Anonymized decision for dispute CAC-UDRP-108135

Case number	CAC-UDRP-108135
Time of filing	2025-11-09 23:48:49
Domain names	chewyly.shop

Case administrator

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

Complainant

Organization	Chewy, Inc.

Complainant representative

Organization	RODENBAUGH LAW LLC

Respondent

Name	[redacted]

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, a registered owner of the following **trademarks** containing the word element "CHEWY":

(i) CHEWY (word), U.S. national trademark, registration date 4 June 2013, trademark registration no. 4,346,308, registered for goods in the international class 35;

(ii) CHEWY (word) EU trademark, registration date 10 August 2017, trademark no. 016605834, registered for goods in the international class 35;

Besides other trademarks consisting of the "CHEWY " denominations.

(collectively referred to as "Complainant's trademarks").

FACTUAL BACKGROUND

The **Complainant**, Chewy, Inc. was founded in 2011 and it is a customer-service focused online retailer for pet supplies, the Complainant operates one of the largest online retail stores in the United States and also has fulfilment warehouses and fulfilment centres corporate offices, and customer service centres in multiple locations in the country. Since going public in 2019, the

Complainant has increasingly expanded into veterinary, telehealth, and pet wellness services.

The **disputed domain name** <chewyly.com> was registered on 11 October 2025 and is held by the Respondent.

The **disputed domain name website** (i.e. website available under internet address containing the disputed domain name) is currently inactive and does not resolve to any active website. However, as proven by the Complainant, the disputed domain name website at least for some time resolved to an imitative website offering pet-related products such as food, treats, and accessories that directly competed with those sold by Complainant.

The Complainant seeks the transfer of the disputed domain name to the Complainant.

PARTIES CONTENTIONS

COMPLAINANT:

A) CONFUSING SIMILARITY

The Complainant states that:

- The disputed domain name incorporates the CHEWY mark in its entirety, establishing confusing similarity.
- The only differences are the addition of the suffix “ly” and the “.shop” TLD, neither of which avoid confusion.
- Using a trademark in full within a domain name is sufficient to find confusing similarity under UDRP precedent.
- TLDs (including “.shop”) are disregarded when assessing confusing similarity, as they are standard registration elements.

B) NO RIGHTS OR LEGITIMATE INTERESTS

The Complainant states that:

- Respondent has no authorization from Complainant to use Complainant’s Trademarks in any way, including in any domain name.
- Complainant’s Trademarks predate the Respondent’s disputed domain name registration by many years, and the disputed domain name was registered long after Complainant established strong goodwill.
- The disputed domain name does not correspond to Respondent’s name and offers no basis for a legitimate interest.
- The disputed domain name resolves to an imitative website offering competing pet-related products, trading on Complainant’s goodwill to mislead users. Such use is not a bona fide offering of goods or services, nor legitimate non-commercial or fair use.
- Respondent does not meet the Oki Data reseller criteria, as the website falsely presents itself as an official Complainant site and does not disclose lack of affiliation.
- Complainant’s Trademarks are uniquely associated with Complainant, leaving no credible, legitimate intent behind Respondent’s registration or use.
- Once Complainant makes a prima facie showing of no rights or legitimate interests, the burden shifts to Respondent; Respondent has provided no evidence to the contrary.
- The Respondent therefore has no rights or legitimate interests in the disputed domain name

BAD FAITH REGISTRATION AND USE

The Complainant states that:

- The disputed domain resolves to a competing, imitative website using Complainant’s Trademarks without authorization.
- There is no evidence of any bona fide, legitimate, or fair use of the disputed domain name by Respondent.
- The fame and widespread recognition of Complainant’s Trademarks make it implausible that Respondent was unaware of them; the disputed domain name is valuable solely due to its association with the Complainant.
- Prior UDRP decisions confirm that using a domain identical or confusingly similar to a famous mark to divert users for commercial gain constitutes bad faith.
- Accordingly, the Complainant concludes that the domain name was registered and is being used in bad faith.

RESPONDENT:

The Respondent has not provided any response to the Complaint.

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

A) RIGHTS

The first UDRP element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trademark and the disputed domain name(s).

This test typically involves a side-by-side comparison of the disputed domain name and the textual components of the relevant trademark to assess whether the trademark is recognizable within the disputed domain name.

In cases where a disputed domain name incorporates the entirety of a trademark, or where at least a dominant feature of the relevant mark is recognizable in such domain name, the disputed domain name will normally be considered confusingly similar to that trademark for purposes of UDRP standing.

In such case, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element.

Applying the principles described above, the Panel finds that the disputed domain name is confusingly similar to Complainant's Trademarks.

The domain incorporates Complainant's Trademarks in their entirety, with only minor additions, such as the suffix "ly" and the generic ".shop" The addition of a descriptive term or TLD does not prevent a finding of confusing similarity

For the sake of completeness, the Panel asserts that the top-level suffix in the disputed domain name (i.e. the ".SHOP") must be disregarded under the identity and confusing similarity tests as it is a necessary technical requirement of registration.

Consequently, the disputed domain name is 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).

B) NO RIGHTS OR LEGITIMATE INTERESTS

According to established UDRP precedent, once the Complainant makes a prima facie case that the Respondent lacks such rights or legitimate interests, the burden shifts to the Respondent to show otherwise.

In this case, the Complainant has established a prima facie case that the Respondent has no rights or legitimate interests in the disputed domain name. The Respondent is not identified in the WHOIS record by the disputed domain name and there is no evidence that the Respondent is commonly known by it. The Complainant has further stated that it has no relationship with the Respondent and has not licensed, authorized, or otherwise permitted the Respondent to use Complainant's trademarks or to register any domain name incorporating it.

The disputed domain name resolved to an imitation website offering competing pet-related products, trading on the goodwill of

Complainant's Trademarks to mislead Internet users. Currently it is inactive. Such use cannot be considered a bona fide offering of goods or services or a legitimate non-commercial or fair use under paragraph 4(c) of the Policy.

The Respondent has not come forward with any evidence to rebut the Complainant's prima facie case or to demonstrate any rights or legitimate interests in the disputed domain name.

Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name within the meaning of paragraph 4(a)(ii) of the Policy.

C) BAD FAITH

The Complainant's trademark has been registered and widely used for many years prior to the registration of the disputed domain name.

The Panel notes that the term "CHEWY" is distinctive and closely associated with the Complainant, as shown by search engine results primarily referring to the Complainant and its business in the animal health and "wellbeing" sector. In these circumstances, it is not likely that the Respondent registered the disputed domain name without knowledge of the Complainant's trademark and reputation.

The disputed domain name resolved to an imitation website offering competing pet-related products. Such use demonstrates an intent to attract Internet users to the Respondent's website for commercial gain by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the website. This constitutes evidence of bad faith registration and use within the meaning of paragraph 4(b)(iv) of the Policy.

Thus, the Panel has taken a view that 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.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

PANELLISTS

Name	**Jiří Čermák**

DATE OF PANEL DECISION 2025-12-12

Publish the Decision