Decision for dispute CAC-UDRP-108143

Case number	CAC-UDRP-108143
Time of filing	2025-11-14 22:37:00
Domain names	sale-chewy.top

Case administrator

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

Complainant

Organization	Chewy, Inc.

Complainant representative

Organization	RODENBAUGH LAW LLC

Respondent

Name	sale Zhuang

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 the trademark CHEWY, registered in the United States, the European Union, and Australia, inter alia, as follows:

- CHEWY (U.S. Reg. 5028009), in Class 35, registered on August 23, 2016.
- CHEWY (EU Reg. 016605834), in Class 35, registered on August 10, 2017.
- CHEWY (AU Reg. 2060121), in Class 35, registered on January 2, 2020.

FACTUAL BACKGROUND

The Complainant operates one of the largest online retail stores and provides pet supplies and pet wellness-related services through its online retail platform, including pet food, treats, supplies, and veterinary pharmaceutical products and services. It was founded in 2011 as a customer-service-focused online retailer for pet supplies. By 2023, it was ranked #362 in the Fortune 500 list of the world's most important companies, and in 2024, it was added to the Standard & Poors MidCap 500 list of most valuable midcap stocks. The Complainant also provides pet supplies and pet wellness-related services through its domain name incorporating the CHEWY trademark, which serves as the Complainant's primary website and makes substantial use of the CHEWY mark. The Complainant's domain name <chewy.com> was created in April 2004.

The disputed domain name was registered on November 2, 2025, and it resolves to an imitative website offering Chewy goods under the CHEWY marks.

PARTIES CONTENTIONS

COMPLAINANT:

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

(i) The Complainant holds rights in the trademark CHEWY, as set forth in the "Identification of Rights" section above. The disputed domain name is confusingly similar to the Complainant's CHEWY trademark, as it incorporates the CHEWY mark in its entirety, followed by the generic word "sale," a hyphen, and the ".top" gTLD.

(ii) The Respondent has no rights or legitimate interests in respect of the disputed domain name. The Respondent is neither licensed nor otherwise authorized to use the Complainant's CHEWY mark, nor is the Respondent commonly known by the disputed domain name. Moreover, the Respondent does not use the disputed domain name for any bona fide offering of goods or services, nor for any legitimate noncommercial or fair use. Rather, the disputed domain name resolves to an imitative website offering pet-related products under the CHEWY marks, and the Respondent falsely presents its website as an official Chewy online shop or source of pet-related goods. The Respondent does not accurately and prominently disclose its lack of affiliation with the Complainant, thereby falsely declaring itself to be Chewy. Such conduct can never constitute a legitimate interest under the Policy.

(iii) The disputed domain name was registered and is being used in bad faith, thereby satisfying the cumulative requirement under the Policy that both bad faith registration and bad faith use be established. The Respondent registered the disputed domain name incorporating the well-known and widely recognized CHEWY trademark despite having no rights or legitimate interests in doing so. The website to which the disputed domain name resolves impersonates or passes itself off as an official website of the Complainant, prominently displaying the CHEWY mark in connection with the purported sale of pet-related products. The Respondent failed to provide any accurate or prominent disclaimer of its lack of affiliation with the Complainant. The Respondent's registration and use of the disputed domain name constitute bad faith under paragraph 4(b)(iii) of the Policy, as the Respondent is using the disputed domain name to direct Internet users to an imitative website purporting to offer pet-related products, thereby unfairly trading on the goodwill associated with the Complainant's CHEWY marks. The Respondent's registration and use of the disputed domain name also constitute bad faith under paragraph 4(b)(iv) of the Policy. The Respondent has intentionally attracted Internet users for commercial gain by offering pet-related goods through its competing imitative website, creating a likelihood of confusion with the Complainant's CHEWY marks as to the source, sponsorship, affiliation, or endorsement of the disputed domain name.

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

Language of the Proceedings

The Panel notes that the Registration Agreement is written in Chinese, thereby making Chinese the default language of the proceedings. However, the Complainant has requested that the proceedings be conducted in English. Under UDRP Rule 11(a), the Panel has the discretion to determine the appropriate language of the proceedings, considering the particular circumstances of the case. See Section 4.5, WIPO Overview 3.0, see also Lovehoney Group Limited v. Yan Zhang, CAC 103917 (CAC August 17, 2021) (finding it appropriate to conduct the proceeding in English under Rule 11, despite the Registration Agreement designating Japanese as the required language).

