ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
Penn Fishing Tackle Manufacturing v. Catherine Yura, Brigitta Jenkins
Case No. D2026-0923

1. The Parties

Complainant is Penn Fishing Tackle Manufacturing, United States of America, represented by Neal & McDevitt, United States of America ("United States").

Respondents are Catherine Yura, United States, and Brigitta Jenkins, United States.

2. The Domain Names and Registrar

The disputed domain names <penn-fishing.com>, and <pennfishing.sale> (the "Domain Names") are registered with Dynadot Inc. (the "Registrar").

3. Procedural History

Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on March 3, 2026. On March 4, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Names. On March 9, 2026, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Names which differed from the named Respondent (Redacted for Privacy) and contact information in the Complaint.

The Center sent an email communication to Complainant on March 9, 2026 with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrar, requesting Complainant to either file separate complaint(s) for the Domain Names associated with different underlying registrants or alternatively, demonstrate that the underlying registrants are in fact the same entity and/or that all domain names are under common control. Complainant filed an amended Complaint on March 11, 2026.

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 Respondents of the Complaint, and the proceedings commenced on March 16, 2026. In accordance with the Rules, paragraph 5, the due date for Response was April 5, 2026. Respondent did not submit any response. Accordingly, the Center notified Respondents' default on April 20, 2026.

The Center appointed Kimberley Chen Nobles as the sole panelist in this matter on April 30, 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 and its trademarked PENN brand have been connected with fishing reels since at least as early as 1931 and fishing rods and fishing lines since at least as early as 1974. Founded over 90 years ago, the Complainant has been producing fishing reels and related fishing equipment under its PENN trademarks.

Complainant owns several registered trademarks with the PENN mark, including:

- United States registered trademark number 674,119 for the PENN word mark, registered on February 17, 1959;
- United States registered trademark number 1,009,216 for the PENN word mark, registered on April 22, 1975;
- United States registered trademark number 4,457,475 for the PENN word mark, registered on December 31, 2013; and
- United States registered trademark number 6,467,633 for the PENN word and design mark, registered on August 31, 2021, with a first use date in commerce of January 31, 2007.

Complainant also owns and operates its business website at <pennfishing.com>.

The Domain Names <penn-fishing.com> and <pennfishing.sale> were registered on February 1, 2026, and February 7, 2026, respectively. Each Domain Name resolved to identical websites which feature Complainant's PENN trademarks, displaying images originally featured on Complainant's website, and offering fishing and related goods that Complainant offers in its business.

5. Parties' Contentions

A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the Domain Names.

Notably, Complainant contends that (i) the Domain Names are confusingly similar to Complainant's trademarks; (ii) Respondents have no rights or legitimate interests in the Domain Names; and (iii) Respondents registered and are using the Domain Names in bad faith.

In particular, Complainant contends that it has trademark registrations for PENN, and that Respondents registered and are using the Domain Names to impersonate Complainant and offer fishing goods and services offered by Complainant, with the intention to confuse Internet users looking for Complainant's bona fide and well-known PENN products and services.

Further, Complainant contends that Respondents have acted in bad faith in acquiring and setting up the Domain Names, when Respondents clearly knew of Complainant's rights.

B. Respondents

Respondents did not reply to Complainant's contentions.

6. Discussion and Findings

6.1 Preliminary Issue: Consolidation of Respondents

Complainant requests consolidation of the nominally different domain name registrants for the Domain Names into a single proceeding because they are under common ownership and/or control for the following reasons: the Domain Names were registered within a few days of each other; both Domain Names resolved to identical websites which impersonate and target Complainant and its PENN trademarks; the registrant contact information of the two Respondents displays strong similarities and both Domain Names were registered through the same registrar.

Complainant further contends that the combination of the above factors justifies the filing of a single Complaint for the two Domain Names, and that it would also cause Complainant to incur substantial additional time and costs, if Complainant is required to submit separate Complaints.

Respondents did not comment on Complainant's request.

Paragraph 3(c) of the Rules states that a complaint may relate to more than one domain name, provided that the domain names are registered by the same domain name holder.

In addressing Complainant's request, the Panel will consider whether (i) the Domain Names or corresponding websites are subject to common control; and (ii) the consolidation would be fair and equitable to all Parties. Procedural efficiency would also underpin Panel consideration of such a consolidation scenario. See WIPO Overview of WIPO Panel Views on Select UDRP Questions ("WIPO Overview 3.1"), section 4.11.2.

