35 with a first use in commerce date of 24 May 2016; and

(iii) European Union trade mark no. 016605834 with a filing date of 12 April 2017 and a registration date of 10 August 2017 for CHEWY as a word mark in class 35.

FACTUAL BACKGROUND

FACTS ASSERTED BY THE COMPLAINANT OR APPARENT FROM MATERIALS ACCOMPANYING THE COMPLAINT AND NOT

CONTESTED BY THE RESPONDENT

The Complainant provides pet supplies and pet wellness-related services through its online retail store, including pet food, treats, supplies, and veterinary pharmaceutical products and services.

The Complainant was founded in 2011. By 2023, Chewy was ranked #362 in the Fortune 500 list of the world's most important companies. In 2024, Chewy was added to the Standard & Poor's MidCap 500 list of most valuable midcap stocks. That year, the Complainant generated almost $12 billion in net sales.

The Complainant also provides pet supplies and pet wellness-related services through a website operating from its <chewy.com> domain name, which makes substantial use of its CHEWY trade mark.

The Complainant has previously been successful in a number of UDRP or other domain name decisions in which the extent of the reputation of the Complainant's marks have been recognised. These include Chewy, Inc. v. david almarin, WIPO Case No. D2022-3808, Chewy Inc. v. Rostislav Karyi / Ростислав Карый, WIPO Case No. DUA2020-0007, and Chewy, Inc. v. Li Hou Chang, WIPO Case No. D2019-1845

On 22 May 2025, the Respondent registered the Domain Name. Registrant verification information provided by the Registrar, shows that the Respondent purports to be an individual in the United States.

The Domain Name currently resolves to a webpage with a header that suggests it has been generated by tools provided by the Registrar. The page appearing under that header is branded as CHEWY PET, and prominently displays a photograph of what appears to be a person in a wheelchair accompanied by a dog on a lead proceeding down the aisle of a supermarket. Below that picture are the words "Contact Us" and a form that invites the internet user to provide a name, e-mail and message and providing a tick box with the words "Sign up for our email list for updates, promotions, and more". At the bottom of that page in small text are the words "Copyright © Chewy Pet – All Rights Reserved".

PARTIES CONTENTIONS

The Complainant contends that the requirements of the Policy have been met and that the Domain Name should be transferred to it.

No administratively compliant Response has been filed.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown the 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 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 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 Complainant has demonstrated that it has registered trade mark rights in the term CHEWY, and that the Domain Name can

most sensibly be read as that term combined with the word “Pet” and the ".org" gTLD. Accordingly, the Complainant’s trade mark is clearly recognisable in the Domain Name. This is sufficient for a finding of confusing similarity under the Policy (see section 1.7 of the WIPO Overview 3.0). The Complainant has, therefore, satisfied the requirements of paragraph 4(a)(i) of the Policy.

The Panel is also satisfied that the Domain Name has been deliberately registered and held with the intention of drawing internet users to the web page operating from the Domain Name, because of its association and confusion with the Complainant’s marks and with the intent to take unfair advantage of that association. It is not credible that the Domain Name, which incorporates the Complainant’s mark and a word descriptive of the animals in relation to which the Complainant’s customers use the Complainant’s products and services, was chosen for any reason other than that association given the size of the Complainant’s business and the professed location of the Respondent. This is particularly so given that the webpage operating from the Domain Name is clearly designed to suggest that the operator of that page is in the same of similar business to that of the Complainant.

The webpage also does not clearly indicate who or what entity is operating it, and as a consequence the Panel is satisfied that a significant proportion of internet users arriving at that webpage are likely to believe that it is operated by the Complainant when it is not. The Panel also accepts the Complainant’s contention that the webpage is being used to obtain personal information from persons through a contact form who are so mistaken.

There is no right or legitimate interest in operating a webpage that is designed to confuse internet users into believing that they have visited the website of an unrelated trade mark owner when they have not, and such activity is itself positive evidence of a lack of such right or interests. Further such activity falls within the circumstances evidencing bad faith registration and use set out in paragraph 4(b)(iv) of the Policy.

The Complainant has, therefore, satisfied the requirements of paragraphs 4(a)(ii) and (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. **chewypet.org**: Transferred

PANELLISTS

Name	**Matthew Harris**

DATE OF PANEL DECISION 2025-07-02

Publish the Decision