The Complainant presents the following arguments in support of its request:

(i) The Respondent's registration agreement is also published in English;

(ii) The Respondent's resolving website is in English and duplicates branding from the Complainant's English-language home page, thereby clearly targeting an English-speaking audience.

Pursuant to UDRP Rule 11(a), the Panel finds the Complainant's arguments persuasive. After considering the specific circumstances of this case, and in the absence of a Response or any objection to the Complainant's request regarding the language of the proceedings, the Panel determines that the proceedings shall be conducted in English.

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

Paragraph 15(a) of the Rules for the UDRP ('the Policy') instructs this Panel to "decide a complaint on the basis of the statements and documents submitted in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable." Paragraph 4(a) of the Policy requires that the Complainant must prove each of the following three elements to obtain an order that a domain name should be cancelled or transferred:

(1) the domain name registered by Respondent is identical or confusingly similar to a trademark or service mark in which Complainant has rights; and

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

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

In view of the Respondent's failure to submit a response, the Panel shall decide this administrative proceeding on the basis of the Complainant's undisputed representations pursuant to paragraphs 5(f), 14(a) and 15(a) of the Rules and draw such inferences it considers appropriate pursuant to paragraph 14(b) of the Rules. The Panel is entitled to accept all reasonable allegations and inferences set forth in the Complaint as true unless the evidence is clearly contradictory. See Vertical Solutions Mgmt., Inc. v. webnetmarketing, inc., FA 95095 (FORUM July 31, 2000) (holding that the respondent's failure to respond allows all reasonable inferences of fact in the allegations of the complaint to be deemed true); see also Talk City, Inc. v. Robertson, D2000-0009 (WIPO Feb. 29, 2000) ("In the absence of a response, it is appropriate to accept as true all allegations of the Complaint.").

Rights

The Complainant asserts ownership of the registered trademark CHEWY, as identified in the "Identification of Rights" section above. The Panel recognizes that an international or national trademark registration is sufficient to establish rights in a mark. Accordingly, the Panel finds that the Complainant has established its rights in the CHEWY trademark.

The Complainant further contends that the disputed domain name **<sale-chewy.top>** is confusingly similar to its CHEWY mark, as it fully incorporates the CHEWY mark with the mere addition of the generic term "sale," a hyphen, and the ".top" gTLD. The addition of a generic or descriptive term, a hyphen, together with a gTLD, does not suffice to distinguish a disputed domain name from a trademark. See SportScheck GmbH v. wu han yu chong shang mao you xian gong si, CAC, UDRP 107391 (CAC April 14, 2025) ("The addition of a generic or descriptive term and a gTLD does not sufficiently distinguish a disputed domain name from a trademark.").

Accordingly, the Panel finds that the disputed domain name is confusingly similar to the Complainant's CHEWY mark.

No rights or legitimate interests

A complainant must first make a prima facie case that a respondent lacks rights and legitimate interests in the disputed domain name under Policy paragraph 4(a)(ii), after which the burden shifts to the Respondent to demonstrate it does have rights or legitimate interests. See Section 2.1, WIPO Jurisprudential Overview 3.0 ("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.").

Relevant information, such as WHOIS data, can serve as evidence to demonstrate whether a respondent is or is not commonly known by the disputed domain name under Policy paragraph 4(c)(ii). The Panel notes that the WHOIS data lists "sale Zhuang" as the registrant, and there is no evidence in the record indicating that the Respondent was authorized to use the mark. Therefore, the

Panel finds that the Respondent is not commonly known by the disputed domain name under Policy paragraph 4(c)(ii).

The Complainant asserts that the website to which the disputed domain name resolves impersonates or passes off as an official site of the Complainant. The Panel notes that the site prominently and repeatedly displayed the CHEWY mark and logo in connection with the sale of discounted CHEWY branded pet products. The Respondent did not accurately and prominently disclose its lack of affiliation with the Complainant. The foregoing facts demonstrate that the Respondent engaged in passing off by falsely presenting the disputed site as affiliated with the Complainant's legitimate business. The Complainant has submitted a screenshot of the website to which the disputed domain name resolves, alongside a screenshot of the Complainant's official website.

