Decision for dispute CAC-UDRP-107614

Case number	CAC-UDRP-107614
Time of filing	2025-05-29 10:22:35
Domain names	chewypetsale.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	Chewy, Inc.

Complainant representative

Organization	RODENBAUGH LAW LLC

Respondent

Name	Anne Dudley

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.

IDENTIFICATION OF RIGHTS

The Complainant is the owner of a portfolio of trademarks containing or consisting of the term "chewy", registered in many jurisdictions worldwide, including in the United States of America (hereinafter the "US"), as follows:

- CHEWY, US registration No. 5,834,442, registered on August 13, 2019 and claiming first use in commerce of February 7, 2018, covering services in class 35;

- CHEWY, US registration No. 5,028,009, registered on August 23, 2016, and claiming first use in commerce of May 24, 2016, covering services in class 35.

The Complainant is also the owner of the domain name <chewy.com>, which resolves to its main website.

FACTUAL BACKGROUND

The Complainant was founded in 2011 as a customer-service focused online retailer for pet supplies and offers pet wellness-related services. The Complainant operates one of the largest online retail stores in the US. It provides pet supplies and pet wellness-related services through its online retail store, including pet food, treats, supplies, and veterinary pharmaceutical products and services. In 2023 the Complainant was ranked #362 in the Fortune list of the world’s most important companies. In 2024, it was added to the

Standard & Poors MidCap 500 list of most valuable midcap stocks. In 2025, the Complainant earned almost $12 billion in net sales, a 6% increase over the previous year.

The disputed domain name was registered on May 12, 2025, allegedly in the name of an individual living in the US. When the Complaint was filed, the disputed domain name resolved to a website offering pet products in direct competition with the Complainant's products.

PARTIES CONTENTIONS

COMPLAINANT:

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

No administratively compliant Response has been filed.

In particular, the Complainant contends that the disputed domain name is confusingly similar to the Complainant's CHEWY mark, as it incorporates it entirely, followed only by descriptive words "pet sale", which is insufficient to escape a finding of confusing similarity.

The Complainant further maintains that the Respondent lacks rights or legitimate interests in the disputed domain name; the disputed domain name does not reflect the Respondent's common name. The Respondent is not a licensee of the Complainant and is not authorized to use the CHEWY mark or the disputed domain name. The disputed domain name resolves to an imitative website offering goods and services competitive to those offered by the Complainant. Such use is not a bona fide use, nor a legitimate noncommercial or fair use of the disputed domain name. Indeed, the Respondent cannot make any claim to be a reseller with a right or legitimate interest in the disputed domain name, for the Respondent does not accurately disclose the lack of a relationship or affiliation with the Complainant. Instead, the Respondent offers only a directly competitive retail website offering the same pet products and services as those offered by the Complainant under the CHEWY mark. The Respondent is therefore capitalizing on the reputation and goodwill inherent in the Complainant's CHEWY mark.

Lastly, the Complainant maintains that the Respondent registered and is using the disputed domain name in bad faith. Given the extensive reputation of the CHEWY mark and the way the disputed domain name is used, it is inconceivable that the Respondent registered the disputed domain name without being unaware of the existence of the Complainant and of its mark. Rather, the Respondent, intentionally registered the disputed domain name to direct Internet users to an imitation website claiming to offer pet goods and services for sale, thus unfairly trading on
the goodwill associated with Complainant's mark. The Respondent is disrupting the Complainant's business by using the disputed domain name to divert business and prospective business away from the Complainant, which is evidence of bad faith. Accordingly, the disputed domain name has been intentionally registered and used to attract Internet users for commercial gain by creating a likelihood of confusion with the CHEWY
Marks. There is no evidence of any other conceivable good faith use. The fact that the Respondent was already the respondent in another UDRP dispute involving a third party's well-known mark, which ended with the transfer of the registered domain name to the complainant is a further element supporting the Respondent's bad faith.

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

I. Confusing similarity

The Panel finds that the disputed domain name is confusingly similar to the Complainant's CHEWY mark. The disputed domain name incorporates the Complainant's mark entirely, followed by the words "pet sale", which are descriptive.

The Panel finds that the Complainant's mark is well recognizable within the disputed domain name. 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 nature of such additional term(s) may however bear on the assessment of the second and third elements. Section 1.8 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, the "WIPO Overview 3.0".

In light of the above, the Panel finds that the Complainant has satisfied the first requirement under the Policy.

II. Lack of Rights and Legitimate Interests

As also confirmed by the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("WIPO Overview 3.0"), a complainant is required to make out a prima facie case that the respondent lacks rights or legitimate interests. Once such a prima facie case is made, the burden of production shifts to the respondent to come forward with appropriate allegations or evidence demonstrating rights or legitimate interests in the domain name. If the respondent fails to come forward with such appropriate allegations or evidence, a complainant is generally deemed to have satisfied paragraph 4(a)(ii) of the UDRP.

Based on the available evidence, the Respondent does not appear to be known by the disputed domain name. The Respondent is not a licensee of, nor has any kind of relationship with, the Complainant. The Complainant never authorised the Respondent to make use of its trademark in the disputed domain name.

The Respondent has been using the disputed domain name to resolve to a website advertising products and services in competition with those of the Complainant. Using a domain name to host a commercial website that advertises goods and services in direct competition with the trademark owner does not amount to a bona fide offering of goods or services, nor to a fair use of the domain name. Accordingly, the Respondent's use of the disputed domain name does not give rise to rights or legitimate interests.

In light of the foregoing, the Panel finds that the Complainant has made a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The burden of proof now shifts to the Respondent to provide solid arguments and evidence in support of its rights and legitimate interests in the disputed domain name. However, the Respondent preferred not to file a Response.

Accordingly, the Panel finds that the second condition of the Policy is also met.

III. Bad Faith

The Panel is of the opinion that the Respondent was aware of the Complainant's mark when it registered the disputed domain name. Indeed, not only does the disputed domain name reproduces the Complainant's mark entirely, but it also contains the words "pet sale", which make direct reference to the Complainant's activity. Furthermore, the disputed domain name resolves to a website that advertises goods and services in direct competition with those of the Complainant. Lastly, according to the case file, the Respondent is located in the US, which is the country where the Complainant operates. It is therefore more likely than not that the Respondent was aware of the Complainant and of its CHEWY mark when it registered the disputed domain name and that the Respondent registered the disputed domain name to trade off the goodwill associated with the Complainant's mark. Accordingly, the Panel finds that the Respondent registered the disputed domain name in bad faith.

With respect to use in bad faith, the Panel notes that through the disputed domain name the Respondent is trying to divert the Complainant's potential consumers to the Respondent's website to its own economic advantage. The disputed domain name resolves to a misleading website, offering goods and services in direct competition with those offered by the Complainant through its CHEWY mark. The Respondent is certainly earning revenues from such illegitimate use. Accordingly, the Panel finds that by using the disputed domain name, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its web site, by creating a likelihood of confusion with the Complainant's mark.

In light of the foregoing, the Panel concludes that the third and last requirement under the Policy is met.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

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Accepted

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

1. **chewypetsale.com**: Transferred

PANELLISTS

Name	**Angelica Lodigiani**

DATE OF PANEL DECISION 2025-07-17

Publish the Decision