Decision for dispute CAC-UDRP-107761

Case number	CAC-UDRP-107761
Time of filing	2025-07-25 09:16:16
Domain names	chewy-usa.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	Chewy, Inc.

Complainant representative

Organization	RODENBAUGH LAW LLC

Respondent

Name	Mahnoor Ahsan

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, among which, the following:

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

- CHEWY, EU registration No. 016605834, registered on August 10, 2017, for services in class 35;

- CHEWY, Australian registration No. 2060121, registered on August 10, 2020, for services in class 35.

The Complainant is also the owner of the domain name <chewy.com>, registered on April 18, 2004, which resolves to the Complainant's primary website.

FACTUAL BACKGROUND

The Complainant was founded in 2011 as a customer-service focused online retailer for pet supplies, including pet food, treats, supplies, and veterinary pharmaceutical products, and offers pet wellness-related services. The Complainant operates one of the largest online per retail stores through its website at www.chewy.com. In 2023 the Complainant 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. 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 July 6, 2025 allegedly in the name of an individual located in Pakistan. The disputed domain name resolves to a website featuring the Complainant's mark and purportedly offering pet products, including CHEWY pet products under the Complainant's mark.

PARTIES CONTENTIONS

No administratively compliant Response has been filed.

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

In particular, the Complainant's contends that the disputed domain name is confusingly similar to the Complainant's CHEWY mark, as it incorporates it entirely and the addition of the geographical term "usa" is insufficient to escape a finding of confusing similarity.

The Complainant further contends that the Respondent lacks rights or legitimate interests in the disputed domain name. The Complainant did not authorize the Respondent to use its CHEWY mark in any manner, including as part of the disputed domain name. The Respondent is using the disputed domain name for an imitative website offering pet products and services under the CHEWY mark. Accordingly, the Respondent is monetizing the disputed domain name by trading on the goodwill associated with the CHEWY mark used in the disputed domain name to confuse Internet users into visiting the Respondent's website where the Respondent purports to offer competing retail goods and services and harvests email addresses of unsuspected users. Such use of the disputed domain name does not constitute any legitimate bona fide sale of goods or services or legitimate noncommercial or fair use as the Respondent does not accurately disclose its lack of relationship or affiliation with the Complainant.

Lastly, the Complainant argues that the Respondent registered and is being using the disputed domain name in bad faith. The CHEWY mark has achieved such a level of recognition and reputation that the Respondent cannot validly claim that he was unaware of this mark at the time of the registration of the disputed domain name. On the contrary, by registering the disputed domain name, the Respondent sought to capitalize on the goodwill associated with the CHEWY mark by drawing Internet users to its website for commercial gain, thus attempting to disrupt the Complainant's business.

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 with the Complainant's mark as it incorporates it entirely, followed by a hyphen and the geographical term "usa", which refers to the country of origin of the Complainant. The Complainant's mark is well recognizable within the disputed domain name, and the addition of the hyphen and the descriptive term "usa" cannot prevent a finding of confusing similarity. 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 assessment of the second and third elements. See section 1.8 of the third edition of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, (hereinafter, the "WIPO Overview 3.0").

The Panel is therefore satisfied that the first requirement under the Policy is met.

II. Lack of Rights and Legitimate Interests

As also confirmed by section 2.1 of the 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 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 Policy.

Based on the available evidence, the Respondent does not appear to be known by the disputed domain name. The Complainant did not authorize the Respondent to use the CHEWY mark in any manner, including as part of the disputed domain name. Obviously, the Respondent is not a licensee of the Complainant and has no other kind of relationship with the Complainant.

The composition of the disputed domain name, consisting of the Complainant's mark and the geographical term "usa", which designates the Complainant's country, separated by a hyphen, impersonates or suggests sponsorship or endorsement by the Complainant and cannot constitute fair use (Section 2.5.1. of the WIPO Overview 3.0).

Moreover, the Respondent has been using the disputed domain name to resolve to a website featuring the Complainant's CHEWY mark, in the same colour and font adopted for the Complainant's CHEWY mark appearing on its primary website at www.chewy.com. The website purportedly offers pet products for sale, including products bearing the Complainant's mark, and does not include a disclaimer clarifying the lack of relationship between with the Complainant. In light of such a lack of transparency, the Respondent cannot claim legitimate or fair use of the disputed domain name in line with the Oki Data test applied to resellers or distributors (see section 2.8 of the WIPO Overview 3.0). Rather, through the disputed domain name, the Respondent is trying to misleadingly divert consumers to its own website for commercial gain.

Considering the above, 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 prove that, instead, it owns rights or legitimate interests in the disputed domain name. However, the Respondent has chosen not to file a Response and has failed to discharge its burden of proof.

Accordingly, the Panel finds that the second requirement under the Policy is 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 the disputed domain name reproduces the Complainant's mark entirely, but it also contains the geographical term "usa", which designates the country of origin of the Complainant. Furthermore, the disputed domain name resolves to a website featuring the Complainant's mark in the same color and font of those adopted for the Complainant's mark on the Complainant's official website. The Respondent's website purportedly offers for sale pet products, namely the same products of the Complainant. Accordingly, it is clear that the Respondent knew the Complainant and its CHEWY mark when it registered the disputed domain name and registered the disputed domain name to trade off the goodwill associated with the Complainant's mark to its own profit. Accordingly, the Panel finds that the Respondent registered the disputed domain name in bad faith.

With respect to use in bad faith, the Panel finds that by using the disputed domain name in the manner described above, the Respondent intentionally attempted to attract, for commercial gain, Internet users to its website, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website or of a product on this website.

Therefore, the Panel finds that the third and last condition under the Policy has also been met.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

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

PANELLISTS

Name	**Angelica Lodigiani**

DATE OF PANEL DECISION 2025-08-28

Publish the Decision