

ADMINISTRATIVE PANEL DECISION

Penske Automotive v. Jordan Barnes

Case No. D2026-2105

1. The Parties

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

Respondent is Jordan Barnes, United States.

2. The Domain Name and Registrar

The disputed domain name <penske-auto.org> is registered with IONOS SE (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on May 15, 2026. On May 18, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 21, 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) and contact information in the Complaint. The Center sent an email communication to Complainant on May 22, 2026, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on May 26, 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 Respondent of the Complaint, and the proceedings commenced on June 2, 2026. In accordance with the Rules, paragraph 5, the due date for Response was June 22, 2026. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on June 24, 2026.

Center appointed Lorelei Ritchie as the sole panelist in this matter on July 1, 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, together with its affiliates (collectively “Complainant”) is a multinational company based in the United States. For decades prior to the registration of the disputed domain name, Complainant has offered automotive products and services under the mark PENSKE. Complainant is the owner of several registrations for the PENSKE mark. These include, among others, United States Registration No. 2132515 (registered January 27, 1998), and International Registration No. 1145947 (registered October 23, 2012). Complainant also owns registrations for domain names that incorporate its PENSKE mark, including <penske.com> (registered March 16, 1996), which Complainant uses to communicate with prospective consumers online.

The disputed domain name was registered on December 24, 2025. The disputed domain name resolves to a parking page hosted by the Registrar. Respondent has no affiliation with Complainant, nor any license to use its marks.

5. Parties’ Contentions

A. Complainant

Complainant contends that (i) the disputed domain name is confusingly similar to Complainant’s trademarks, (ii) Respondent has no rights or legitimate interests in the disputed domain name; and (iii) Respondent registered and is using the disputed domain name in bad faith.

Specifically, Complainant contends that it has used the PENSKE mark since 1969, now with over 28,900 employees globally and a listing on the New York Stock Exchange (PAG). Complainant contends that the disputed domain name incorporates in full Complainant’s PENSKE mark, with the inclusion only of a hyphen and the dictionary term “auto” which consumers will likely understand as a component of the automotive products and services offered by Complainant under the PENSKE mark.

Complainant asserts that Respondent lacks rights or legitimate interests in the disputed domain name, and rather has registered and is using it in bad faith, presumably for Respondent’s own commercial gain. Complainant contends that Respondent did not respond to previous correspondence from Complainant that attempted to resolve this matter. Furthermore, Complainant contends that Respondent has set up mail exchange servers associated with the disputed domain name, with a likely intent to impersonate Complainant, who is “known internationally” and thus to defraud consumers in a “phishing scheme”.

B. Respondent

Respondent did not reply to Complainant’s contentions.

6. Discussion and Findings

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 the Complainant’s trademark and the disputed domain name. WIPO Overview of WIPO Panel Views on Select UDRP Questions (“[WIPO Overview 3.1](#)”), section 1.7.

Complainant has shown rights in respect of the PENSKE mark, for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.2.1. The Panel finds that the PENSKE mark is recognizable within the disputed domain name. Although the addition of other terms (here a hyphen and the term “auto”) may bear on assessment of the second and third elements, the Panel finds the addition of such term 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.

B. Rights or Legitimate Interests

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

Although the overall burden of proof in UDRP proceedings 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 always remains on the complainant). If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.1](#), section 2.1.

Complainant has established rights to the mark incorporated in the disputed domain name. Respondent has not put forward any claims or evidence that would suggest rights or legitimate interests for purposes of the Policy.

In addition, the Panel finds that the composition of the disputed domain name carries a risk of implied affiliation with Complainant. [WIPO Overview 3.1](#), section 2.5.1.

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

C. Registered and Used in Bad Faith

There are several ways that a complainant can demonstrate that a domain name was registered and used in bad faith. As noted in Section 4 of this Panel’s decision, the disputed domain name resolves to a parking page hosted by the Registrar. It is nevertheless well established that the passive holding of a domain name, does not prevent a finding of bad faith. See [WIPO Overview 3.1](#), section 3.3, which notes that the “non-use of a domain name” does not necessarily negate a finding of bad faith.

Rather, a panel must examine “the totality of the circumstances,” including, for example, whether a complainant has a well-known trademark, and whether a respondent conceals its identity and/or replies to the complaint. The Panel finds that Complainant has established prior rights in the PENSKE mark, as well as a degree of renown via its marketing efforts and its status on the New York Stock Exchange. Respondent did not submit any reply to correspondence from Complainant nor to Complainant’s contentions in these proceedings.

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 <penske-auto.org> be transferred to Complainant.

/Lorelei Ritchie/

Lorelei Ritchie

Sole Panelist

Date: July 9, 2026