

ADMINISTRATIVE PANEL DECISION

Lennar Pacific Properties Management, LLC, Lennar Corporation v. Josue Gomes De Souza, Agencia Primeira Pagina
Case No. D2025-0304

1. The Parties

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

The Respondent is Josue Gomes De Souza, Agencia Primeira Pagina, Brazil.

2. The Domain Name and Registrar

The disputed domain name <corsicabylennar.site> is registered with Hostinger Operations, UAB (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 24, 2025. On January 27, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 28, 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 (“Privacy Protect, LLC”) and contact information in the Complaint. The Center sent an email communication to the Complainant on January 29, 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 amendment to the Complaint on January 29, 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 February 6, 2025. In accordance with the Rules, paragraph 5, the due date for Response was February 26, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on March 5, 2025.

The Center appointed Jane Seager as the sole panelist in this matter on March 12, 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

Established in 1954, the Complainant is one of the largest homebuilders in the United States. The Complainant specializes in the construction of residential properties, including single-family homes and condominiums. The Complainant operates in various markets throughout the United States. In addition to homebuilding, the Complainant offers related services, such as mortgage financing and title insurance, through its subsidiaries. The Complainant, Lennar Pacific Properties Management, LLC, is the owner of trademark registrations for LENNAR, including:

- United States Trademark Registration No. 3108401, LENNAR, registered on June 27, 2006; and
- United States Trademark Registration No. 3477143, LENNAR, registered on July 29, 2008.

The Complainant is also the registrant of the domain name <lennar.com>, which resolves to its official website.

The disputed domain name was registered on January 3, 2025. The disputed domain name does not resolve to an active web page.

On January 7, 2025, the Complainant's representatives sent a cease-and-desist letter to the Respondent (via the privacy service with which the disputed domain name was registered) requesting transfer of the disputed domain name. The Respondent did not 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.

The Complainant asserts rights in the trademark LENNAR and submits that the disputed domain name is confusingly similar to the LENNAR mark.

The Complainant submits that the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Complainant submits that there is no evidence of the Respondent having used the disputed domain name, or having made demonstrable preparations to use the disputed domain name, in connection with a bona fide offering of goods or services. The Complainant contends that the Respondent is not commonly known by the disputed domain name, and that the Respondent is not making any legitimate noncommercial or fair use of the disputed domain name.

The Complainant submits that the disputed domain name was registered and is being used in bad faith. The Complainant notes that it has a Lennar complex "Corsica" in South Florida, United States. As such, the disputed domain name creates confusion with the Complainant and may mislead Internet users as to the source of the disputed domain name. The Complainant submits that the Respondent's non-use of the disputed domain name does not prevent a finding of bad faith registration and use.

The Complainant requests transfer of the disputed domain name.

B. Respondent

The Respondent did not reply to the Complainant's contentions.

6. Discussion and Findings

6.1. Procedural Matter: Consolidation of the Complainant

The Complaint is brought in the name of two Complainants - Lennar Pacific Properties Management, LLC and Lennar Corporation. Lennar Pacific Properties Management, LLC is the owner of trademark registrations for LENNAR. Lennar Corporation is a related company and is a licensee of the LENNAR marks and also operates the Complainant's website at "www.lennar.com".

In assessing whether a complaint filed by multiple complainants may be brought against a single respondent, panels look at whether (i) the complainants have a specific common grievance against the respondent, or the respondent has engaged in common conduct that has affected the complainants in a similar fashion, and (ii) it would be equitable and procedurally efficient to permit the consolidation. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.11.1.

In the circumstances of the present case, the Panel finds that both entities have a common interest in the LENNAR mark upon which the Complaint is based, and that the Respondent's registration of the disputed domain name has affected both entities in a similar fashion. The Panel therefore considers the consolidation of the Complainant to be appropriate. Unless stated otherwise, both entities are referred to jointly as the "Complainant".

6.2. Substantive Matters

In order to prevail, the Complainant must demonstrate that it has satisfied the requirements of paragraph 4(a) of the Policy:

- (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 was registered and is being used in bad faith.

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 3.0](#), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), 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 3.0](#), section 1.7.

Although the addition of other terms, here "Corsica by", 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 3.0](#), 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.

As noted above, the disputed domain name does not resolve to an active web page. There is no evidence of the Respondent having used or having made demonstrable preparations to use the disputed domain name in connection with a bona fide offering of goods or services. The Respondent has been identified as “Josue Gomes De Souza, Agencia Primeira Pagina”, whose name bears no resemblance to the disputed domain name. The Respondent’s non-use of the disputed domain name does not amount to legitimate noncommercial or fair use of the disputed domain name. The Panel further notes that the Complainant has a complex named “CORSICA BY LENNAR” in South Florida and that the composition of the disputed domain name itself is such that it carries a risk of implied affiliation with the Complainant. [WIPO Overview 3.0](#), section 2.5.1.

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.

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

C. Registered and Used in Bad Faith

The Panel notes that the Complainant’s rights in the LENNAR trademark predate the registration of the disputed domain name by almost 20 years. The Panel infers from the composition of the disputed domain name that the Respondent was aware of the Complainant when registering the disputed domain name, and did so in order to create a misleading impression of association between the disputed domain name and the Complainant, in bad faith.

Panels have found that the non-use of a domain name (including a blank or “coming soon” page) would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3. Having reviewed the available record, the Panel notes that the Complainant’s LENNAR trademark is widely known in connection with the Complainant’s homebuilding and construction operations, that the Respondent failed to reply to the Complainant’s pre-Complaint cease-and-desist letter or to the present Complaint, that the Respondent registered the disputed domain name using a privacy service to conceal its identity, and that there is no apparent good-faith use to which the disputed domain name could be put considering that the composition of the disputed domain name targets the Complainant’s trademark. The Panel 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 <corsicabylennar.site> be transferred to the Complainant, Lennar Pacific Properties Management, LLC.

/Jane Seager/

Jane Seager

Sole Panelist

Date: March 26, 2025