Decision for dispute CAC-UDRP-108263

Case number	CAC-UDRP-108263
Time of filing	2025-12-19 20:41:27
Domain names	chewy-h5.com

Case administrator

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

Complainant

Organization	Chewy, Inc.

Complainant representative

Organization	RODENBAUGH LAW LLC

Respondent

Name	Ksde Lsjdre

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

In these proceedings, the Complainant mainly relies on the following trademarks – duly renewed, where applicable:

- CHEWY.COM (U.S. Reg. 4,346,308) in Class 35, used in commerce since 2012 and registered on June 4, 2013;
- CHEWY (U.S. Reg. 5,028,009), in Class 35, used in commerce since 2016 and registered on August 23, 2016;
- CHEWY (U.S. Reg. 5,834,442), in Class 35, used in commerce since 2018 and registered on August 13, 2019;
- CHEWY (U.S. Reg. 6,788,620), in Class 9, used in commerce since 2016 and registered on July 12, 2022;
- CHEWY (U.S. Reg. 6,847,058), in Classes 18 and 25, used in commerce since 2020 and registered on September 13, 2022;
- CHEWY (EU Reg. 016605834) in Class 35, registered as of April 12, 2017;
- CHEWY (EU Reg. 018513701) in Class 9, registered as of July 14, 2021; and
- CHEWY (AU Reg. 2060121) in Class 35, registered as of January 2, 2020.

The following trademarks are also mentioned in the Complaint, but their certificates of registration have not been presented in the evidence by the Complainant:

- CHEWY (EU Reg. 018101754) in Class 35, registered on December 14, 2019; and

- CHEWY (EU Reg. 018168138) in Class 18, registered on May 22, 2020.

It is also worth noting that the Complainant owns many similar trademarks in various countries – including in the USA, where the Respondent is apparently located (although the information provided seems to be false) – which have not been cited in these proceedings.

FACTUAL BACKGROUND

The Complainant is a large American online retailer company for pet food and other pet-related products, founded in 2011 and gone public at the NY Stock Exchange in 2019. Ever since, the Complainant has become one of the most well-known companies in its field, having acquired commercial presence all around the USA through its strong online presence and its thousands of employees.

The Complainant owns a large-sized portfolio of trademarks including the wording "CHEWY", among which a US registration dating back to 2013. It also owns a multitude of related domain names, like <chewy.com> since April 2004.

The disputed domain name <chewy-h5.com> was registered on May 19, 2025 by the Respondent, as confirmed by the Registrar.

PARTIES CONTENTIONS

COMPLAINANT

The Complainant contends that the disputed domain name is confusingly similar to its CHEWY trademark, as it wholly incorporates this trademark, accompanied by a hyphen and the random component “h5”. This last element is sufficient to support the finding that the disputed domain name is confusingly similar to the Complainant's trademark. Indeed, the mere addition of “-h5” to the Complainant’s trademark does not change the overall impression of a most likely connection with the trademark CHEWY of the Complainant. As to the gTLD “.com”, the Complainant suggests that it should be disregarded, as per the usual practice.

The Complainant maintains that the Respondent lacks rights or legitimate interests in the disputed domain name because the Respondent is not known by the disputed domain name, the Complainant is not affiliated with nor has it ever authorised the Respondent to register its trademark as a domain name and the Complainant has no business with the Respondent.

According to the Complainant, given the distinctiveness and reputation of the CHEWY trademark, the Respondent registered the disputed domain name with full knowledge of the Complainant's trademark in an intentionally designed way with the aim to create a likelihood of confusion with the Complainant’s trademarks and domain names, and this is evidence of the fact that the disputed domain name was registered in bad faith.

With respect to use in bad faith, the Complainant points out that the Respondent has used the disputed domain name as a page that essentially copies the Complainant’s official website, a fact that -in combination with the incorporation of a famous trademark in a domain name- proves use in bad faith. It is, indeed, impossible to conceive any actual or contemplated use that would not be illegitimate.

For all these reasons, the Complainant concludes that the Respondent registered and used the disputed domain name in bad faith.

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).

The disputed domain name consists of the Complainant's whole trademark (CHEWY). The mere addition of a hyphen and of the random element “h5” in the disputed domain name is not sufficient to escape the finding that the disputed domain name is confusingly similar to the trademark of the Complainant.

As far as the gTLD ".com" is concerned, it is generally recognized that top level domains do not have any bearing in the assessment of identity or confusing similarity, according to paragraph 4(a)(i) of the Policy.

Hence, the Panel is satisfied that the first requirement under the Policy is met.

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).

Since proving a negative fact is almost impossible, Panelists in UDRP proceedings have generally agreed that it is sufficient for the Complainant to establish a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name to shift the burden of proof to the Respondent.

In the case at issue, the Complainant argued that it had never authorised the Respondent to register the CHEWY trademark in a domain name, and that it had never licensed its trademark to the Respondent.

Furthermore, the Respondent has not demonstrated any use of the disputed domain name in connection with a bona fide offering of goods and services or a legitimate non-commercial or fair use of the disputed domain name.

Finally, there is no other evidence in the case file that could demonstrate that the Respondent has been commonly known by the disputed domain name.

In view of the foregoing, the Panel is satisfied that the Complainant has established a prima facie case that the Respondent lacks rights and legitimate interests in the disputed domain name. In order to rebut the Complainant's arguments, the Respondent had the possibility to make his own defence. However, the Respondent has chosen not to file a Response.

Therefore, the Panel is satisfied that also the second requirement under the Policy is met.

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).

As far as registration in bad faith is concerned, given the reputation of the Complainant's trademark and the fact that the disputed domain name fully incorporates this trademark (even accompanied by the element “-h5”), it is evident that, at the time of the registration of the disputed domain name, the Respondent was well aware of the Complainant's trademark. The registration as domain name of a third party's well-known trademark with full knowledge of the fact that the rights over this trademark belong to a third-party amounts to registration in bad faith.

With respect to use in bad faith, the disputed domain name resolves to a page that copies the Complainant’s official website to a large extent. This fact is to be combined with the incorporation of the Complainant’s reputable trademark in the disputed domain name. For this Panel, same as for many previous panels, such misleading behaviour clearly amounts to use in bad faith. Consequently, it is impossible to conceive any plausible active use of the disputed domain names that would be legitimate.

Therefore, the Panel finds it clear that the disputed domain name was used in bad faith.

For all circumstances mentioned above, the Panel is satisfied that also the third requirement under the Policy is satisfied.

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 disputed domain name wholly incorporates the Complainant's trademark, accompanied by a hyphen and a random combination of a letter and a number. The disputed domain name is therefore confusingly similar to the Complainant's trademark.

The Respondent was not authorised to include the Complainant's trademark in the disputed domain name, and the Complainant

never licensed its trademark to the Respondent. The Respondent is not using the disputed domain name in connection with a bona fide offering of goods or services, or a legitimate non-commercial or fair use.

The Respondent registered the disputed domain name with full knowledge of the Complainant's well-known trademark. Its use of the disputed domain name is in bad faith as there is no conceivable use of the disputed domain name that could amount to a legitimate use.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **chewy-h5.com**: Transferred

PANELLISTS

Name	**Sozos-Christos Theodoulou**

DATE OF PANEL DECISION 2026-02-02

Publish the Decision