Decision for dispute CAC-UDRP-107822

Case number	CAC-UDRP-107822
Time of filing	2025-08-14 09:19:45
Domain names	chewysaleus.shop, chewyfast.shop, chewyus.shop

Case administrator

Organization	Iveta Špiclová (Czech Arbitration Court) (Case admin)

Complainant

Organization	Chewy, Inc.

Complainant representative

Organization	RODENBAUGH LAW LLC

Respondent

Name	userdc dger

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 names.

IDENTIFICATION OF RIGHTS

The Complainant is the owner of CHEWY trademark in different jurisdictions. By way of example, before the United States Patent and Trademark Office, with registration number 50028009, registered on August 23, 2016 or, before the European Union Intellectual Property Office, with registration number 016605834, registered on August 10, 2017.

FACTUAL BACKGROUND

The Complainant was founded in 2011 and operates one of the largest online retail stores in the United States of America focused on pet supplies and pet wellness-related services. By 2023 the Complainant was ranked number 362 in the Fortune 500 list of the world´s most important companies.

The Panel recognizes the distinctive and well-known character of Complainant´s CHEWY trademark.

The disputed domain name <chewysaleus.shop> was registered on July 13, 2025, <chewyfast.shop> was registered on July 17, 2025 and <chewyus.shop> was registered on July 23, 2025, years after the Complainant first registered CHEWY trademark.

The disputed domain names redirect to a set of websites similar in format and appearance where Respondent is offering pet food

goods and online retail services under a modify version of the CHEWY trademark.

PARTIES CONTENTIONS

THE COMPLAINANT

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 contends that the disputed domain name is confusingly similar to CHEWY trademark since it is reproduced in its entirety. By adding a word to CHEWY, in this case “sale”, “fast” and/or “us” the confusing similarity is met. Furthermore, the use of the generic Top Level Domain (gTLD) <.shop> reinforces the likelihood of confusion.

The Complainant also contends that that the Respondent does not meet any of the circumstances set out in paragraph 4(a)(ii) of the Policy. Indeed, the Respondent has not been authorized to use its marks in any manner, much less as part of the disputed domain names.

The disputed domain names do not reflect Respondent´s common name. Complainant’s Trademark CHEWY is fully incorporated in the Complainant’s domain name <chewy.com> and resolves to the Complainant’s primary website.

Furthermore, the Respondent is monetizing the disputed domain names by trading on the goodwill associated with the CHEWY marks and falsely pretends to be a CHEWY branded online shop for pet-related products and services.

The Complainant further contends that the Respondent does not disclose the lack of relation or affiliation with CHEWY and, therefore, the Okidata Criteria is not met in full.

With regard to the third requirement, the Complainant alleges that the Respondent registration and use falls in the circumstances depicted in paragraph 4 (b)(iii) and (iv) of the Policy. The Respondent should be considered as a competitor of the Complainant who is disrupting its business in an attempt to obtain an advantage by generating confusion with CHEWY trademark to misled consumers. Besides, CHEWY is well-known and the mere registration by an unaffiliated is to be deemed as in bad faith.

THE 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

1. Identical or Confusingly Similar
   The Complainant has shown rights in respect of CHEWY trademark for the purposes of the Policy. It is apparent that the mark CHEWY is reproduced in all the disputed domain names <chewysaleus.com>, <chewyfast.com> and <chewyus.com>. The addition of a generic term, in this case “sale”, “fast” and/or “us” do not prevent confusing similarity.

   The applicable generic Top Level Domain (‘gTLD’) in the disputed domain names, <shop>, reinforces the attempt to generate confusion since the Complainant is an online retailer.
   The Panel finds the first element of the Policy has been established.

2. Rights or Legitimate Interest
   Paragraph 4(c) of the Policy sets out non-exclusive examples in which the Respondent may establish rights or legitimate interests in the disputed domain name. However, while the burden of proof in UDRP proceedings rests on the complainant, panels have recognized that proving a respondent lack or rights or legitimate interests in a domain name may result in the often-impossible task of “proving a negative”. Accordingly, panels have established, since the inception of the UDRP, that it is sufficient to raise a prima facie case against the respondent and then the evidential burden of production shifts to the respondent. See CAC-UDRP-106452.

   Indeed, none of the circumstances described in paragraph 4(c) of the Policy can be inferred from the file.
   According to the file, the Panel finds that the nature of the disputed domain names and the use of CHEWY trademark in the Respondent´s websites lead the Panel to conclude that the Respondent seemingly attempted to impersonate the Complainant to obtain a commercial gain, and consequently is not making a bona fide offering of goods or services in accordance with paragraph 4(c)(i) of the Policy. Indeed, the Respondent is not offering a disclaimer about the relation between the parties and, the footer “about us” of the Respondent´s sites claim to be the Complainant. Accordingly, the OkiData Criteria is not met.

   Besides, the silence of the Respondent, once received the Complaint, has avoided the Panel to assess if any circumstances may oppose to the Complainant´s prima facie showing.

   The Panel finds the second element of the Policy has been established.

3. Register and Used in Bad Faith

   Noting that bad faith under the UDRP is broadly understood to occur where a respondent takes unfair advantage of or otherwise abuses a complainant’s mark, the Panel now looks at the third requirement of the test.
   In the present case, the Panel finds that the Respondent targeted the Complainant and its trademarks presumably for its well-known value. Indeed, the disputed domain names resolve to a website offering for sale Complainant’s products and reproducing a modify version of the CHEWY trademark. This allows the Panel to conclude that, on balance, the Respondent knew or should have known about the Complainant and its trademark at the time of the registration of the disputed domain names. Thus, the registrations were made in bad faith.

   As noted, the Panel accepts that the Respondent intentionally attempted to attract, for commercial gain, Internet users by creating a likelihood of confusion with the Complainant’s mark. That is to say, the Respondent has not undertaken steps to avoid unfairly passing itself off as related to the Complainant, or to otherwise confuse users. Therefore, the Complaint has developed an illegal activity here, claimed impersonation/passing off.

   Accordingly, the registration and use of the disputed domain name was in bad faith.

   The Panel finds that the Complainant has established the third element of the Policy.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **chewysaleus.shop**: Transferred
2. **chewyfast.shop**: Transferred

3. **chewyus.shop**: Transferred

PANELLISTS

Name	**Manuel Moreno-Torres**

DATE OF PANEL DECISION 2025-09-15

Publish the Decision