

## **ADMINISTRATIVE PANEL DECISION**

Penske Automotive v. Amber Bacon, penske  
Case No. D2025-5217

### **1. The Parties**

Complainant is Penske Automotive, United States of America ("United States"), represented by CSC Digital Brand Services Group AB, Sweden.

Respondent is Amber Bacon, penske, United States.

### **2. The Domain Name and Registrar**

The disputed domain name <penskeservices.com> (the "Disputed Domain Name") is registered with Squarespace Domains II LLC (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on December 15, 2025. On December 15, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On December 15, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Disputed Domain Name which differed from the named Respondent (Redacted For Privacy, Penske) and contact information in the Complaint. The Center sent an email communication to Complainant on December 15, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on December 18, 2025.

The Center verified that the Complaint together with the amended Complaint satisfied the formal requirements of the Uniform Domain Name Dispute Resolution Policy (the "Policy" or "UDRP"), the Rules for Uniform Domain Name Dispute Resolution Policy (the "Rules"), and the WIPO Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the "Supplemental Rules").

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified Respondent of the Complaint, and the proceedings commenced on December 19, 2025. In accordance with the Rules, paragraph 5, the due date for Response was January 8, 2026. Respondent did not submit any response. Accordingly, the Center notified Respondent's default on January 9, 2026.

The Center appointed Colin T. O'Brien as the sole panelist in this matter on January 14, 2026. The Panel finds that it was properly constituted. The Panel has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required by the Center to ensure compliance with the Rules, paragraph 7.

#### 4. Factual Background

Complainant is a diversified international transportation services company and one of the world's premier automotive and commercial truck retailers. Complainant operates dealerships in the United States, the United Kingdom, Canada, Germany, Italy, Japan, and Australia and is one of the largest retailers of commercial trucks in North America for Freightliner. Complainant employs over 28,900 people worldwide.

Complainant maintains a strong online presence through their long list of domain names, chief amongst them is their primary domain name for Penske Corporation <penske.com> and for Penske Automotive, <penskeautomotive.com>, registered in 1996 and 2000.

Complainant or related entity has rights in the following trademark registrations including but not limited to

| TRADEMARK               | TRADEMARK OFFICE | REGISTRATION NUMBER | REGISTRATION DATE | INTERNATIONAL CLASS   |
|-------------------------|------------------|---------------------|-------------------|-----------------------|
| PENSKE                  | United States    | 2132515             | January 27, 1998  | 39                    |
| PENSKE                  | United Kingdom   | UK00001582812       | February 16, 1996 | 25 and 41             |
| PENSKE                  | United Kingdom   | UK00002144771       | March 13, 1998    | 39                    |
| PENSKE                  | International    | 1145947             | October 23, 2012  | 35, 36, and 39        |
| PENSKE VEHICLE SERVICES | Canada           | TMA954948           | November 10, 2016 | 9, 35, 37, 40, and 42 |
| PENSKE VEHICLE SERVICES | United States    | 5082768             | November 15, 2016 | 9, 35, 37, 40, and 42 |

The Disputed Domain Name was registered on February 27, 2025, but was previously registered by Complainant until it let it lapse in 2020.

The Disputed Domain Name resolves to a website under construction.

#### 5. Parties' Contentions

##### A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, Complainant contends that the granting of registrations by the United States Patent and Trademark Office, the United Kingdom Intellectual Property Office, WIPO and the Canadian Intellectual Property Office to Complainant for the PENSKE trademark is prima facie evidence of the validity of the term “penske” as a trademark, of Complainant’s ownership of this trademark, and of Complainant’s exclusive right to use the PENSKE trademark in commerce on or in connection with the goods and/or services specified in the registration certificates.

In creating the Disputed Domain Name, Respondent has added the generic, descriptive term “services” to Complainant’s PENSKE trademark, thereby making the Disputed Domain Name confusingly similar to Complainant’s trademark. The fact that such term is closely linked and associated with Complainant’s brand and trademark only serves to underscore and increase the confusing similarity between the Disputed Domain Name and Complainant’s trademark. More specifically, “penskeservices” is confusingly similar to Complainant’s sister company, Penske Vehicle Services, who operates through their primary domain name <penskevehicleservices.com>.

Complainant was the original owner of the Disputed Domain Name until at least 2020 when the Disputed Domain Name was inadvertently lapsed. Respondent has re-registered the Disputed Domain Name by using without authorization Complainant’s business name and address details.

Respondent was not sponsored by or affiliated with Complainant in any way. Nor has Complainant given Respondent permission to use Complainant’s trademarks in any manner, including in domain names. Furthermore, Complainant has not licensed, authorized, or permitted Respondent to register domain names incorporating Complainant’s trademark.

