Decision for dispute CAC-UDRP-107703

Case number	CAC-UDRP-107703
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Domain names	chewyshoponline.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	Chewy, Inc.

Complainant representative

Organization	RODENBAUGH LAW LLC

Respondent

Organization	La Bar

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 has provided evidence of its ownership of registered trademark rights in the CHEWY trademark in multiple jurisdictions, including the United States, the European Union and Australia. Such registrations include the following:

CHEWY.COM (U.S. Reg. 4,346,308) in Class 35, registered on June 4, 2013;

CHEWY (U.S. Reg. 5,028,009) in Class 35, registered on August 23, 2016;

CHEWY (U.S. Reg. 5,834,442) in Class 35, registered on August 13, 2019;

CHEWY (U.S. Reg. 6,788,620) in Class 9, registered on July 12, 2022;

CHEWY (EU Reg. 016605834) in Class 35, registered on August 10, 2017;

CHEWY (AU Reg. 2060121) in Class 35, registered on January 2, 2020.

The Complainant has used its trademarks in commerce since 2012.

The Complainant is also the owner of the domain name <chewy.com>.

The registration dates of the trademarks predate the registration date of the disputed domain name of May 14, 2025.

FACTUAL BACKGROUND

A. Complainant's Factual Allegations

The Complainant operates one of the largest online retail stores, providing pet supplies and pet wellness-related services through its online retail store. It was founded in 2011 as a customer-service focused online retailer for pet supplies. By 2023, it was ranked #362 in the Fortune 500 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. That year, it earned almost $12 billion in net sales.

B. Respondent's Factual Allegations

The Respondent has defaulted in this UDRP administrative proceeding and has consequently made no factual allegations. The Respondent is La Bar, based at the address of Corvallis, Oregon 97330, United States. The disputed domain name was registered on May 14, 2025 by the Respondent, as confirmed by the Registrar. At the time of filing of the Complaint, the disputed domain name resolved to a website offering goods and services under CHEWY trademark.

PARTIES CONTENTIONS

A. COMPLAINANT

The Complainant's contentions can be summarized as follows:

I. The disputed domain name is identical or confusingly similar to a trade mark in which the Complainant has rights

The Complainant contends that it is the owner of the registered trademark CHEWY in many jurisdictions throughout the world, including the United States, the European Union and Australia. The disputed domain name contains its well-known trademark CHEWY in its entirety, adding only the generic words "shoponline", which is sufficient to find that confusing similarity between the disputed domain name and CHEWY trademark. The Complainant cited WIPO Jurisprudential Overview 3.0, paragraph 1.7 and 1.8 to support its contention.

II. The Respondent has no rights or legitimate interests in respect of the disputed domain name

The Complainant contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name on the grounds: i) the Respondent is not a licensee of the Complainant and is not authorized to use the CHEWY trademark in any manner; ii) the disputed domain name was registered long after the Complainant registered the CHEWY trademark and established extensive goodwill; iii) the disputed domain name does not reflect the Respondent's common name; iv) the Respondent did not submit any evidence to demonstrate its rights or legitimate interests in the disputed domain name.

III. The Respondent registered and is using the disputed domain name in bad faith

The Complainant submits that the Respondent registered and is using the disputed domain name in bad faith on the grounds:

- The Respondent is using the disputed domain name to direct Internet users to an imitative website purporting to offer pet products and related services, thus unfairly trading on the goodwill associated with Complainant's CHEWY trademark. Accordingly, the Respondent is disrupting the Complainant's business by diverting business and prospective business away from the Complainant, which constitutes bad faith under paragraph 4(b)(iii) of the Policy;
- The Respondent's registration and use of the disputed domain name also constitutes bad faith under paragraph 4(b)(iv) of the Policy. The Respondent has intentionally attracted Internet users for commercial gain, offering pet products and related services through its competing imitative website, creating a likelihood of confusion with the Complainant's CHEWY trademark as to the source, sponsorship, affiliation, or endorsement of the disputed domain name;
- The Complainant's rights in the CHEWY trademark are so well established, and its CHEWY brand has achieved a level of recognition and fame such that the Respondent has no colorable argument that it is unaware of this brand. The disputed domain name is only valuable because of its association with the CHEWY brand.

