Decision for dispute CAC-UDRP-108121

Case number	CAC-UDRP-108121
Time of filing	2025-11-04 23:27:52
Domain names	chewyvendors.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	Chewy, Inc.

Complainant representative

Organization	RODENBAUGH LAW LLC

Respondent

Name	sean fernandes

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 several "CHEWY" trademarks, registered worldwide, such as:

- U.S. Registration No. 5,028,009 for "CHEWY", used in commerce since 2016 and registered on August 23, 2016;
- U.S. Registration No. 5,834,442 for "CHEWY", used in commerce since 2018 and registered on August 13, 2019;
- EU Registration No. 016605834 for "CHEWY", registered on August 10, 2017;
- EU Registration No. 018101754 for "CHEWY", registered on December 14, 2019 (hereinafter cumulatively referred to as the "Trademark").

FACTUAL BACKGROUND

The Complainant is Chewy, Inc., a company operating one of the largest online retail stores. 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 also provides pet supplies and pet wellness-related services through its domain name <chewy.com>, registered since April 2004.

The disputed domain name <chewyvendors.com> was registered on September 30, 2025, and is used in connection with an active login page designed to imitate a Chewy secure vendor portal.

PARTIES CONTENTIONS

COMPLAINANT:

The Complainant contends that the disputed domain name is confusingly similar to the Trademark.

Furthermore, the Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain name. In this regard, the Complainant states that the Respondent is not commonly known by the disputed domain name, that it is not affiliated with nor authorized by the Complainant in any way, that the Complainant does not carry out any activity for, nor has any business with the Respondent, and that neither license nor authorization has been granted to the Respondent to make any use of the Trademark or apply for registration of the disputed domain name by the Complainant.

Finally, the Complainant contends that the disputed domain name was registered and is being used in bad faith. It contends that the Respondent must have been aware of the Complainant and its Trademark at the time of registration of the disputed domain name as the Trademark is well-known and that the Respondent's use of the disputed domain name is evidence of bad faith, as it has registered the domain name primarily for the purpose of disrupting the business of a competitor and intentionally attempted to attract, for commercial gain, internet users by creating a likelihood of confusion with the Complainant’s Trademark.

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

Under paragraph 4(a) of the Policy, the Complainant must prove that each of the following three elements is present:

(i) the disputed domain name is identical or confusingly similar to the Complainant's trademark; and

(ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and

(iii) the disputed domain name has been registered and is being used in bad faith.

1. The Panel accepts that the disputed domain name is confusingly similar to the Trademark, in which Complainant has well-established rights, as it fully incorporates it. Adding the word "vendors" does not suffice to escape the finding that the disputed domain name is confusingly similar to the Trademark.

2. Although the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the difficult task of “proving a negative”, requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element.

The Respondent does not appear to have operated any bona fide or legitimate business under the disputed domain name and is not making a noncommercial or fair use of the disputed domain name. Instead, the disputed domain name resolves to a login page that seems to be offering similar and/or competitive products and/or services as the ones of the Complainant, presumably as a secure login for vendors, while taking an unfair advantage of the confusing similarity of the disputed domain name with the Complainant’s Trademark and the Complainant's reputation.

Consequently, the Panel finds that the Complainant has fulfilled its obligations under paragraph 4(a)(ii) of the Policy. The Respondent did not deny these assertions in any way and therefore failed to prove any rights or legitimate interests in the disputed domain name.

3.1 The Panel is satisfied that the Respondent registered the disputed domain name with full knowledge of the Complainant and its rights in the Trademark as the Trademark is highly distinctive, well-established and very well-known.

3.2 Furthermore, the Panel accepts the Complainant's contentions that the disputed domain name has been used in bad faith.

Under paragraphs4(b)(iii) and (iv) of the Policy, the registration of a domain name primarily for the purpose of disrupting the business of a competitor and the use of a domain name to intentionally attempt to attract, for commercial gain, Internet users to a website or other online location, by creating a likelihood of confusion with the complainant’s mark as to the source, sponsorship, affiliation, or endorsement of a website or location or of a product or service on the website or location, amounts to evidence of registration and use in bad faith.

The Panel finds that the Respondent registered and used the disputed domain name to disrupt Complainant's business and to direct users to a website offering products and/or services based on the impression that these products/services are affiliated with the Complainant by falsely presenting itself as an official vendor's platform of the Complainant and unfairly trading on the goodwill associated with Complainant’s Trademark. As Panels have established, the notion of "competitor" under paragraph 4(b)(iii) of the Policy is interpreted broadly than the actual meaning of a competitor. Thus, it can apply to “a person who acts in opposition to another” for some means of commercial gain, direct or otherwise, beyond the concept of an ordinary commercial or business competitor (see WIPO Overview 3.0, Section 3.1.3)

Consequently, by using the disputed domain name in such a manner, the Respondent has fulfilled the elements and requirements for a finding under paragraphs 4(b)(iii) and (iv) of the Policy.

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

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **chewyvendors.com**: Transferred

PANELLISTS

Name	**Stefanie Efstathiou LL.M. mult.**

DATE OF PANEL DECISION 2025-12-05

Publish the Decision