Decision for dispute CAC-UDRP-108132

Case number	CAC-UDRP-108132
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Domain names	chewycathome.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	Chewy, Inc.

Complainant representative

Organization	RODENBAUGH LAW LLC

Respondent

Name	Kevin Wilsonl

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 a portfolio of registered trademarks and service marks that include the following:

United States registered trademark CHEWY, registration number 5,028,009, registered on the Principal Register on August 23, 2016, for services in international class 35;

European Union Trade Mark (EUTM) CHEWY, registration number 016605834, registered on the Principal Register on August 10, 2017 for services in class 35;

United States registered trademark CHEWY, registration number 5,834,442, registered on the Principal Register on August 13, 2019, for services in international class 35.

FACTUAL BACKGROUND

The Complainant is a global online retailer of pet supplies and claims rights in the CHEWY mark established by its ownership of the above-described international portfolio of trademark and service mark registrations.

The Complainant has an established Internet presence and is the owner of the domain name <chewy.com>, which resolves to its

primary website.

The disputed domain name <chewycathome.com> was registered on September 27, 2025, and resolves to a website imitating the Complainant's retail platform offering pet products.

There is no information available about the Respondent except for that provided in the Complaint as amended, the Registrar's WhoIs, and the information provided by the Registrar in response to the request by the Forum for details of the registration of the disputed domain name.

PARTIES CONTENTIONS

Complainant

The Complainant claims rights in the CHEWY trademark established by its ownership of the trademark and service mark registrations described above and contends that the requirements of the Policy have been met and that the disputed domain name should be transferred to it.

The Complainant submits that it was founded in 2011 as a customer-service-focused online retailer for pet supplies. By 2023, the Complainant was ranked #362 in the Fortune 500 list of the world's most important companies. In 2024, the Complainant was added to the Standard & Poor's MidCap 500 list of most valuable midcap stocks. That year, the Complainant earned almost $12 billion in net sales, a 6% increase over the previous year, demonstrating its status as a highly successful global company, as exhibited in an annex to the Complaint.

The Complainant adds that it provides its services through the domain name <chewy.com>, which incorporates the CHEWY trademark and serves as the Complainant's primary website.

The Complainant firstly alleges that the disputed domain name <chewycathome.com> is identical or confusingly similar to the CHEWY mark in which it has rights, arguing that the disputed domain name fully incorporates the Complainant's CHEWY mark, adding only the words "cat" and "home," and the ubiquitous generic Top-Level Domain ("TLD") extension<.com>

Additionally, the Complainant contends that it is well-established that the use of a trademark in its entirety within a domain name at issue suffices to establish confusing similarity.

As noted in the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("WIPO Overview 3.0"), Section 1.7: "[I]n cases where a domain name incorporates the entirety of a trademark, or where at least a dominant feature of the relevant mark is recognizable in the domain name, the domain name will normally be considered confusingly similar to that mark for purposes of UDRP standing."

Moreover, it is argued that the descriptive terms "cat" and "home" within the disputed domain name do not prevent a finding of confusing similarity under the first element. This principle has been consistently applied in prior decisions, including Chewy, Inc. v. Bopan Zack, CAC-UDRP-107505 (Apr. 28, 2025), where the panel held that the disputed domain name <chewy-outlet.com> incorporated the CHEWY mark in its entirety and that the addition of the generic term "outlet" and a hyphen did not prevent a finding of confusing similarity.

Furthermore, Complainant contends that it is an established practice to disregard the gTLD extension in a domain name, in this case <.com> since it is seen as a customary registration requirement. WIPO Overview 3.0, Section 1.11 confirms: "The applicable Top Level Domain ['TLD'] in a domain name [e.g., '.com', '.top', '.club', '.nyc'] is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test."

Secondly, the Complainant alleges that the Respondent has no rights or legitimate interests in the disputed domain name, arguing that:

- the Respondent has never been authorized by the Complainant to use the CHEWY mark in any manner, much less as part of the disputed domain name;
- the Respondent is not a licensee of the Complainant;
- the Respondent and has no affiliation with the Complainant;
- the disputed domain name was registered long after the Complainant registered the CHEWY mark and established extensive goodwill in the mark;
- the Respondent's use of the CHEWY mark in the disputed domain name clearly suggests an affiliation with Complainant and the WIPO Overview 3.0, Section 2.5.1 confirms that where a domain name consists of a trademark plus an additional term, UDRP panels have largely held that such composition cannot constitute fair use if it effectively impersonates or suggests sponsorship or endorsement by the trademark owner.

