Decision for dispute CAC-UDRP-107915

Case number	CAC-UDRP-107915
Time of filing	2025-09-03 19:41:32
Domain names	chewybitesa.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	Chewy, Inc.

Complainant representative

Organization	RODENBAUGH LAW LLC

Respondent

Name	Yuan Yuan Wang

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 various trademark registrations, including the following:-

CHEWY.COM United States trademark registration 4,346,308 registered on June 4, 2013;

CHEWY United States trademark registration 5,028,009 registered on August 23, 2016;

CHEWY United States trademark registration 5,834,442 registered on August 13, 2019; and

CHEWY European trademark registration 016605834 registered on August 10, 2017.

The Complainant owns and operates its official domain names at <chewy.com> registered on April 18, 2024.

The disputed domain name was registered on August 8, 2025, and at the time of filing the Complaint, resolved to an inactive website.

The Respondent is Yang Yang Wang, Fujian, China 352264.

FACTUAL BACKGROUND

Founded in 2011 as a customer-service focused online retailer for pet supplies. The Complainant operates one of the largest online retail stores in the United States. The Complainant provides pet supplies and pet wellness-related services through its online retail store, including pet food, treats, supplies, and veterinary pharmaceutical products and services. The Complainant was ranked in the Fortune 500 which lists the world's most important companies. In 2024, the Complainant earned almost $12 billion in net sales.

PARTIES CONTENTIONS

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

Language of the Proceeding

The language of the Registration Agreement for the disputed domain name is Chinese. Pursuant to the Uniform Domain Name Dispute Resolution Policy (the "Rules"), paragraph 11(a), in the absence of an agreement between the parties, or unless specified otherwise in the registration agreement, the language of the administrative proceeding shall be the language of the registration agreement.

The Complaint was filed in English. The Complainant requested that the language of the proceedings be English as the disputed domain name is in Latin characters, the disputed domain name fully incorporates the Complainant's English language trademark and the English words "chewy" and "bitesa", which suggests that the Respondent is able to understand English for the purposes of understanding the Complaint. Further, the Respondent's website, while it was active, was in the English language. The Complainant would also incur substantial additional expense and delay if the Complaint has to be submitted in English.

The Respondent did not make any submissions with respect to the language of the proceeding.

In exercising its discretion to use a language other than that of the registration agreement, the Panel has to exercise such discretion judicially in the spirit of fairness and justice to both parties, taking into account all relevant circumstances of the case, including matters such as the parties' ability to understand and use the proposed language, time and costs (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("WIPO Overview 3.0"), section 4.5.1).

Having considered the circumstances of this case including the neutrality of English as a common language between parties, the fact that the disputed domain name consists of Latin characters and fully incorporates the Complainant's English trademark and the English word "bite" and letter "a", and the fact that the Complainant would incur significant additional expense and delay if the Complaint was to be translated and submitted in English, the Panel determines under paragraph 11(a) of the Rules that the language of the proceeding shall be English. There does not appear to be any reasons which warrant a delay and additional expense in ordering the Complainant to translate the Complaint.

Other Procedural Matters

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

A. Identical or Confusingly Similar

Paragraph 4(a)(i) of the Policy requires a complainant to show that a domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights.

The Complainant has provided evidence that it owns registered trademark rights in the CHEWY mark.

In this case, the disputed domain name consists of the Complainant's CHEWY trademark in its entirety with the addition of the generic suffix "bites" and the letter "a". It is trite that the mere addition of a generic term to a registered trademark would not prevent a finding of confusing similarity. Thus, the disputed domain name is confusingly similar to the Complainant's trademark.

As for the generic Top-Level Domain ("gTLD") ".com", it is well established that the gTLD is not relevant to the issue of identity or confusing similarity between the Complainant's trademarks and the domain name in dispute (see WIPO Overview 3.0, section 1.11.1).

Consequently, the Panel finds that the Complainant has shown that the disputed domain name is confusingly similar to a trademark in which the Complainant has rights.

B. Rights or Legitimate Interests

Once the complainant establishes a prima facie case that the respondent lacks rights or legitimate interests in the domain name, the burden of production shifts to the respondent to show that it has rights or legitimate interests in respect of the domain name (see WIPO Overview 3.0, section 2.1).

In the present case, the Complainant has demonstrated a prima facie case that the Respondent lacks rights or legitimate interests in respect of the disputed domain name and the Respondent has failed to assert any such rights or legitimate interests.

The Complainant has provided evidence that it has been the registered owner of the CHEWY mark long before the date that the disputed domain name was registered and that it has not authorised the Respondent to use the Complainant's trademarks. There is no evidence that the Respondent is commonly known by the disputed domain name.

