Decision for dispute CAC-UDRP-107916

Case number	CAC-UDRP-107916
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Domain names	chewypetsfeeds.com

Case administrator

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

Complainant

Organization	Chewy, Inc.

Complainant representative

Organization	RODENBAUGH LAW LLC

Respondent

Name	Uche Opara

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, inter alia, the owner of the following trademark registrations for the word and figurative mark CHEWY (hereinafter collectively referred to as the "**CHEWY Trademark**"):

- S. Trademark Reg. 5,028,009 in int. Class 35, registered on August 23, 2016;
- S. Trademark Reg. 5,834,442 in int. Class 35, registered on August 13, 2019;
- S. Trademark Reg. 6,788,620 in int. Class 9, registered on July 12, 2022;
- EU Trademark No. 016605834 in int. Class 35, registered on August 10, 2017;
- EU Trademark No. 018101754 in int. Class 35, registered on December 14, 2019; and
- EU Trademark No. 018168138 in int. Class 18, registered on May 22, 2020.

Upon online review of the relevant official trademark registers, the Panel is satisfied that the above-mentioned registrations are valid and in force.

FACTUAL BACKGROUND

The Complainant, US based company, operates global online retail stores with pet products through its website https://www.chewy.com/.

The disputed domain name <chewypetsfeeds.com> was registered on August 26, 2025.

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.

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).

The Complainant has demonstrated that it is the legitimate owner of the CHEWY trademark, which enjoys legal protection, inter alia, in the United States and the European Union. The Panel finds that the Complainant's CHEWY Trademark is clearly recognizable within the disputed domain name <chewypetsfeeds.com>. The mere addition of the descriptive terms, namely "pets" and "feeds," which directly relate to the Complainant's core business of sale of pet food and related products offered through its online store, does not prevent a finding of confusing similarity with the Complainant's trademark. In accordance with paragraph 1.8 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("WIPO Overview 3.0"), the addition of such generic or descriptive terms does not negate confusing similarity under the first element of the Policy.

The inclusion of the generic Top-Level Domain (gTLD) ".com" is a standard registration requirement and does not impact the assessment of whether the disputed domain name is identical or confusingly similar to the Complainant's trademark (see Rollerblade, Inc. v. Chris McCrady, WIPO Case No. D2000-0429).

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).

A complainant is required to establish a prima facie case that the respondent lacks rights or legitimate interests. Once such a case is made, the burden of proof shifts to the respondent to demonstrate their rights or legitimate interests in the disputed domain name. Failure to do so results in the complainant satisfying paragraph 4(a)(ii) of the Policy (as per Article 2.1 of WIPO Jurisprudential Overview 3.0 and WIPO Case No. D2003-0455, Croatia Airlines d.d. v. Modern Empire Internet Ltd.).

Paragraph 4(c) of the UDRP Policy includes non-exhaustive criteria by which the Respondent can evidence its rights or legitimate interests in the disputed domain name, including that:

(i) before any notice to the Respondent of this UDRP proceeding, 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 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 Panel notes that the Respondent has filed no response and has provided no evidence to rebut the Complainant's allegations or to demonstrate any rights or legitimate interests in the disputed domain name.

The Panel finds that even in the absence of any response from the Respondent, the Panel is obliged to consider all available evidence — including the content of the website to which the disputed domain resolves — to evaluate whether the Complainant has made a prima facie showing that the Respondent lacks rights or legitimate interests. Moreover, the Panel may draw inferences from the Respondent's default but must still weigh the evidence on the record.

The Panel finds that the Complainant asserted and made a prima facie showing that it has no relationship whatsoever with the Respondent and has never authorized him to use its CHEWY Trademark in any manner including in the disputed domain name and that the Respondent is neither affiliated with the Complainant nor is the Respondent "commonly known" by the disputed domain name under paragraph 4(c)(ii); the appearance of "chewypetsfeeds" as an organization label in WHOIS does not, by itself, establish that fact.

The Complainant has further submitted a screenshot captured on August 31, 2025, from the website associated with the disputed domain name (https://chewypetsfeeds.com). The screenshot shows the offering of competing dog food products under the designation "Chewy Pets." The Complainant contends that this is an imitative website offering competing pet food products under

the CHEWY mark, without any disclosure of the Respondent's lack of relationship with the Complainant and without any indication of the identity of the person or entity operating the website. In summary, the Complainant argues that such use does not constitute a bona fide offering of goods or services, nor a legitimate non-commercial or fair use of the disputed domain name.

On the totality of the circumstances, the Panel concludes that none of the paragraph 4(c) (i) and (iii) circumstances is present. The CHEWY mark is widely known and long predates the registration of the disputed domain name. The website to which the disputed domain resolves offers pet-food products under the "Chewy Pets" designation in the very field for which the CHEWY mark is used for many years, without authorization.