The Complainant further argues that the Respondent is not commonly known by the disputed domain name, as evidenced by Registrar's verification of the registration of the disputed domain name but instead, the Respondent is using the disputed domain name to infringe and cybersquat upon the Complainant's rights in its globally famous CHEWY mark.

In this regard, the Complainant refers to a screen capture of the website to which the disputed domain name resolves, which is exhibited in an annex to the Complaint. The screen capture shows that the Respondent has used the disputed domain name as the

address of an imitative retail website offering pet products under the CHEWY marks and featuring other items bearing the Complainant's FRISCO brand. The Complainant submits that FRISCO is a proprietary brand owned and sold exclusively by the Complainant through the Complainant's website at <www.chewy.com>.

The Complainant adds that the exhibited screen capture shows that the Respondent is monetizing the disputed domain name by trading on the goodwill associated with the CHEWY marks, via advertising and otherwise.

It is argued that such use of the disputed domain name within the address of the Respondent's website is intended to confuse Internet users into visiting the Respondent's website, where the Respondent purports to offer deals for competing retail goods, as shown in the exhibit annexed to the Complaint.

The Complainant adds that such use does not constitute any legitimate bona fide sale of goods or services or legitimate non-commercial or fair use. This principle has been applied in Chewy, Inc. v. Bopan Zack, CAC-UDRP-107505, where the panel found that the Respondent's use of a domain name mimicking the Complainant's official website and offering goods under the CHEWY name and logo without authorization was misleading and did not constitute legitimate or fair use under the Policy.

The Complainant adds that the Respondent cannot claim to be a reseller with a right or legitimate interest in the disputed domain name because the Respondent does not accurately disclose its lack of relationship or affiliation with the Complainant.

Thirdly, the Complainant alleges that the disputed domain name was registered and is being used in bad faith.

It is contended that the Respondent intentionally registered the disputed domain name which prominently incorporates its famous CHEWY mark and is using the disputed domain name to direct Internet users to a competing retail website offering pet products under the CHEWY mark and featuring Complainant's FRISCO-branded items, as exhibited in an annex to the Complaint.

It is further argued that the disputed domain name a long time after the Complainant established its trademark rights, the Respondent uses the disputed domain name as the address of an imitative retail website featuring the Complainant's CHEWY and FRISCO-branded goods;

The evidence demonstrates that the Respondent knew of the Complainant's rights in the CHEWY mark at the time of registration, because the Complainant's CHEWY brand is globally recognized and has achieved a level of fame such that the Respondent cannot plausibly claim ignorance.

It is further argued by the Complainant that the disputed domain name is valuable only because of its association with the CHEWY brand, and there is no conceivable good faith use to which the Respondent could put the disputed domain name.

The Complainant adds that the exhibited screen capture of the website to which the disputed domain name resolves shows that the Respondent is using the disputed domain name to intentionally attract Internet users for commercial gain by operating an imitative retail website that uses the CHEWY mark in its domain name and features FRISCO-branded products.

The Complainant submits that by using the disputed domain name in this manner, the Respondent is creating a likelihood of confusion with the Complainant's CHEWY mark as to source, sponsorship, affiliation, or endorsement. WIPO Overview 3.0, Section 3.1.4 states that panels consistently find that registration of a domain name identical or confusingly similar to a famous trademark by an unaffiliated entity creates a presumption of bad faith.

The Complainant adds that such conduct disrupts the Complainant's business by diverting customers and prospective customers away from the Complainant, evidencing bad faith under paragraph 4(b)(iii). WIPO Overview 3.0, Section 3.1.3 confirms that the concept of "competitor" includes any person acting in opposition for commercial gain.

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

The Complainant's Rights

The Complainant has provided uncontested convincing evidence of its rights in the CHEWY mark established by its ownership of the abovementioned portfolio of trademark and service mark registrations and extensive use of the mark in its business as a retail provider of pet supplies. In 2024, the Complainant earned almost $12 billion in net sales, a 6% increase over the previous year, demonstrating its status as a highly successful global company

Identity or Confusing Similarity

The disputed domain name <chewycathome.com> consists of the Complainant’s CHEWY mark in its entirety in combination with the elements “cat” and “home” and the gTLD extension <.com>.

It is well established that, as in the present case, it is sufficient for a complainant to establish that the domain name at issue contains the mark relied upon in its entirety, to satisfy the first element of the test in Policy paragraph 4(a)(i).

The Complainant’s mark is the dominant and only distinctive element in the disputed domain name, and the additional generic elements “cat” and “home” do not prevent a finding that the disputed domain name is confusingly similar to the Complainant’s mark.

