

ADMINISTRATIVE PANEL DECISION

Penske Automotive v. Ryan Yimo
Case No. D2026-0564

1. The Parties

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

The Respondent is Ryan Yimo, United States.

2. The Domain Name and Registrar

The disputed domain name <penskershocks.com> is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 10, 2026. On February 11, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 12, 2026, 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, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 12, 2026, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amended Complaint on the same date.

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 the Respondent of the Complaint, and the proceedings commenced on February 13, 2026. In accordance with the Rules, paragraph 5, the due date for Response was March 5, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on March 6, 2026.

The Center appointed Evan D. Brown as the sole panelist in this matter on March 11, 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

The Complainant is in the business of providing various goods and services in the transportation and professional motorsports sectors, among others. The Complainant's related entity Penske System, Inc. owns the trademarks PENSKE and PENSKE RACING SHOCKS, for which it enjoys the benefits of registration (e.g., United States Reg. Nos. 2132515 and 5756567, registered on January 27, 1998 and May 21, 2019, respectively).

The Complainant's group maintains a strong online presence through their long list of domain names, chief amongst them are their primary domain names for Penske Corporation, <penske.com>, and for Penske Racing Shocks <penskeshocks.com>.

According to the Whois records, the disputed domain name was registered on November 24, 2025. The disputed domain name does not resolve to an active page but instead resolves to a blank page that lacks content. The Respondent has configured Mail Exchange ("MX") records associated with the disputed domain name, suggesting potential use for email communications.

5. Parties' Contentions

A. Complainant

The Complainant contends that the disputed domain name is identical or confusingly similar to the Complainant's trademark; that the Respondent has no rights or legitimate interests in respect of the disputed domain name; and that the disputed domain name was registered and is being used in bad faith.

B. Respondent

The Respondent did not respond to the Complainant's contentions.

6. Discussion and Findings

To succeed, the Complainant must demonstrate that all of the elements listed in paragraph 4(a) of the Policy have been satisfied: (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights, (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name, and (iii) the disputed domain name has been registered and is being used in bad faith. The Panel finds that all three of these elements have been met in this case.

A. Identical or Confusingly Similar

This first element functions primarily as a standing requirement. [WIPO Overview 3.1](#), section 1.7. The standing test for confusing similarity involves a straightforward comparison between the complainant's trademark and the disputed domain name.

A registered trademark provides a clear indication that the rights in the mark belong to its owner. The Complainant has demonstrated its rights in the PENSKE and PENSKE RACING SHOCKS marks by providing evidence of the trademark registrations. See [WIPO Overview 3.1](#), section 1.2.1.

The disputed domain name <penskershocks.com> incorporates the PENSKE mark with the additional letter “r” (which may be read as shorthand for “racing”) and the word “shocks”. These additions do not prevent a finding of confusing similarity. See [WIPO Overview 3.1](#), section 1.8 . The PENSKE mark remains clearly recognizable.

The Panel finds that the Complainant has established the first element.

B. Rights or Legitimate Interests

The Panel assesses whether the Complainant has made a prima facie showing that the Respondent lacks rights or legitimate interests. See [WIPO Overview 3.1](#), section 2.1.

On this point, the Complainant asserts that: (1) the Respondent is not affiliated with or authorized by the Complainant; (2) the Respondent is not commonly known by the disputed domain name; (3) the Respondent has configured MX records suggesting intent to use the domain name for deceptive email purposes; and (4) the Respondent has not used the domain name in connection with any bona fide offering of goods or services. Instead, the Respondent has passively held the disputed domain name while enabling potential email use.

The Panel finds that the Complainant has made a prima facie showing. The Respondent has not rebutted this case.

Accordingly, the Panel finds that the Complainant has established the second element.

C. Bad Faith Registration and Use

The Panel finds that the disputed domain name was registered and is being used in bad faith.

First, given the distinctiveness and longstanding use of the PENSKE mark, it is not plausible that the Respondent was unaware of the Complainant’s rights at the time of registration. The composition of the disputed domain name, which closely targets the Complainant’s mark and associated products and the Complainant’s domain name <penskershocks.com>, supports a finding of knowledge and targeting.

Second, the disputed domain name resolves to a blank page. Panels have consistently held that passive holding does not prevent a finding of bad faith. See *Telstra Corp. Ltd. v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#); [WIPO Overview 3.1](#), section 3.3. In the present case, the distinctiveness of the mark, the lack of any plausible legitimate use, and the Respondent’s failure to respond all support such a finding.

Third, the Respondent has configured MX records for the disputed domain name. As recognized by panels, the use of a domain name for email, particularly where it is confusingly similar to a complainant’s mark, can constitute bad faith, as it enables phishing, passing off, or other fraudulent activities. See [WIPO Overview 3.1](#), section 3.4. Even absent evidence of actual misuse, this configuration creates a clear risk of abuse and supports a finding of bad faith. *Principal Financial Services, Inc. v. Cong Truong*, WIPO Case No. [D2025-0648](#) (presence of MX records creates a risk that the Respondent may be using the disputed domain name for misrepresentations and/or phishing or spamming activities)

Fourth, the Respondent’s use of a privacy service to conceal its identity further supports an inference of bad faith in the circumstances of this case. See [WIPO Overview 3.1](#), section 3.6.

Considering all of the circumstances, including the targeting of a well-known mark, the lack of any plausible good faith use, the passive holding of the domain name, and the configuration of MX records, the Panel finds that the disputed domain name was registered and is being used in bad faith.

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 <penskershocks.com> be transferred to the Complainant.

/Evan D. Brown/

Evan D. Brown

Sole Panelist

Date: March 24, 2026