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

B. RESPONDEENT

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

Paragraph 4(a) of the Policy provides that in order to be entitled to a transfer of the disputed domain name, the Complainant shall prove the following three elements:

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

(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.

Based on the above regulations under the Policy, what the Panel needs to do is to find out whether each and all of the above-mentioned elements are established. If all three elements are established, the Panel will make a decision in favor of the Complainant. If the three elements are not established, the claims by the Complainant shall be rejected.

The Respondent did not submit the Response containing any argument against what the Complainant claimed and to show his intention to retain the disputed domain name as required by the Policy and the Rules. If the Respondent does not submit a response, in the absence of exceptional circumstances, the Panel shall decide the dispute based upon the complaint. In view of the situation, the Panel cannot but make the decision based primarily upon the contentions and the accompanying exhibits by the Complainant, except otherwise there is an exhibit proving to the contrary.

I. Identity or Confusing Similarity

Pursuant to Paragraph 4(a)(i) of the Policy, the Complainant must prove that the disputed domain name is identical with or confusingly similar to a trademark or service mark in which it has rights.

A. The Complainant has rights in a trademark or service mark

The Complainant has provided evidence of ownership of registered trademark rights in the CHEWY trademark, which was registered in the United States in 2016, 2019 and 2022, in European Union in 2017 and Australia in 2020, covering the classe 9 and the class 35. The trademarks are still valid and their registration dates predate the registration date of the disputed domain name, i.e. May 14, 2025. The Complainant therefore has rights in the CHEWY trademark.

B. The disputed domain name should be identical or confusingly similar to the trademark or service mark

The disputed domain name contains the Complainant's CHEWY trademark in its entirety, adding the generic words “shoponline”. Numerous UDRP Panel decisions have established that the addition of words or letters to a mark used in a domain name does not alter the fact that the domain name is confusingly similar to the mark. WIPO Jurisprudential Overview 3.0, paragraph 1.8 mentions: “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”.

Paragraph 1.7 mentions: “In cases where a domain name incorporates the entirety of a trademark, or where at least a dominant feature of the relevant mark is recognizable in the domain name, the domain name will normally be considered confusingly similar to that mark for purposes of UDRP standing”. Furthermore, the Complainant operates one of the largest online retail stores and the addition of the generic term “shoponline” may even increase the likelihood of confusion by suggesting an official online retail store

or clearance branch associated with the Complainant.

As to the generic Top Level Domain ".com", it is viewed as a standard registration requirement and as such can be disregarded for the purpose of assessing identity or confusing similarity. See WIPO Jurisprudential Overview 3.0, paragraph 1.11.1.

Therefore, the Panel finds that the disputed domain name is confusingly similar to a trademark in which the Complainant has rights according to paragraph 4(a)(i) of the Policy. Accordingly, the Complainant has proven that the first element required by paragraph 4(a) of the Policy is established.

II. Rights or Legitimate Interests of the Respondent

The Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain name on the grounds: i) the Respondent is not a licensee of the Complainant and is not authorized to use the CHEWY trademark in any manner; ii) the disputed domain name was registered long after the Complainant registered the CHEWY trademark and established extensive goodwill; iii) the disputed domain name does not reflect the Respondent's common name. It is not commonly known by the disputed domain name; iv) the Respondent did not submit any evidence to demonstrate its rights or legitimate interests in the disputed domain name.

Once the 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 disputed domain name. If the Respondent fails to come forward with such relevant evidence, the Complainant is deemed to have satisfied the second element. See WIPO Jurisprudential Overview 3.0, paragraph 2.1.

Paragraph 4(c) of the Policy lists a number of circumstances which can be taken to demonstrate a respondent's rights or legitimate interests in a domain name. However, the Respondent has failed to meet that burden. The Respondent did not submit any evidence to demonstrate any of the above circumstances.

Therefore, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name. Accordingly, the Complainant has proven that the second element required by paragraph 4(a) of the Policy is established.