Panels have considered a range of factors, typically present in some combination, as useful to determining whether such consolidation is appropriate, such as similarities in or relevant aspects of (i) the registrants' identity(ies) including pseudonyms, (ii) the registrants' contact information including email address(es), postal address(es), or phone number(s), including any pattern of irregularities, (iii) relevant IP addresses, name servers, or webhost(s), (iv) the content or layout of websites corresponding to the disputed domain names, (v) the nature of the marks at issue (e.g., where a registrant targets a specific sector), (vi) any naming patterns in the disputed domain names (e.g., <mark-country> or <mark-goods>), (vii) the relevant language/scripts of the disputed domain names particularly where they are the same as the mark(s) at issue, (viii) any changes by the respondent relating to any of the above items following communications regarding the disputed domain name(s), (ix) any evidence of respondent affiliation with respect to the ability to control the disputed domain name(s), (x) any (prior) pattern of similar respondent behavior, or (xi) other arguments made by the complainant and/or disclosures by the respondent(s).

As regards the common control, the Panel notes the highly similar composition of the Domain Names, the use of Complainant's word and design mark on the active websites, the virtual similarity of the content in the active websites that the Domain Names resolved to, and the similarities of contact information for the two Respondents.

As regards fairness and equity, the Panel sees no reason why consolidation of the disputes would be unfair or inequitable to any Party.

Accordingly, the Panel decides to consolidate the disputes regarding the nominally different domain name registrants (referred to hereinafter as the "Respondent") in a single proceeding.

6.2 Substantive Issues

Under paragraph 4(a) of the Policy, to succeed Complainant must satisfy the Panel that:

(i) the Domain Names are identical or confusingly similar to a trademark or service mark in which Complainant has rights;

(ii) Respondent has no rights or legitimate interests in respect of the Domain Names; and
(iii) the Domain Names were registered and are being used in bad faith.

Section 4.3 of the WIPO Overview 3.1 states that failure to respond to the complainant's contentions would not by itself mean that the complainant is deemed to have prevailed; a respondent's default is not necessarily an admission that the complainant's claims are true.

Thus, although in this case, Respondent has failed to respond to the Complaint, the burden remains with Complainant to establish the three elements of paragraph 4(a) of the Policy by a preponderance of the evidence.

A. Identical or Confusingly Similar

Ownership of a trademark registration is generally sufficient evidence that a complainant has the requisite rights in a mark for purposes of paragraph 4(a)(i) of the Policy. See WIPO Overview 3.1, section 1.2.1. Complainant has provided evidence of its rights in the PENN trademarks, as noted above under Section 4. Complainant has therefore proven that it has the requisite rights in the PENN trademarks.

With Complainant's rights in the PENN trademarks established, the remaining question under the first element of the Policy is whether the Domain Names, typically disregarding the Top-Level Domains ("TLDs") in which they are registered (in this case, ".sale" and ".com"), are identical or confusingly similar to Complainant's trademark. See, e.g., *B & H Foto & Electronics Corp. v. Domains by Proxy, Inc. / Joseph Gross*, WIPO Case No. D2010-0842.

Here, the Domain Names are confusingly similar to Complainant's PENN trademarks. The PENN trademark is reproduced and recognizable in the Domain Names.

In particular, the Domain Names' inclusion of Complainant's PENN trademark in its entirety, with the addition of the respective term(s) ("fishing" and "-fishing"), following the PENN mark, does not prevent a finding of confusing similarity between the Domain Names and the PENN trademarks. See section 1.8 of the WIPO Overview 3.1.

Thus, the Panel finds that Complainant has satisfied the first element of the Policy.

B. Rights or Legitimate Interests

Under paragraph 4(a)(ii) of the Policy, a complainant must make a prima facie showing that a respondent possesses no rights or legitimate interests in a disputed domain name. See, e.g., *Malayan Banking Berhad v. Beauty, Success & Truth International*, WIPO Case No. D2008-1393. Once a complainant makes out such a prima facie showing, the burden of production shifts to the respondent, though the burden of proof always remains on the complainant. If the respondent fails to come forward with relevant evidence showing rights or legitimate interests, the complainant will have sustained its burden under the second element of the UDRP.

From the record in this case, it is evident that Respondent was, and is, aware of Complainant and its PENN trademarks, and does not have any rights or legitimate interests in the Domain Names. In addition, Complainant asserts that Respondent is not authorized to promote Complainant's goods or services and is not related to Complainant. Respondent is also not known to be associated with the PENN trademarks and there is no evidence showing that Respondent has been commonly known by the Domain Names.

In addition, Respondent has not used the Domain Names in connection with a bona fide offering of goods or services or a legitimate noncommercial or fair use. Rather, before or at time of the filing of the Complaint, the Domain Names resolved to nearly identical websites that duplicated Complainant's PENN trademark and logo, offering goods and services identical to those offered by Complainant, which potentially mislead Internet users into thinking that the associated websites had been authorized or operated by or affiliated with Complainant.