The Respondent did not submit a Response and did not provide any explanation for its choice of the disputed domain name nor evidence to show rights or legitimate interests in the disputed domain name to rebut the Complainant's prima facie case.

Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

C. Registered and Used in Bad Faith

The Complainant must also show that the respondent registered and is using the disputed domain name in bad faith (see Policy, paragraph 4(a)(iii)). Paragraph 4(b) of the Policy provides circumstances that may evidence bad faith under paragraph 4(a)(iii) of the Policy.

The Respondent failed to submit a response and provided no explanation nor evidence to rebut the Complainant's case. The burden however remains with the Complainant to prove that the Respondent registered and is using the disputed domain name in bad faith.

The Complainant's relies on Paragraphs 4(b) (iii) and 4(b) (iv) of the Policy – that the respondent has registered the domain name primarily for the purpose of disrupting the business of a competitor; or that by using the domain name, the respondent has intentionally attempted to attract, for commercial gain, Internet users to its website 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 the respondent's website or location or of a product or service on the respondent's website or location.

The disputed domain name incorporates the entirety of the Complainant's CHEWY registered trademark with the addition of the word "bites" and the letter "a". The disputed domain name resolves to a webpage showing the words "CHEWY BITES" offering for sale dog food products (kibble, treats, chews and supplements). The Complainant's website and the Respondent's website are not similar in design color, scheme, layout, or product presentation. The packaging of the goods for sale shown on the Respondent's website is predominantly brown and there is no evidence of deliberate imitation or representation that the Respondent is targeting the Complainant and its CHEWY trademark. The use of the term "chewy bites" in the context of dog food products on the hero section appears to be descriptive. The Respondent's website also appears to be targeting the European markets with blogs and entries in the Polish and French languages. The website shows Australian dollars as the selected currency, so it may also be targeting the Australian market.

In support of its case, the Complainant cited Chewy, Inc. v. Bopan Zack, CAC-UDRP-107505 where the Panel found that the "uncontested evidence [is] that the disputed domain name resolves to a website that imitates the Complainant's official site, using its name and logo without authorization and purporting to offer similar goods and services. …"). The Complainant further relied on Chewy, Inc. v. Anne Dudley, CAC-UDRP-107614 (July 17, 2025) where the domain in dispute was <chewypetsale.com> the

respondent there used a website which was an imitation of the Complainant's website. In Chewy, Inc. v. david almarin, Case No. D2022-3808 (WIPO Jul. 28, 2023) the Panel found bad faith where the Respondent's use of a domain name was to redirect to an imitation website offering competing goods. Finally, the Complainant relies on Walgreen Co. v. Registration Private, Domains By Proxy LLC / Nitish Maheshwari, Case No. D2017-1601 (WIPO Sep. 28, 2017) ("[T]he website to which the Disputed Domain Name resolves shows the Complainant's logo and products of the type associated with it."). In the present case, the Respondent's website is not an imitation of the Complainant's website. The Respondent did not use the Complainant's logo, colors nor web design and arguably the term "chewy bites" relates to the fact that the pet food offered is chewy, that needs to be crushed with one's teeth before swallowed.

Finally, the Complainant argued that its rights in the CHEWY Marks are so well established that its CHEWY brand has achieved a level of recognition and fame such that the Respondent has no colorable argument that he is unaware of this brand. The Complainant cites previous domain name cases and excerpts from the Complainant's own website. While the Complainant's impressive sales of over $11.8B in 2024 are evidence of substantial good will in its CHEWY mark, the Complainant did not provide context nor evidence that would explain its alleged worldwide fame argument - there is no indication where the Complainant's sales took place or if there were any publication or otherwise goodwill where the Respondent appeared to have been offering its products for sale. The Complainant's own website appears to suggest that its sales are limited to the US and Canada. The Complainant has not explained nor shown how the Respondent, who appears to be operating outside of the US and Canada and targeting the European or Australian markets, targeted the Complainant and its mark. Given that the words "chewy bites" as a whole are descriptive in relation to food and pet food, the Panel was not persuaded on the evidence that the Respondent was targeting the Complainant in violation of Paragraphs 4(b) (iii) and (iv) of the Policy.

Accordingly, in light of the particular evidence submitted and the circumstances overall, the Panel finds that the Complainant has failed to meet its burden under paragraph 4(a)(iii) of the Policy.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Rejected

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

1. **chewybitesa.com**: Remaining with the Respondent

PANELLISTS

Name	**Jonathan Agmon**

DATE OF PANEL DECISION 2025-10-10

Publish the Decision