The Respondent's decision to register a domain name incorporating the CHEWY mark in its entirety and to use it for the sale of competing pet food products under the designation "Chewy Pets" cannot reasonably be viewed as coincidental. A trader operating in the pet food sector could reasonably be expected to be aware of the Complainant's widely-known CHEWY brand (see bad faith section below). Moreover, the Respondent has not disclosed its identity on the website and has failed to participate in these proceedings, providing no explanation or evidence to support any bona fide use. The Panel therefore concludes that the Respondent's conduct evidences targeting of the Complainant's trademark.

The Panel has considered potential countervailing factors, including that the site appears to target consumers in Nigeria and that "chewy" can function as a dictionary word; however, UDRP standing does not require trademark registration in the Respondent's jurisdiction, and where (as here) a dictionary term is used as a source identifier for identical goods rather than for its descriptive meaning, such use does not confer rights or legitimate interests. Accordingly, paragraph 4(a)(ii) of the Policy is satisfied.

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).

The Complainant asserts that the CHEWY Trademark is famous. To support this claim, the Complainant refers to the press release containing Complainant´s financial results for 2024, and several UDRP decisions recognizing the mark's notoriety (e.g. Chewy, Inc. v. david almarin WIPO Case No. D2022-3808).

While the Panel notes that evidence such as financial records may not, in isolation, conclusively establish the reputation of a trademark, it accepts that prior UDRP decisions may be taken into account in assessing whether a mark is well known, especially where the facts are substantially similar. The Panel notes that reputation of the CHEWY Trademark has been confirmed inter alia in Chewy, Inc. v. Bopan Zack CAC Case number CAC-UDRP-107505, Chewy, Inc. v. Anne Dudley CAC Case number CAC-UDRP-107614 and many others. In accordance with Section 4.1 of the WIPO Overview 3.0, the Panel considers such precedent relevant and persuasive.

On this basis, the Panel accepts that the CHEWY trademark enjoys wide recognition and reputation in relation to sale of pet foods.

Given the reputation of the Complainant's CHEWY trademark and its long-standing use well before the recent registration of the disputed domain name, the Panel finds it implausible that the Respondent was unaware of the Complainant's trademark rights. The Respondent's registration of a domain name incorporating the Complainant's trademark in its entirety, together with the generic and descriptive terms "pets" and "feeds," which describe the goods offered by the Complainant appear to be calculated to capitalize on the reputation and goodwill associated with the CHEWY mark. This conclusion is further reinforced by the absence of any disclosure identifying the operator of the website associated with the disputed domain name. Taken together, these circumstances are indicative of registration in bad faith.

Turning to the issue of bad faith use, the Panel notes that the disputed domain name resolves to a website offering pet food products. Using the disputed domain name for a website that offers the same type of goods as those sold by the Complainant under its CHEWY trademark, including through its official website at <chewy.com>, is unlikely to be coincidental. Rather, such use appears intended to create a likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website. This conduct constitutes evidence of bad faith use under paragraph 4(b)(iv) of the Policy (see also Labrador II, Inc. v. Viva La Pets Inc. Case No. D2016-0010 and WIPO Overview 3.0, section 3.1.4).

In view of these circumstances the Panel concludes that the domain name has been both registered and used in bad faith.

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 Complainant operates global online retail stores for pet products through its website chewy.com. The disputed domain name

<chewypetsfeeds.com>, registered on August 26, 2025, resolves to a website offering pet food products under the designation “Chewy Pets.”

The Panel found that the Complainant owns valid CHEWY trademark registrations in both the European Union and the United States. The disputed domain name was held to be confusingly similar to the Complainant’s trademark, as the addition of the descriptive terms “pets” and “feeds” does not prevent the overall impression of similarity with the CHEWY mark.

The Complainant made a prima facie showing that the Respondent has no authorization, relationship, or legitimate basis to use the CHEWY mark, and the Respondent did not file a response. The use of the disputed domain name for a competing commercial website offering pet food under “Chewy Pets,” without any disclosure of non-affiliation, does not constitute a bona fide offering of goods or services, nor a legitimate non-commercial or fair use.

Given the well-established reputation of the CHEWY mark, as confirmed in multiple prior UDRP decisions, the Panel found it implausible that the Respondent was unaware of the Complainant’s rights. The Respondent’s use of a domain name incorporating the Complainant’s trademark to offer competing goods was intended to attract, for commercial gain, Internet users to the website associated with the disputed domain name by creating a likelihood of confusion with the Complainant’s mark as to the source, sponsorship, affiliation, or endorsement of the website, and therefore constitutes bad-faith registration and use under paragraph 4(b)(iv) of the Policy.

Accordingly, the Panel ordered that the disputed domain name <chewypetsfeeds.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. **chewypetsfeeds.com**: Transferred

PANELLISTS

Name	**Karel Šindelka**

DATE OF PANEL DECISION 2025-10-13

Publish the Decision