Thus, such use by Respondent does not constitute a bona fide offering of goods or services or a legitimate noncommercial or fair use and cannot under the circumstances confer on Respondent any rights or legitimate interests in the Domain Names. In particular, UDRP panels have consistently held that use of a domain name for illegal illegitimate activity - such as email phishing, impersonation, or passing off as in this case - can never confer rights or legitimate interests on a respondent. WIPO Overview 3.1, section 2.13.1.

Accordingly, Complainant has provided evidence supporting its prima facie claim that Respondent lacks any rights or legitimate interests in the Domain Names. Respondent has failed to produce countervailing evidence of any rights or legitimate interests in the Domain Names.

Thus, the Panel concludes that Respondent does not have any rights or legitimate interests in the Domain Names, and Complainant has met its burden under paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

The Panel finds that Respondent's actions indicate that Respondent registered and is using the Domain Names in bad faith.

Paragraph 4(b) of the Policy provides a non-exhaustive list of circumstances indicating bad faith registration and use on the part of a domain name registrant, namely:

"(i) circumstances indicating that you have registered or you have acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of your documented out-of-pocket costs directly related to the domain name; or

(ii) you have registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that you have engaged in a pattern of such conduct; or

(iii) you have registered the domain name primarily for the purpose of disrupting the business of a competitor; or

(iv) by using the domain name, you have intentionally attempted to attract, for commercial gain, Internet users to your website or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of your website or location or of a product or service on your website or location."

The Panel finds that Complainant has provided ample evidence to show that registration and use of the PENN trademarks long predate the registration of the Domain Names. Complainant is also well known and established. Indeed, the record shows that Complainant's PENN trademarks and related products and services are widely known and recognized. Complainant also owns and operates its business website at the domain name <pennfishing.com>. Therefore, the Panel is of the view that Respondent was aware of the PENN trademarks when the Respondent registered the Domain Names. See WIPO Overview 3.1, section 3.2.2; see also *TTT Moneycorp Limited v. Privacy Gods / Privacy Gods Limited*, WIPO Case No. D2016-1973.

The Panel therefore finds that Respondent's awareness of Complainant's trademark rights at the time of registration suggests bad faith. See *Red Bull GmbH v. Credit du Léman SA, Jean-Denis Deletraz*, WIPO Case No. D2011-2209; *Nintendo of America Inc v. Marco Beijen, Beijen Consulting, Pokemon Fan Clubs Org., and Pokemon Fans Unite*, WIPO Case No. D2001-1070; and *BellSouth Intellectual Property Corporation v. Serena, Axel*, WIPO Case No. D2006-0007.

Further, the registration of the Domain Names, each of which includes Complainant's PENN trademarks and the term "(-)fishing" as noted above, suggests Respondent's actual knowledge of Complainant's rights in the PENN trademarks at the time of registration of the Domain Names and the Respondent's effort to opportunistically capitalize on the registration and use of the Domain Names.

Moreover, Respondent registered and is using the Domain Names to confuse and mislead Internet users looking for bona fide and well-known PENN products and services of Complainant. In particular, at the time of or before filing of the Complaint, Domain Names resolved to nearly identical websites that duplicated Complainant's PENN trademark and logo, offering services identical to those provided by Complainant, which potentially mislead Internet users into thinking that the associated websites had been authorized or operated by or affiliated with Complainant. Respondent has intentionally attempted to attract, for its own benefit, Internet users to Respondent's websites by creating a likelihood of confusion with Complainant's PENN marks as to the source, sponsorship, affiliation, or endorsement of Respondent's websites.

UDRP panels have consistently held that a respondent's use of a domain name to trade off goodwill in a complainant's well-known trademark and impersonate complainant, as here, constitutes bad faith. See *Philip Morris Products S.A. v. homn mohmoodi*, WIPO Case No. D2022-4158.

Furthermore, the websites corresponding to each of the Domain Names also featured a "Customer Service" section featuring options to "Contact Us", for "Shipping Information", "Repairs & Services", "Warranty Policy", etc. This could potentially result in fraudulent activities, damaging Complainant's goodwill, reputation and interfere with Complainant's business activities.

Accordingly, the Panel finds that Respondent registered and is using the Domain Names in bad faith and Complainant has succeeded under the third element of paragraph 4(a) 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 Domain Names <penn-fishing.com> and <pennfishing.sale> be transferred to Complainant.

/Kimberley Chen Nobles/
Kimberley Chen Nobles
Sole Panelist
Date: May 10, 2026