In the circumstances of this Complaint, the gTLD extension <.com> within the disputed domain name may be ignored for the purposes of comparing the Complainant’s mark and the disputed domain name, because it would be considered by Internet users to be a necessary technical element for a domain name.

The Complainant has therefore succeeded in the first element of the test in Policy paragraph 4(a)(i).

Rights and Legitimate Interests

The Complainant has made out a prima facie case that the Respondent has no rights or legitimate interests in the disputed domain name as set out in Complainant’s detailed submissions above.

In particular, the disputed domain name is clearly recognisable as the dominant and only distinctive element in the disputed domain name. The other elements are “home” and “cat” which infer an association with pet care. The Respondent is therefore using the disputed domain name to attract customers to his website and there is no evidence that the Respondent is carrying on any bona fide business or putting the disputed domain name to any legitimate use.

It is well established that once a complainant makes out a prima facie case that a respondent has no rights or legitimate interests in the domain name at issue, the burden of production shifts to the respondent to prove its rights or legitimate interests.

The Respondent has failed to discharge that burden, and therefore this Panel must find that the Respondent has no rights or legitimate interests in the disputed domain name.

The Complainant has therefore succeeded in the second element of the test in Policy paragraph 4(a)(ii).

The disputed domain name consists of Complainant’s CHEWY mark in its entirety, in combination with the words “cat” and “home” which together are references to animal care products.

By the time the disputed domain name <chewycathome.com> was registered on September 27, 2025, the Complainant had an established reputation and web presence and maintains its official website at <chewy.com> which resolves to its primary website. In 2023, the Complainant was ranked #362 in the Fortune 500 list of the world’s most important companies

On the balance of probabilities, therefore the registrant of the disputed domain name was aware of the Complainant when the disputed domain name was chosen and registered. There appears to be no plausible reason for registering the disputed domain name other than to create an association with the Complainant, its trademarks, product ranges and goodwill.

On the balance of probabilities, therefore, this Panel finds that the disputed domain name was in fact chosen and registered with the Complainant’s mark in mind with the intention of taking predatory advantage of the Complainant’s rights and goodwill in Complainant’s CHEWY mark.

The uncontested evidence in the form of screen captures which are exhibited in an annex to the Complaint illustrates that the disputed domain name resolves to a website that purports to be an

The Complainant has alleged that the Respondent is offering pet products under the CHEWY marks and featuring FRISCO brand items on the exhibited website to which the disputed domain name resolves. The exhibited website does not support this submission. The Respondent's website is entirely dedicated to cat toys and household items and does not offer any food supplements or similar products. In contrast, the Complainant's website is dedicated to a much wider group of pets, including dogs, and horses as well as cats in the images shown on the exhibited screen capture of <www.chewy.com>.

Also, contrary to the Complainant's submissions, the CHEWY mark is not exhibited anywhere on the screen capture of the Respondent's website which has been submitted. The website is entitled "THE SUPPLIES STORE" on the banner of the landing page.

All of the images on the Respondent's website contain what the Complainant describes as "Frisco-branded" products. The Complainant claims that it owns the "frisco" brand, but there is no evidence that the Complainant has any registered trademark or common law rights in the word "frisco" on the Complainant's own website.

Furthermore, the products that are shown on the Respondent's website are toys, condos, bolsters, pillows, beds and novelty items for cats, whereas the products presented on the screen capture of the Complainant's website are quite different namely dog food, dog flea and tick products, dog treats, cat food, cat litter, prescription meds, and pet insurance.

This Panel finds that the Complainant's arguments that the Respondent is passing itself off as the Complainant on its website must fail.

Nonetheless, the Respondent is using the Complainant's CHEWY mark as the initial and only distinctive element in the disputed domain name <chewycathome.com>.

The uncontested evidence shows that the Respondent is using the Complainant's trademark within the disputed domain name as the address of the resolving website.

On the balance of probabilities, such use is intended to attract and confuse Internet users who are seeking the Complainant's website and cause them to divert their Internet traffic and misdirect it to the Respondent's web page. In addition, such use of the mark is intended to create initial interest confusion as to the source, sponsorship, affiliation, or endorsement of the Respondent's website. Such use of the Complainant's trademark within the address of the Respondent's website constitutes use in bad faith for the purposes of the Policy.

As this Panel has found that the disputed domain name was registered and is being used in bad faith, the Complainant has succeeded in the third element of the test in Policy paragraph 4(a)(iii).

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **chewycathome.com**: Transferred

PANELLISTS

Name	**James Bridgeman**

DATE OF PANEL DECISION 2025-12-15

Publish the Decision