

ADMINISTRATIVE PANEL DECISION

PN II, Inc. v. Nicole d'Aiguillon

Case No. D2024-5349

1. The Parties

The Complainant is PN II, Inc., United States of America ("United States"), represented by Adams and Reese LLP, United States.

The Respondent is Nicole d'Aiguillon, United States.

2. The Domain Name and Registrar

The disputed domain name <pultehomeshollywood.com> is registered with GoDaddy.com, LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on December 30, 2024. On January 2, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 2, 2025, 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 (Registration Private, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on January 6, 2025, 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 January 10, 2025.

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 January 14, 2025. In accordance with the Rules, paragraph 5, the due date for Response was February 3, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on February 5, 2025.

The Center appointed W. Scott Blackmer as the sole panelist in this matter on February 10, 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 Complainant is a company incorporated under the laws of the State of Nevada, United States, and headquartered in Atlanta, Georgia, United States. The Complainant is a subsidiary of the PulteGroup, Inc., which builds homes in approximately 50 markets in the United States and operates multiple “Pulte” websites including “www.pulte.com”, “www.pultehomes.com” and “www.pultehomesinc.com”. According to the Complaint, the Pulte Group has been building homes and providing related services under the PULTE mark for more than 50 years and is one of the largest homebuilding companies in the United States, promoting its brand in print media and promotional campaigns as well as online. The Panel notes that the Complainant’s websites show multiple PULTE residential developments, including where the Respondent is located.

The Complainant holds relevant United States trademark registrations, including these:

Mark	Registration Number	Registration Date	Goods or Services
PULTE HOMES (word)	1942626	December 19, 1995	IC 37
PULTE (word)	1942747	December 19, 1995	IC 36, 37
PULTE (word)	3676026	September 1, 2009	IC 36
PULTEGROUP (word)	4077463	December 27, 2011	IC 37

The Registrar reported that the disputed domain name was created on April 27, 2018, and is registered to the Respondent Nicole d’Aiguillon, listing no organization. At the time of this decision, the disputed domain name resolves to a landing page hosted by the Registrar advertising the Registrar’s services, with a message indicating that the disputed domain name may be available and providing a link to the Registrar’s domain broker service. The record shows that the disputed domain name formerly resolved to a landing page with pay-per-click (“PPC”) third-party advertising links, including links to real estate sites and to sites advertising “Pulte Group Homes”, “Pulte Homes Communities”, and “Home Warranty”.

The Complainant’s representative sent a cease-and-desist message to the Respondent on October 22, 2024, through the Registrar 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 identical or confusingly similar to its PULTE marks and that the Respondent has never had permission to use the marks. The Respondent does not appear to be known by a corresponding name and has used the disputed domain name for PPC advertising for services that are the same as those offered by the Complainant.

The Complainant attaches screenshots from public records showing that the Respondent appears to be a licensed real estate agent in the State of Florida, United States and therefore likely to be aware of the Complainant as a home builder in Florida. The Complainant cites *PN II, Inc. v. Isaac Goldstein*, WIPO Case No. [D2016-0765](#), an earlier WIPO proceeding brought by the same Complainant in which the panel found that PPC parking of a domain name incorporating the PULTE mark exploited the mark in bad faith. Supporting the inference of bad faith, the Complainant cites the results of a reverse Whois search that

identified more than 50 other domain names registered to the Respondent's email address, some of which similarly incorporate all or portions of the marks of other Florida developers.

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 Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark (here, the registered PULTE marks) for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the PULTE word marks is reproduced within the disputed domain name, as well as the entire PULTE HOMES mark and the dominant PULTE portion of the PULTEGROUP mark. Accordingly, the disputed domain name is confusingly similar to the PULTE marks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms (here, the geographic term "hollywood", a city in Florida) 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 3.0](#), 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 3.0](#), 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. It does not appear that the Respondent has a name corresponding to the disputed domain name or permission to use the Complainant's distinctive PULTE marks. The Respondent has used, or allowed the use of, the disputed domain name only for PPC advertising or advertising the Registrar's domain broker services. This does not amount to a bona fide offering of goods or services for purposes of

establishing the Respondent's rights or legitimate interests under the second Policy element. [WIPO Overview 3.0](#), section 2.9.

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 appears to be a licensed real estate agent in Florida, where the Complainant's PULTE mark is well known in connection with residential developments. Moreover, there is evidence in the record that the Respondent has demonstrated a pattern of registering domain names incorporating the marks of other Florida developers. Whether or not the Respondent personally profited from PPC use of the disputed domain name and advertising of the Registrar's domain broker services is immaterial. The Respondent remains responsible under the registration agreement to prevent abusive use, and this parking use was not transitory but has persisted for years after the disputed domain name was created. Such use of a disputed domain name incorporating well-known and long-established marks to create confusion and misdirect Internet users to unrelated and even competing sites for commercial gain constitutes bad faith for purposes of the Policy, paragraph 4(b)(iv). The inference of bad faith is further supported by (a) the composition of the disputed domain, which includes the name of a Florida city in an area where it appears that the Complainant is active, falsely implying that the disputed domain name is affiliated with the Complainant in connection with home sales or services in an area where the Respondent does business, and (b) the evident pattern of bad faith registrations by the Respondent.

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 <pultehomeshollywood.com> be transferred to the Complainant.

/W. Scott Blackmer/

W. Scott Blackmer

Sole Panelist

Date: February 24, 2025