In the absence of any Response, it is difficult to determine from the available screenshot whether the disputed website was offering counterfeit goods, competing goods, or the Complainant's genuine products. If the Respondent was offering only the Complainant's genuine goods, the question of fair use must be considered. The leading authority on this issue is Oki Data Americas, Inc. v. ASD, Inc., WIPO Case No. D2001,0903, in which the respondent was a reseller of the complainant's OKIDATA products and had registered the domain name <okidataparts.com> for that purpose. The panel in that case held that such use may constitute a bona fide offering of goods or services under paragraph 4(c)(i) of the Policy, provided that certain conditions are met:

- The respondent must actually be offering the goods or services at issue, and

- The respondent must use the site to sell only the trademarked goods (otherwise there is a risk that the respondent is using the trademark in the domain name to bait consumers and switch them to other products); and

- The site must accurately disclose the respondent's relationship with the trademark owner; and

- The respondent must not seek to corner the market in all relevant domain names, thereby preventing the trademark owner from reflecting its own mark in a domain name.

The Panel notes that the Respondent's website did not disclose its relationship or lack thereof with the Complainant. Accordingly, even if the Respondent was offering only the Complainant's genuine goods, such use does not constitute a bona fide offering of goods or services under paragraph 4(c)(i), nor a legitimate noncommercial or fair use under paragraph 4(c)(iii) of the Policy. Furthermore, when a respondent uses a disputed domain name to impersonate a complainant, such conduct does not qualify as a bona fide offering or a legitimate noncommercial or fair use. See Würth International AG v. Mandy Mohr, CAC, UDRP 107275 (CAC March 17, 2025) (holding that the use of a domain name to feature the complainant's mark and related content did not qualify as a bona fide offering or a legitimate noncommercial use under Policy paragraph 4(c)(i) or (iii)).

Based on the foregoing, the Panel finds that the Complainant has established a prima facie case against the Respondent. As the Respondent has failed to submit a Response or otherwise rebut the Complainant's allegations, the Complainant respectfully requests, and the Panel finds, that the Respondent has no rights or legitimate interests in the disputed domain name under paragraph 4(a)(ii) of the Policy.

Bad faith

Paragraph 4(b) of the Policy provides a non-exclusive list of circumstances that evidence registration and use of a domain name in bad faith. Any one of the following is sufficient to support a finding of bad faith:

(i) circumstances indicating that the respondent has registered or acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that the complainant, for valuable consideration in excess of the respondent's documented out-of-pocket costs directly related to the domain name; or

(ii) the respondent has registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that the respondent has engaged in a pattern of such conduct; or

(iii) the respondent has registered the domain name primarily for the purpose of disrupting the business of a competitor; or

(iv) by using the domain name, the respondent has intentionally attempted to attract, for commercial gain, Internet users to its 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 the respondent's website or location or of a product or service on the respondent's website or location.

The Complainant asserts that the Respondent registered and was using the disputed domain name in bad faith by intentionally disrupting the Complainant's business and seeking to attract Internet users to a competing website for commercial gain. The Panel notes that when a respondent impersonates a complainant through a disputed domain name, such conduct constitutes bad faith disruption of the complainant's business under paragraph 4(b)(iii) of the Policy and reflects an intent to commercially benefit by creating confusion under paragraph 4(b)(iv) of the Policy. See Xiaomi Inc. v. Nguyễn Đức Đạt (N/A), CAC, UDRP 107237 (CAC Feb. 12, 2025) (finding that the respondent's use of a disputed domain name to offer competing products disrupted the complainant's business and misled Internet users by falsely suggesting affiliation with the complainant, thereby supporting a finding of bad faith registration and use under Policy paragraph 4(b)(iv)).

As previously noted, the disputed domain name resolves to a website that impersonates or passes off as an official website of the Complainant. The site prominently and repeatedly displayed the CHEWY mark and logo in connection with the purported sale of discounted CHEWY branded pet products. The Panel finds that the Respondent's conduct was designed to impersonate the

Complainant and mislead Internet users into believing they are interacting with the Complainant or with an authorized outlet. Such behavior not only creates a likelihood of confusion but also intentionally diverts consumers away from the Complainant's official website, thereby interfering with the Complainant's business operations and exploiting the goodwill associated with its mark for commercial gain.

Accordingly, the Panel concludes that the Respondent's conduct satisfies the criteria for bad faith registration and use under paragraphs 4(b)(iii) and 4(b)(iv) of the Policy.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **sale-chewy.top**: Transferred

PANELLISTS

Name	**Mr. Ho-Hyun Nahm Esq.**

DATE OF PANEL DECISION 2025-12-11

Publish the Decision