Respondent is using the Disputed Domain Name to direct Internet users to a website that has been under construction since registration. Respondent has failed to make use of this Disputed Domain Name’s website and has not demonstrated any attempt to make legitimate use of the Disputed Domain Name.

By registering a domain name that fully incorporates Complainant’s trademark, Respondent has created a domain name that is confusingly similar to Complainant’s trademark, as well as its domain names <penske.com> and <penskevehicleservices.com>. As such, Respondent has demonstrated a knowledge of and familiarity with Complainant’s brand and business. The fact that Complainant was the original owner of the Disputed Domain Name proves the latter. Further, the term “penske” is so closely linked and associated with Complainant that Respondent’s use of this mark, or any minor variation of it, strongly implies bad faith

The Disputed Domain Name can only be taken as intending to cause confusion among Internet users as to the source of the Disputed Domain Name, and thus, the Disputed Domain Name must be considered as having been registered and used in bad faith pursuant to Policy 4(b)(iv), with no good faith use possible. More specifically, where the Disputed Domain Name fully incorporates Complainant’s trademark and was previously owned by Complainant, there is no plausible good-faith reason or logic for Respondent to have registered the Disputed Domain Name.

## **B. Respondent**

Respondent did not reply to Complainant’s contentions

## 6. Discussion and Findings

### A. Identical or Confusingly Similar

Complainant has demonstrated it has rights in the PENSKE mark. The addition of the term “services” does not prevent the PENSKE trademark from being recognizable in the Disputed Domain Name. The generic Top-Level Domain “.com” is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test. Accordingly, the Disputed Domain Name is confusingly similar to a mark in which Complainant has rights.

See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ([“WIPO Overview 3.0”](#)), sections 1.8 and 1.11.1, and *F. Hoffmann-La Roche AG v. Domain Admin, Privacy Protection Service INC d/b/a PrivacyProtect.org / Conan Corrigan*, WIPO Case No. [D2015-2316](#).

The Panel finds the first element of the Policy has been established.

### B. Rights or Legitimate Interests

Complainant has presented a prima facie case that Respondent has no rights or legitimate interests in respect of the Disputed Domain Name and has not been commonly known by the Disputed Domain Name. The fact that Respondent obtained the Disputed Domain Name which incorporates the PENSKE famous trademark with the descriptive term “services” indicates that Respondent likely sought to piggyback on the mark for illegitimate reasons.

After a complainant has made a prima facie case, the burden of production shifts to a respondent to present evidence demonstrating rights or legitimate interests in the domain name. See, e.g., *Croatia Airlines d.d. v. Modern Empire Internet Ltd.*, WIPO Case No. [D2003-0455](#).

Here, Respondent has provided no evidence of any rights or legitimate interests in the Disputed Domain Name. Moreover, the Disputed Domain Name incorporates the PENSKE trademark in its entirety along with the descriptive term “services” potentially conveying to unsuspecting Internet users the false belief that any website or email connected to the Disputed Domain Name is associated with Complainant. Such a risk of affiliation or association with Complainant and the PENSKE mark cannot constitute fair use.

In the absence of any evidence rebutting Complainant’s prima facie case indicating Respondent’s lack of rights or legitimate interests in respect of the Disputed Domain Name, the Panel finds that Complainant has satisfied paragraph 4(a)(ii) of the Policy.

### C. Registered and Used in Bad Faith

The Disputed Domain Name was registered decades after the PENSKE mark was first registered and used. The evidence provided by Complainant with respect to the extent of use of its PENSKE mark combined with the additional term in the Disputed Domain Name and absence of any evidence provided by Respondent to the contrary, is sufficient to satisfy the Panel that, at the time the Disputed Domain Name was registered, Respondent knew of the PENSKE mark, and knew it had no rights or legitimate interests in the Disputed Domain Name.

Moreover, UDRP panels have consistently found that the mere registration of a domain name that is confusingly similar (particularly domain names comprising typos or incorporating the mark plus a descriptive term) to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith. See section 3.1.4 of the [WIPO Overview 3.0](#).

The Panel finds that the only plausible basis for registering and using the Disputed Domain Name is for illegitimate and bad faith purposes. In addition, in view of section 3.3 of the [WIPO Overview 3.0](#), the current inactive state of the Disputed Domain Name does not prevent a finding of bad faith under the doctrine of passive holding particularly noting the reputation of the PENSKE mark, composition of the Disputed Domain Name clearly targeting the PENSKE mark, and lack of response from Respondent.

Accordingly, the Panel finds that Complainant has satisfied paragraph 4(a)(iii) of the Policy.

## **7. Decision**

For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the disputed domain name <penskeservices.com> be transferred to Complainant.

*/Colin T. O'Brien/*

**Colin T. O'Brien**

Sole Panelist

Date: January 19, 2026