

ADMINISTRATIVE PANEL DECISION

Lennar Pacific Properties Management, LLC, Lennar Corporation v. Alex Johns

Case No. D2025-0037

1. The Parties

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

The Respondent is Alex Johns, United States.

2. The Domain Name and Registrar

The disputed domain name <lennar.best> is registered with Sav.com, LLC (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 7, 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 (Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainants on January 7, 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 7, 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 10, 2025. In accordance with the Rules, paragraph 5, the due date for Response was January 30, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on January 31, 2025.

The Center appointed Clark W. Lackert as the sole panelist in this matter on February 3, 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 have offered real estate management, brokerage, development, construction, mortgage, and financial services under the LENNAR trademark (the “Mark”) since at least as early as 1973. More specifically, Lennar has been one of the leading homebuilders in the United States since 1954 and develops, builds, and sells homes in twenty-one (21) states in the United States. Under the Mark, the Complainants offer real estate, development, mortgage, financial, and brokerage services in connection with the construction and sale of homes. In connection with these services, the Complainants own and operate a website utilizing the Mark, under the domain name <lennar.com> registered on September 4, 1996.

Additionally, the Complainant Lennar Pacific Properties Management, LLC has owned trademark registrations on the Mark well before the registration of the disputed domain name, namely:

Jurisdiction	Registration Number	Registration Date
United States	3108401	June 27, 2006
United States	3477143	July 29, 2008

The disputed domain name was registered on November 22, 2024, and it does not resolve to an active website.

5. Parties’ Contentions

A. Complainant

The Complainants contend that they have satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

The Disputed Domain Name is Identical or Confusingly Similar to a Trademark in which the Complainants Have Rights.

In accordance with Rule 3(b)(ix)(1), the Respondent’s registration of the disputed domain name is virtually identical to the Mark in its entirety, with only the addition of the “.best” generic Top-Level Domain (“gTLD”) after the word “Lennar.” When a domain name fully incorporates a complainant’s mark, this is sufficient to establish that the domain name is identical or confusingly similar for purposes of the Policy. See *Kabushiki Kaisha Hitachi Seisakusho (d/b/a Hitachi Ltd) v. Arthur Wrangle*, WIPO Case No. [D2005-1105](#); see also *BHP Billiton Innovation Pty Ltd. v. Amy Stafford*, WIPO Case No. [D2017-0130](#) (“In numerous cases, it has been held that a domain name that wholly incorporates a registered mark is sufficient to establish confusing similarity for purposes of the Policy despite the addition of descriptive word or geographic elements to such marks.”).

The Respondent Has No Rights or Legitimate Interests in Respect of The Disputed Domain Name.

In accordance with Rule 3(b)(ix)(2), the Respondent should be considered as having no rights or legitimate interests with respect to the disputed domain name. Specifically, upon initial investigation, information, and belief, the Complainants have not located any evidence of the Respondent’s use of, or demonstrable preparations to use, the disputed domain name or a name corresponding to the disputed domain name in connection with a bona fide offering of goods or services. In addition, upon information and belief, the Respondent has not been commonly known by the disputed domain name and has acquired no trademark or

service mark rights in the famous and strong LENNAR Mark. The Respondent is not making any legitimate noncommercial or fair use of the disputed domain name. Furthermore, the Complainants sent cease and desist correspondence to the Respondent on December 2, 2024 regarding registration of the disputed domain name, and the Respondent has failed to respond to date or otherwise provide any explanation regarding registration or use of the disputed domain name.

The Disputed Domain Name was Registered and is Being used in Bad Faith.

In accordance with Rule 3(b)(ix)(3), the disputed domain name has been registered and is being used in bad faith by the Respondent. Specifically, the Respondent's non-use of the disputed domain name coupled with (1) the distinctiveness and reputation of the famous and strong LENNAR Mark, (2) the Respondent's failure to respond to Complainants' Mark cease and desist correspondence or provide any evidence of actual or contemplated good-faith use, and (3) the Respondent's concealing of its identity or use of false contact information supports a finding that the disputed domain name is being used in bad faith. See *Skyscanner Ltd. Privacy Service provided by Withheld for Privacy ehf / asddwq qwdasd, av, Igor Kosuems, Nikolai Arka, Yurii Frol*, WIPO Case No. [D2021-2660](#) ("the passive holding of a disputed domain name does not prevent a finding of bad faith as explained in Section 3.3 of [WIPO Overview 3.0](#)."); see also *Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#), and *Polaroid Corporation v. Jay Strommen*, WIPO Case No. [D2005-1005](#). This is especially true given the Respondent's failure to respond to the Complainants' cease and desist correspondence, coupled with the Respondent's choice to retain a privacy protection service so as to conceal the Respondent's identity.

B. Respondent

The Respondent did not reply to the Complainants' contentions and is in default.

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 Complainants have shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

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

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 Complainants have established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the Complainants' 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.

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 disputed domain name incorporates the Complainants' prior registered trademark in its entirety, and the Respondent is reportedly located in the United States, and finds the Respondent knew or should have known the Complainants' trademark when registering the disputed domain name.

Panels have found that the non-use of a domain name including a blank page would not prevent a finding of bad faith under the doctrine of passive holding. "While panelists will look at the totality of the circumstances in each case, factors that have been considered relevant in applying the passive holding doctrine include: (i) the degree of distinctiveness or reputation of the complainant's mark, (ii) the failure of the respondent to submit a response or to provide any evidence of actual or contemplated good-faith use, (iii) the respondent's concealing its identity or use of false contact details (noted to be in breach of its registration agreement), and (iv) the implausibility of any good faith use to which the domain name may be put." [WIPO Overview 3.0](#), section 3.3. Here, the Respondent has copied a famous trademark, has not provided any rights or legitimate interests in the Mark, and has concealed its identity or provided false contact details (the courier service was not able to deliver the Center's Written Notice due to "bad address"). Having reviewed the available record, the Panel notes the distinctiveness and reputation of the Complainants' trademark, the Respondent's failure to file any response, and the composition 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 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 <lennar.best> be transferred to the Complainant Lennar Pacific Properties Management, LLC.

/Clark W. Lackert/

Clark W. Lackert

Sole Panelist

Date: February 17, 2025