III. Bad Faith

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

A. The disputed domain name has been registered in bad faith

The Panel finds that the Respondent had knowledge of the Complainant's trademark at the time of registration of the disputed domain name, considering the following circumstances:

WIPO Jurisprudential Overview 3.0, paragraph 3.2.2 mentions that noting the near instantaneous and global reach of the Internet and search engines, and particularly in circumstances where the complainant's mark is widely known (including in its sector) or highly specific and a respondent cannot credibly claim to have been unaware of the mark (particularly in the case of domainers), panels have been prepared to infer that the respondent knew, or have found that the respondent should have known, that its registration would be identical or confusingly similar to a complainant's mark. The Panel believes that before registration of the disputed domain name, the Respondent had made searches for the wording CHEWY and known it is the trademark of the Complainant.

The Complainant claims that CHEWY trademark is well known as determined in several prior UDRP decisions. The Respondent had knowledge of the Complainant's trademarks.

The disputed domain name currently resolves to the Respondent's website, an imitative website offering pet products and services under the CHEWY trademark, which reflects its intention to create an association with the Complainant and likelihood of confusion with the Complainant and its CHEWY trademark. This suggests that the Respondent had knowledge of the Complainant's CHEWY trademark.

In view of the above circumstances, the Panel holds that the Respondent had knowledge of the Complainant's trademarks at the time of registration of the disputed domain name. As the domain name would cause confusion to internet users, it should have avoided the registration, which is considered as good faith, rather it registered the disputed domain name. The Respondent deliberately sought to cause such confusion. Accordingly, the Panel finds that the disputed domain name has been registered in bad faith.

B. The disputed domain name is being used in bad faith

Paragraph 4(b)(iv) of the Policy states that the following circumstance in particular shall be evidence of registration and use of a domain name in bad faith: By using the domain name, the respondent has intentionally attempted to attract, for commercial gain, internet users to its 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 its website or location or of a product or service on its website or location. According to the above paragraph 4(b)(iv) of the Policy, the Complainant contends that the disputed domain name is being used in bad faith. The Panel supports the Complainant's contention, based on the following factors:

The Complainant operates one of the largest online retail stores, providing pet supplies and pet wellness-related services through its

online retail store. The disputed domain name currently resolves to an imitative website offering goods and services under the CHEWY trademark, including a replica of CHEWY's Logo and the CHEWY brand name and trademark, which can be seen in its sales promotions: "Summer favorites, created by our own Chewy experts", "At Chewy, we share your passion for pets……" and "About Chewy".

The Complainant contends that the Respondent is using the disputed domain name to direct Internet users to an imitative website of the Respondent purporting to offer competitive pet products and related services under the counterfeit CHEWY trademark. The Respondent has intentionally attracted Internet users to its website for commercial gain by creating a likelihood of confusion with Complainant's CHEWY trademark as to the source, sponsorship, affiliation, or endorsement of the disputed domain name. The panel agrees with its contention.

The Panel notices that the sales prices are shown on the webpages, which means that the website is for commercial gain.

Considering the above factors, the Panel finds that the disputed domain name is being used in bad faith, which meets the circumstance mentioned in Paragraph 4(b) (iv). 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. The Panel accepts its contention, considering that its website using the Complainant's trademark and offering pet products and pet services that compete with the Complainant's own offerings.

Regarding the Complainant's contention on bad faith, the Respondent should rebut it, but it did not make any response, which strengthened the Panel's findings on its bad faith. In view of all above, the Panel finds that the disputed domain name has been registered and is being used in bad faith according to paragraph 4(a)(iii) of the Policy. Therefore, the Complainant has proven that the third element required by paragraph 4(a) of the Policy is established.

Decision

For all the foregoing reasons, in accordance with paragraph 4(a) of the Policy and Rule 15 of the Rules, the Panel orders that the disputed domain name <chewyshoponline.com> be transferred to the Complainant.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **chewyshoponline.com**: Transferred

PANELLISTS

Name	**Yunze Lian**

DATE OF PANEL DECISION 2025-08-14

Publish the Decision