

ADMINISTRATIVE PANEL DECISION

Penske Automotive Group Inc. v. Sherri Steinberg, Erp Staffing Company Case No. D2026-0383

1. The Parties

Complainant is Penske Automotive Group Inc.¹, United States of America ("United States"), represented by CSC Digital Brand Services Group AB, Sweden.

Respondent is Sherri Steinberg, Erp Staffing Company, United States.

2. The Domain Name and Registrar

The disputed domain name <penskauto.com> is registered with NameCheap, Inc. ("Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center ("Center") on January 29, 2026. On January 30, 2026, the Center transmitted by email to Registrar a request for registrar verification in connection with the disputed domain name.

On February 2, 2026, Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name that differed from that in the Complaint (e.g., the Complaint named "Redacted for Privacy, Privacy service provided by Withheld for Privacy ehg" as Respondent). The Center sent an email communication to Complainant on February 3, 2026, providing the registrant and contact information disclosed by Registrar and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on February 5, 2026 naming "Sherri Steinberg, Erp Staffing Company" as Respondent.

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

¹The Complaint identifies Complainant as "Penske Automotive" (without any corporate designation in its name); however, the Complaint also stated that Complainant is publicly-traded on the New York Stock Exchange Symbol using the symbol "PAG." That symbol is associated with "Penske Automotive Group Inc.," which is a Delaware corporation. Accordingly, the Panel uses that name in its decision.

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified Respondent of the Complaint, and the proceedings commenced on February 9, 2026. In accordance with the Rules, paragraph 5, the due date for Response was March 1, 2026. Respondent did not submit any response. Accordingly, the Center notified Respondent's default on March 9, 2026.

The Center appointed Debra J. Stanek as the sole panelist in this matter on March 13, 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 publicly-traded transportation services company, trading on the New York Stock Exchange under the symbol "PAG". Complainant is a member of a group of companies that provide a variety of transportation services, including operating commercial truck dealerships.

Penske System Inc., owns several registrations for the mark PENSKE, including:

- United States Registration No. 2132515, registered on January 27, 1998, for truck rental and leasing services.
- United Kingdom Registration No. UK00002144771, registered on September 11, 1997, for, among other things, truck rental and leasing services.
- International Registration No. 1145947, registered on October 23, 2012, for among other things, truck rental and leasing services.

Complainant and its affiliates use the PENSKE mark in their domain names, including <penske.com> and <penskeautomotive.com>.

The disputed domain name was created on October 27, 2025. As of the time the Complaint was filed and at the time of this decision, the disputed domain name did not resolve to an active website; instead, an error message is displayed. Prior to the filing of the Complaint, the disputed domain name resolved to a website that displayed Complainant's PENSKE design mark and resembled Complainant's website.

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.

In particular:

- The disputed domain name is confusingly similar to Complainant's mark because it consists of a misspelling of the PENSKE mark, omitting the final letter, and adding the generic term "auto". The added term is so closely linked with Complainant's services that it reinforces the similarity to Complainant's mark.
- Respondent has no rights or legitimate interests in the disputed domain name. Respondent's registrant name does not resemble the disputed domain name. The registration address corresponds to that of a towing company that offers services in the same or a similar industry as Complainant.

- The disputed domain name was registered long after registration of Complainant's marks and was initially used for a website that copied the design, logo, and other elements of Complainant's website.
- It is clear that Respondent was aware of Complainant and its PENSKE mark and chose a domain name and designed a website intended to impersonate Complainant.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

To prevail under the Policy a complainant must prove, as to the domain name at issue, that: (a) it is identical or confusingly similar to a mark in which the complainant has rights, (b) respondent has no rights or legitimate interests in respect to it, and (c) it has been registered and is being used in bad faith. Policy, paragraph 4(a). A respondent's failure to respond does not automatically result in a finding for the complainant; the complainant continues to have the burden of establishing each element. Rules, paragraphs 5(f) and 14(a); see also WIPO Overview of WIPO Panel Views on Select UDRP Questions, ("[WIPO Overview 3.1](#)"), section 4.3. The Panel may, however, draw appropriate inferences from the default. See Rules, paragraph 14(b).

The Panel determines that "Sherri Steinberg, Erp Staffing Company" is the appropriate Respondent. See [WIPO Overview 3.1](#), section 4.4.5 (in cases involving a privacy service, Panel has discretion to determine appropriate respondent).

A. Identical or Confusingly Similar

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between Complainant's trademark and the disputed domain name. [WIPO Overview 3.1](#), section 1.7.

However, as an initial matter, the Panel notes that while the Complaint states that the PENSKE trademark registrations are owned by "Penske Automotive," the registrations identify the owner as "Penske System, Inc". The Complaint does not explain the relationship between Complainant and the owner of the marks but does generally refer to Complainant's corporate parent, Penske Corporation, and its "Group". Despite Complainant's failures in pleading, the Panel is satisfied, based on other publicly-available information², that Complainant is an affiliate of the owner of the PENSKE marks with the authority to initiate this proceeding. Therefore, the Panel finds Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.2.1.

The Panel finds the Complainant's mark is recognizable within the disputed domain name. In the Panel's view, the disputed domain name intentionally misspells the PENSKE mark and adds a descriptive term. Although the addition of "auto" may bear on assessment of the second and third elements, the Panel finds that, here, the addition does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.8.

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

² That information includes prior domain name disputes, *Penske Automotive v. Amber Bacon, penske*, WIPO Case No. [D2025-5217](#) (January 19, 2026) (finding that Complainant or a related entity has rights in the relevant registration) and *Penske System, Inc. v. M Akkaoui a/k/a Moe Akkaoui*, WIPO Case No. [DAU2014-0017](#) (July 8, 2014) (describing Complainant as a member of a large group). See [WIPO Overview 3.1](#), section 4.8 (noting that a panel may undertake limited factual research into matters of public record).

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of circumstances in which Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although the overall burden of proof in proceedings under the Policy is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the difficult task of “proving a negative,” requiring information that is often primarily within the knowledge or control of the respondent. As such, 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 (although the burden of proof remains on the complainant). If the respondent fails to come forward with relevant evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.1](#), section 2.1.

The Panel finds Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the disputed domain name. Respondent has not rebutted Complainant’s prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise.

Further, Complainant has provided credible evidence that Respondent previously used the disputed domain name with a website that featured Complainant’s name and logo and resembled Complainant’s own website. Consistent with determinations by other panels, the Panel finds that this use of the disputed domain name cannot confer rights or legitimate interests on Respondent. [WIPO Overview 3.1](#), section 2.13.1.

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

C. Registered and Used in Bad Faith

The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

Complainant’s evidence shows: Registration of the PENSKE mark long predates registration of the disputed domain name. The disputed domain name omits the last letter of the mark and adds the term “auto”, which, in the Panel’s view, reinforces a connection with Complainant. That, combined with use of Complainant’s logo and other design elements on the website associated with the disputed domain name makes good faith use implausible. In addition, Respondent has failed to respond in these proceedings. Under these circumstances, the Panel finds Respondent’s registration and use of the disputed domain name constitutes bad faith under the Policy.

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

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 <penskauto.com> be transferred to Complainant.

/Debra J. Stanek/

Debra J. Stanek

Sole Panelist

Date: March 26, 2026