

## **ADMINISTRATIVE PANEL DECISION**

Lennar Pacific Properties Management, LLC, Lennar Corporation v.

zhang wei

Case No. DCO2025-0002

### **1. The Parties**

The Complainants are Lennar Pacific Properties Management, LLC, United States of America (“United States”), and Lennar Corporation, United States, represented by Slates Harwell LLP, United States.

The Respondent is zhang wei, China.

### **2. The Domain Name and Registrar**

The disputed domain name <lennarmortgage.co> is registered with Above.com, Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 6, 2025. On January 7, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 8, 2025, the Registrar transmitted by email to the Center its verification 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 Complainants on January 8, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainants to submit an amendment to the Complaint. The Complainants filed an amendment to the Complaint on January 8, 2025.

The Center verified that the Complaint together with the amendment to the 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 January 13, 2025. In accordance with the Rules, paragraph 5, the due date for Response was February 2, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on February 3, 2025.

The Center appointed Ganna Prokhorova as the sole panelist in this matter on February 6, 2025. 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 Complainants are related companies engaged in real estate management, brokerage, development, construction, mortgage, and financial services under the LENNAR mark.

The Complainant Lennar Pacific Properties Management, LLC is the owner of the following marks in the United States:

- LENNAR (No. 3,108,401), registered on June 27, 2006, for services in Classes 35, 36, and 37;
- LENNAR (No. 3,477,143), registered on July 29, 2008, for services in Classes 36 and 37;
- LENNAR MORTGAGE (No. 6,980,927), registered on February 14, 2023, for services in Class 36.

The Complainant Lennar Corporation is a related company and authorized licensee of the LENNAR marks.

As such, both Complainants have a common legal interest in a relevant right or rights that are affected by the Respondent's conduct regarding the registration of the disputed domain name and both Complainants are the target of common conduct by the Respondent which has clearly affected their individual legal interests. As both entities use the marks in their respective business operations, the Complainants will be collectively referred to in plural, and the LENNAR and LENNAR MORTGAGE marks will collectively be referred to as "Complainants' marks".

The Complainants have offered real estate management, brokerage, development, construction, mortgage, and financial services under the LENNAR marks since at least as early as 1973.

In connection with their services, the Complainants own and operate websites utilizing the LENNAR and LENNAR MORTGAGE marks, located at the domain names <lennar.com> and <lennarmortgage.com> accordingly.

The disputed domain name was registered on September 16, 2024, and leads to the website that displays pay-per-click ("PPC") sponsored links.

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

##### **A. Complainants**

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

Notably, the Complainants contends that:

- (1) The disputed domain name is identical or confusingly similar to the Complainants' marks. The Respondent's registration of the disputed domain name is virtually identical and/or confusingly similar typosquatting to the LENNAR marks in its entirety, with only the addition of the descriptive word "mortgage" after the word "Lennar".
- (2) The Respondent has no rights or legitimate interests in respect of the disputed domain name. There is no evidence of the Respondent's use of, or demonstrable preparations to use, the disputed domain name in connection with a bona fide offering of goods or services. The Respondent has not been commonly

known by the disputed domain name and has acquired no rights in the Complainants' marks. The Respondent is not making any legitimate non-commercial or fair use of the disputed domain name. The Respondent may use the disputed domain name to impersonate Complainants in the mortgage lending or financial aspect of the Complainants' business, presumably for fraud and to misleadingly divert Complainants' consumers or to tarnish their marks.

(3) The disputed domain name has been registered and is being used in bad faith by the Respondent. The Respondent's non-use of the disputed domain name, coupled with the distinctiveness and reputation of the famous and strong Complainants' marks, and the Respondent's failure to respond to the Complainants' cease-and-desist correspondence or provide any evidence of actual or contemplated good-faith use, supports a finding of bad faith. Additionally, the Respondent's concealment of its identity or use of false contact information further indicates bad faith. The name of the disputed domain name alone illustrates bad faith and an effort to fraudulently mislead consumers into believing that the Respondent offers mortgage-related services. The disputed domain name constitutes typosquatting, which is further evidence of bad-faith registration.

The Complainants ask the disputed domain name to be transferred to Lennar Pacific Properties Management, LLC.

## **B. Respondent**

The Respondent did not reply to the Complainants' contentions.

## **6. Discussion and Findings**

Paragraph 15(a) of the Rules provides that the Panel is to decide the Complaint on the basis of the statements and documents submitted in accordance with the Policy, the Rules, and any rules and principles of law that it deems applicable.

The onus is on the Complainants to make out its case and it is apparent, both from the terms of the Policy and the decisions of past UDRP panels, that the Complainants must show that all three elements set out in paragraph 4(a) of the Policy have been established before any order can be made to transfer the disputed domain name. In UDRP cases, the standard of proof is the balance of probabilities.

To succeed in a UDRP complaint, the Complainants have to demonstrate that all the elements listed in paragraph 4(a) of the Policy have been satisfied, namely:

- (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 Respondent had 20 days to submit a response in accordance with paragraph 5(a) of the Rules and failed to do so. Paragraph 5(f) of the Rules establishes that if a respondent does not respond to the complaint, the panel's decision shall be based upon the complaint.

