

## ADMINISTRATIVE PANEL DECISION

Penske Automotive v. John Koutselas, Name Redacted  
Case No. D2026-2146

### 1. The Parties

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

The Respondent is John Koutselas, Name Redacted<sup>1</sup>.

### 2. The Domain Name and Registrar

The disputed domain name <penskeauto-group.com> 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 May 18, 2026. On May 19, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On the same date, 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 the Complainant on May 20, 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”).

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<sup>1</sup> The Respondent appears to have used the name of a third party when registering the disputed domain name. In light of the potential identity theft, the Panel has redacted the Respondent’s organization name from this Decision. However, the Panel has attached as Annex 1 to this Decision an instruction to the Registrar regarding transfer of the disputed domain name, which includes the organization name of the Respondent. The Panel has authorized the Center to transmit Annex 1 to the Registrar as part of the order in these proceedings, and has indicated Annex 1 to this Decision shall not be published due to the exceptional circumstances of this case. See *Banco Bradesco S.A. v. FAST-12785241 Attn. Bradescourgente.net / Name Redacted*, WIPO Case No. [D2009-1788](#).

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on May 22, 2026. In accordance with the Rules, paragraph 5, the due date for Response was June 11, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on June 15, 2026.

The Center appointed Kathryn Lee as the sole panelist in this matter on June 16, 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 an international transportation services company and automotive and commercial truck retailer which operates dealerships in the United States, the United Kingdom, Canada, Germany, Italy, Japan, and Australia. The Complainant has approximately 28,900 employees worldwide and is a member of the S&P Mid Cap 400, Fortune 500, Russell 1000, and Russell 3000 indexes.

The Complainant and other members of its group of companies ("Penske Group") own trademark registrations to the PENSKE mark in a number of jurisdictions, including the below:

- U.S. Trademark Registration Number 2132515 registered on January 27, 1998;
- United Kingdom Trademark Registration Number UK00001582812 registered on February 16, 1996;  
and
- International Trademark Registration Number 1145947 registered on October 23, 2012.

The Complainant's parent company, Penske Corporation, is a closely-held, diversified, on-highway, transportation services company with subsidiaries operating in a variety of industries, including retail automotive, truck leasing, transportation logistics, and professional motorsports. Penske Group manages businesses with consolidated revenues of more than USD 43 billion, operating in over 3,300 locations and employing more than 73,000 people worldwide. Penske Group uses the domain name <penske.com> registered on March 16, 1996 as its official homepage, and the Complainant uses the domain name <penskeautomotive.com> registered on November 29, 2000 as its official homepage.

The disputed domain name was registered on March 22, 2025, and resolves to a website with no active content and just the message: "We're under construction. Please check back for an update soon." The Complainant sent a cease-and-desist letter (with subsequent reminders) to the Respondent via the Registrar contact form on January 26, 2026, but received no reply.

#### **5. Parties' Contentions**

##### **A. Complainant**

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

Notably, the Complainant contends that the disputed domain name is confusingly similar to the PENSKE mark in which it has rights since the disputed domain name incorporates the PENSKE mark in its entirety and the words "auto" and "group" are generic terms.

The Complainant also contends that the Respondent has no rights or legitimate interests in the disputed domain name. The Complainant further contends that there is no evidence of the Respondent's use of the name resembling the Complainant's company name in connection with the disputed domain name nor any evidence that the Respondent has been commonly known by the disputed domain name.

Finally, the Complainant contends that the disputed domain name was registered and is being used in bad faith. In particular, the Complainant argues that the disputed domain name is not only confusingly similar to its PENSKE mark but also closely resembles its corporate name, "Penske Automotive Group, Inc.," such that it is implausible that the Respondent was unaware of the Complainant at the time of registration. The Complainant further submits that a finding of bad faith does not require any affirmative act by the Respondent, and that passive holding of the disputed domain name may itself support a finding of bad faith registration and use.

## **B. Respondent**

The Respondent did not reply to the 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.

The 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 entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.7.

Although the addition of other terms – here, "auto" and "group" with a hyphen – may bear on assessment of the second and third elements, the Panel finds the addition of such terms 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 that 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.

Having reviewed the available record, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the 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.

Moreover, “where a domain name consists of a trademark plus an additional term (at the second- or top-level), UDRP panels have largely held that such composition cannot constitute fair use if it effectively impersonates or suggests sponsorship or endorsement by the trademark owner”. [WIPO Overview 3.1](#), section 2.5.1. Here, the disputed domain name incorporates the Complainant’s exact mark, and the additional terms “auto” and “group” associated with its business, which creates the misleading impression that the disputed domain name is associated or affiliated with the Complainant, where no such relationship exists. This is further affirmed by the Respondent’s use in the registration details of a registrant organization name closely resembling the Complainant’s company name, whereas there is no evidence before the Panel that the Respondent is commonly known by such name or the disputed domain name (the Panel also notes, in this regard, the Complainant’s evidence showing that no such company exists at the location indicated by the Respondent in the registration details).

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.

In the present case, the Panel notes that the Respondent registered the disputed domain name which contains the Complainant’s mark in its entirety, along with “auto” – which is the exact business area of the Complainant – and “group” – which refers to the Complainant’s corporate structure. Based on this, it is more likely than not that the Respondent targeted the Complainant when registering the disputed domain name.

There is no evidence that the disputed domain name has ever been used, and it currently does not resolve to any active content. However, panels have found that the non-use of a domain name including a blank or “coming soon” page would not by itself prevent a finding of bad faith under the doctrine of passive holding. To the contrary, in looking at the totality of circumstances in each case, panels have found that the registration and non-use of a domain name can still constitute bad faith for purposes of the Policy. [WIPO Overview 3.1](#), section 3.3. Having reviewed the available record, the Panel notes the distinctiveness and reputation of the Complainant’s trademark, the Respondent’s failure to submit a response or respond to the Complainant’s letter, the composition of the disputed domain name, and the use of seemingly false contact details in the registration details of the disputed domain name, and finds that in the circumstances of this case the passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy.

The Panel finds that the Complainant has established the third element 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 <penskeauto-group.com> be transferred to the Complainant.

*/Kathryn Lee/*

**Kathryn Lee**

Sole Panelist

Date: June 30, 2026