Decision for dispute CAC-UDRP-107704

Case number	CAC-UDRP-107704
Time of filing	2025-07-11 10:03:48
Domain names	chewyvita.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	Chewy, Inc.

Complainant representative

Organization	RODENBAUGH LAW LLC

Respondent

Name	Chris Weston

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 the <chewy.com> domain name that includes the CHEWY trademark and is used for the primary website of the Complainant at https://www.chewy.com/.

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- The American CHEWY.COM trademark, Reg. Nr.4,346,308, used in commerce since 2012, registered on June 4, 2013, protected in Class 35;
- The American CHEWY trademark, Reg. Nr. 5,028,009, used in commerce since 2016, registered on August 23, 2016, protected in Class 35;
- The American CHEWY.COM trademark, Reg. Nr. 5,834,4428, used in commerce since 2018, registered on August 13, 2019, protected in Class 35;
- The American CHEWY.COM trademark, Reg. Nr.6,788, 620, used in commerce since 2016, registered on July 12, 2022, protected in Class 9;
- The European Union CHEWY trademark, Nr. 016605834, filed on April 12, 2017, registered on August 10, 2017, protected in Class 35;
- The European Union CHEWY trademark, Nr. 018168138 filed on July31, 2019, registered on December 14, 2019, protected in Class 35;
- The European Union CHEWY trademark, Nr. 018168138 , filed on December 17, 2019, registered on May 22, 2020, protected in Class 18;

The Complainant alleges that its CHEWY trademark is famous, relying on several prior UDRP decisions.

The disputed domain name <chewyvita.com> was registered on June 21, 2025.

It resolves to a webpage “CHEWY VITA – Healthy pets, happy lives” collecting personal information via a contact page and including cookies that enable to collect technical information.

FACTUAL BACKGROUND

Chewy, Inc. operates one of the largest online retail stores, providing pet supplies and pet wellness-related, services, including pet food, treats, supplies, and veterinary pharmaceutical products and services

It was founded in 2011. By 2023, Chewy was ranked #362 in the Fortune 500 list of the world’s most important companies.

PARTIES CONTENTIONS

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.

This use demonstrates that the Respondent is targeting the Complainant.

The Respondent registered the disputed domain name recently, long after the CHEWY trademarks were registered.

The Respondent has registered and used the disputed domain name in order to disrupt the Complainant’s business and to attract internet users for commercial gain by creating a likelihood of confusion with the Complainant’s CHEWY trademarks as to the source, sponsorship, affiliation or endorsement of the website to which the disputed domain name resolves.

Confusing similarity

The disputed domain name incorporates the CHEWY trademark in which the Complainant has well-established rights.

The only difference is the addition of the generic term “vita”.

The dominant element of the disputed domain name is the CHEWY trademark.

The use of a trademark in its entirety suffices to establish confusing similarity.

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

He has never been authorized by the Complainant to use the CHEWY trademark in any manner, much less as a part of the disputed domain name.

The disputed domain name was registered long after the CHEWY trademarks were registered.

It does not reflect the Respondent’s common name.

The Respondent is using the disputed domain name to infringe. This is cybersquatting.

His use of the disputed domain name cannot be regarded as any legitimate bona fide, or non-commercial fair use.

The Respondent did not contest the complaint and, therefore, did not rebut the presented evidence, although the burden of proof was shifting to the Respondent.

Bad faith registration and use

The Respondent’s intent is to direct the internet users to its webpage, collecting personal information from internet users who are likely to believe that they are interacting with the Complainant.

He has intentionally registered and used the disputed domain name, in order to attract the internet users looking for the official the Complainant’s website.

Therefore, Respondent is disrupting the Complainant's business in the meaning of Par. 4(b)(iii) of the Policy.

He is also using the disputed domain name in bad faith, in the meaning of Par. 4(b)(iv) of the Policy .

RIGHTS

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy.

The Panel finds that the addition of the term "vita" to the CHEWY trademark does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy.

The Panel finds the mark is recognizable within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy.

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

Pursuant to paragraph 4(c) of the Policy, the Respondent may establish rights or legitimate interests in the disputed domain name by demonstrating any of the following:

(i) before any notice to it of the dispute, the Respondent's use of, or demonstrable preparations to use, the disputed domain name or a name corresponding to the disputed domain name in connection with a bona fide offering of goods or services; or

(ii) the Respondent has been commonly known by the disputed domain name, even if it has acquired no trademark or service mark rights; or

(iii) the Respondent is making a legitimate non-commercial or fair use of the disputed domain name, without intent for commercial gain, to misleadingly divert consumers, or to tarnish the trademark or service mark at issue.

The Respondent has not been licensed or authorized to use the CHEWY trademark or to register the disputed domain name.

As explained above, the Respondent used the disputed domain name to give access to a webpage "CHEWY VITA – Healthy pets, happy lives" collecting personal information via a contact page and including cookies that enable to collect technical information. This is not a fair use of the disputed domain name.

There is no evidence of any bona fide use of the disputed domain name.

The Respondent did not respond to the Complainant in order to provide any evidence or allege any circumstance to establish that it has rights or legitimate interests in the disputed domain name.

Therefore, the Complainant has established a prima facie case that the Respondent has no rights or legitimate interests in respect to the disputed domain name, which was not rebutted by the Respondent.

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

Paragraph 4(b) of the Policy sets out examples of circumstances that will be considered by an Administrative Panel to be evidence of bad faith registration and use of a domain name. It provides that:

"For the purposes of paragraph 4(a)(iii), the following circumstances, in particular but without limitation, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith:

(i) circumstances indicating that you have registered or you have acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the Complainant who is the owner of the trademark or service mark or to a competitor of that Complainant, for valuable consideration in excess of your documented out-of-pocket costs directly related to the domain name; or

(ii) you have registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in

a corresponding domain name, provided that you have engaged in a pattern of such conduct; or

(iii) you have registered the domain name primarily for the purpose of disrupting the business of a competitor; or

(iv) by using the domain name, you have intentionally attempted to attract, for commercial gain, Internet users to your web site or other on-line location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of your web site or location or of a product or service on your web site or location."

Using the disputed domain name to resolve to a webpage titled "CHEWY VITA – Healthy pets, happy lives" proves that the Respondent targeted the Complainant when registering it, and was well aware of the Complainant's CHEWY trademark.

Using this webpage to collect personal data is to the detriment of the Complainant and of the targeted Internet users.

This is the proof that the Respondent aimed at creating a likelihood of confusion with the Complainant's trademarks in order to mislead Internet users, and especially the Complainant's clients. Such conduct is within paragraph 4(b)(iv) of the Policy.

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 CHEWY trademark is fully incorporated in the disputed domain name <chewyvita.com>, which is confusingly similar to this mark.

The Respondent did not respond to the Complainant which made a prima facie case that the Respondent has no rights or legitimate interests in respect to the disputed domain name.

Using the disputed domain name to resolve to a webpage titled "CHEWY VITA – Healthy pets, happy lives" proves that the Respondent targeted the Complainant when registering it, and was well aware of the Complainant's CHEWY trademark. Using this webpage to collect personal data is to the detriment of the Complainant and of the targeted Internet users.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **chewyvita.com**: Transferred

PANELLISTS

Name	**Marie-Emmanuelle Haas Avocat**

DATE OF PANEL DECISION 2025-08-21

Publish the Decision