However, even if the Respondent has not formally replied to the Complainants' contentions, the Complainants still bear the burden of proving that all these requirements are fulfilled. Concerning the uncontested information provided by the Complainants, the Panel may, where relevant, accept the provided reasonable factual allegations in the Complaint as true. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, (["WIPO Overview 3.0"](#)), section 4.3.

It is further noted that the Panel has taken note of the [WIPO Overview 3.0](#) and, where appropriate, will decide consistent with the consensus views captured therein.

#### **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 mark and the disputed domain name. [WIPO Overview 3.0](#), section 1.7.

Based on the evidence submitted by the Complainants, the Panel finds that the Complainants have shown rights in respect of the LENNAR and LENNAR MORTGAGE marks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the mark LENNAR MORTGAGE is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical to the Complainants' LENNAR MORTGAGE mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

As regards the confusing similarity between the LENNAR mark and disputed domain name, the latter incorporates the Complainants' LENNAR mark in its entirety. The addition of the term "mortgage" does not prevent a finding of confusing similarity, as noted in [WIPO Overview 3.0](#), section 1.8. Accordingly, the disputed domain name is confusingly similar to the Complainants' LENNAR marks under the Policy, as further supported by [WIPO Overview 3.0](#), section 1.7.

The Top-Level Domain ".co" in the disputed domain name should be viewed as a standard registration requirement and disregarded. [WIPO Overview 3.0](#), section 1.11.1.

The Panel therefore finds that 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 3.0](#), section 2.1.

As it stands from the available record, the Complainants have not licensed, authorized, or permitted the Respondent to register the disputed domain name incorporating the Complainants' mark. The Panel also takes into account that the Respondent is not sponsored by or legitimately affiliated with the Complainants in any way.

There is no evidence that the Respondent has been commonly known by the disputed domain name, or at least has used or made demonstrable preparations to use the disputed domain name in connection with a legitimate noncommercial or fair use or a bona fide offering of goods and services. What is more, parked pages that comprises PPC links does not represent a bona fide offering where such links compete with or capitalize on the reputation and goodwill of the Complainants' mark or otherwise mislead Internet users. [WIPO Overview 3.0](#), section 2.9.

Furthermore, as regards the composition of the disputed domain name, where a domain name consists of only the mark or a mark plus an additional term (at the second- or top-level), UDRP panels have largely held that such composition cannot constitute fair use since the nature of the domain names effectively impersonates or suggests sponsorship or endorsement by the mark owner. Here, the disputed domain name carries a high risk of implied affiliation, since it is identical to the Complainants' LENNAR MORTGAGE mark. See section 2.5.1 of the [WIPO Overview 3.0](#).

As such, the Panel finds that the burden of production regarding this element shifts to the Respondent. [WIPO Overview 3.0](#), section 2.1.

The Respondent has not replied to the Complainants' contentions, claiming any rights or legitimate interests in the disputed domain name. With the evidence on file, the Panel finds that the requirement of paragraph 4(a)(ii) of the Policy is satisfied.

Under these circumstances and absent evidence to the contrary, the Panel finds that the Respondent does not have rights or legitimate interests with respect to the disputed domain name.

### **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.

As regards bad faith registration, the Panel is of the opinion that the Respondent was aware of the Complainants' mark registrations and rights to the LENNAR and LENNAR MORTGAGE marks when it registered the disputed domain name. The Complainants have an established reputation in the real estate and mortgage industry. Furthermore, the disputed domain name is identical to the Complainant's LENNAR MORTGAGE mark and identical to the Complainants' domain name <lennarmortgage.com> except for the TLD.

Therefore, Panel is persuaded that the Respondent was well aware of the Complainants and their LENNAR and LENNAR MORTGAGE marks and specifically targeted them when it registered the disputed domain name. Prior UDRP panels have consistently found that the mere registration of a domain name that is identical or confusingly similar to a famous or well-known mark by an unaffiliated entity can by itself create a presumption of bad faith. See *Carrefour SA v. Registration Private, Domains By Proxy, LLC / 3232 33232*, WIPO Case No. [D2022-1952](#).

As regards bad faith use per se, the Panel finds that the disputed domain name resolves to a website containing PPC links to various competitive third-party websites. The Panel is of the view that the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainants' mark as to the source, sponsorship, affiliation, or endorsement of that website. In accordance with paragraph 4(b)(iv) of the Policy, this shall be evidence of both the registration and use in bad faith of the disputed domain name for the purposes as set out in paragraph 4(a)(iii) of the Policy.

The Panel also took into consideration the fact that the Respondent never responded to the Complainants' cease-and-desist letter, which was issued prior to the filing of the Complaint, and draws an adverse inference against the Respondent.

The Respondent has not participated in these proceedings and has failed to rebut the Complainants' contentions and to provide any evidence of actual or contemplated good faith use.

Accordingly, the Panel finds that Complainants have 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 <lennarmortgage.co> be transferred to the Complainants.

*/Ganna Prokhorova/*

**Ganna Prokhorova**

Sole Panelist

Date: February 20, 2025