

## **ADMINISTRATIVE PANEL DECISION**

Lennar Pacific Properties Management, LLC, Lennar Corporation v. paul ekeleme

Case No. D2025-0305

### **1. The Parties**

Complainants are Lennar Pacific Properties Management, LLC (“LPPM”) and its affiliated trademark licensee, Lennar Corporation (“Lennar”, and collectively with LPPM, “Complainant”), United States of America (“United States”)<sup>1</sup>, represented by Slates Harwell LLP, United States.

Respondent is paul ekeleme, United States.

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

The disputed domain name <lennar.services> 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 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 27, 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 Complainant on January 30, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amendment to the Complaint on January 30, 2025.

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<sup>1</sup> Paragraph 10(e) of the UDRP Rules grants a panel the power to consolidate multiple domain name disputes. 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. A trademark owner’s affiliate such as a subsidiary of a parent or of a holding company, or an exclusive trademark licensee, is considered to have rights in a trademark under the UDRP for purposes of standing to file a complaint. Applying these principles to the facts here, the Panel finds consolidation appropriate.

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 Respondent of the Complaint, and the proceedings commenced on February 10, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 2, 2025. Respondent did not submit any response. Accordingly, the Center notified Respondent's default on March 6, 2025.

The Center appointed Scott R. Austin as the sole panelist in this matter on March 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 following facts appear from the Complaint (as amended) and its attached Annexes, which have not been contested by Respondent, and which provide evidence sufficient to support:

Recognized as one of United States' leading homebuilders, since 1954 Complainant has provided real estate management, brokerage, development, mortgage, and financial services to develop, build, and sell homes in twenty-one (21) states in the United States under the service mark LENNAR ("the LENNAR Mark"). Complainant owns and operates a website promoting its services under the LENNAR Mark accessed at "www.lennar.com" (the Official LENNAR Mark Website) through its official domain name <lennar.com> which it registered on September 4, 1996.

Complainant owns numerous registrations protecting the LENNAR Mark in the United States, including:

- United States Trademark Registration No. 3,108,401, LENNAR, registered with the United States Patent and Trademark Office ("USPTO") on June 27, 2006, for a range of real estate management, mortgage, and real estate development related services in International Classes 35, 36, and 37 and claiming a first use date of May, 1973.
- United States Trademark Registration No. 3,477,143, LENNAR, registered on July 29, 2008, for a range of real estate brokerage, real estate development and construction related services in International Classes 36 and 37, and claiming a first use date of March, 2006.

The Whois record shows the disputed domain name was registered on January 6, 2025, and Complainant shows that the disputed domain name resolved to a website which displayed pages promoting Respondent's consulting services similar to those offered by Complainant in the regular course of its business, including Complainant's trademark as well as identifying itself as Complainant on the "Get in Touch" page on the website associated with the disputed domain name, and includes Complainant's LENNAR Mark adjacent to Respondent's email addresses and phone numbers, as well as a copyright legend "© 2035 by Lennar Corporation".

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

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

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name: that the disputed domain name is confusingly similar to Complainant's LENNAR Mark; that Respondent has no rights or legitimate interests in respect of the disputed domain name; and that the disputed domain name was registered and is being used in bad faith.

## B. Respondent

Respondent did not reply to Complainant's 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 Complainant to make out its case and it is apparent from the terms of the Policy that Complainant 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 a domain name. As the proceedings are administrative, the standard of proof under the Policy is often expressed as the "balance of the probabilities" or "preponderance of the evidence" standard. Under this standard, an asserting party needs to establish that it is more likely than not that the claimed fact is true. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.2.

Thus, for Complainant to succeed it must prove within the meaning of paragraph 4(a) of the Policy and on the balance of the probabilities that:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which Complainant has rights; and
- (ii) 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 Panel finds that Complainant has met its burden in all three elements of the Policy and will deal with each of these elements in more detail below.

### A. Identical or Confusingly Similar

Ownership of a trademark registration is generally sufficient evidence that a complainant has the requisite rights in a mark for purposes of paragraph 4(a)(i) of the Policy. [WIPO Overview 3.0](#), section 1.2.1. Complainant has demonstrated its rights because it has shown that it is the holder of multiple valid and subsisting trademark registrations for the LENNAR Mark. See *Advance Magazine Publishers Inc., Les Publications Conde Nast S.A. v. Voguechen*, WIPO Case No. [D2014-0657](#).

With Complainant's rights in the LENNAR Mark established, the remaining question under the first element of the Policy is whether the disputed domain name is identical or confusingly similar to Complainant's LENNAR Mark.

The disputed domain name incorporates Complainant's LENNAR Mark in its entirety and is identical because it adds nothing other than the generic Top-Level Domain ("gTLD") ".services". Prior UDRP panels have held "in cases where a domain name incorporates the entirety of a trademark, or where at least a dominant feature of the relevant mark is recognizable in the domain name, the domain name will normally be considered confusingly similar to that mark for purposes of UDRP standing." See, *L'Oréal, Lancôme Parfums et Beauté & Cie v. Jack Yang*, WIPO Case No. [D2011-1627](#); see also, *Wal-Mart Stores, Inc. v. Richard MacLeod d/b/a For Sale*, WIPO Case No. [D2000-0662](#). Prior UDRP panels have also found the Top-Level Domain ("TLD"), being viewed as a standard registration requirement, may typically be disregarded under the paragraph 4(a)(i) analysis. See [WIPO Overview 3.0](#), section 1.11.1.

Accordingly, the Panel finds that Complainant has satisfied paragraph 4(a)(i) of the Policy.

## B. Rights or Legitimate Interests

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 concludes that Complainant has made a prima facie showing that Respondent lacks rights or legitimate interests. Complainant’s registration and use of the LENNAR Mark predates Respondent’s registration of the disputed domain name by decades, and the LENNAR Mark is widely known and recognized. Nothing in the record shows Complainant has granted Respondent any license or form of permission to use the mark.

Paragraph 4(c) of the Policy provides the following list of circumstances by which a respondent may demonstrate rights to or legitimate interests in a disputed domain name for purposes of paragraph 4(a)(ii) of the Policy:

- (i) before receiving notice of the dispute, respondent’s use of, or demonstrable preparation to use, the domain name or a name corresponding to the domain name in connection with a bona fide offering of goods or services; or
- (ii) respondent has been commonly known by the domain name, even if it has acquired no trademark or service mark rights; or
- (iii) respondent is making a legitimate noncommercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

Respondent has not submitted a Response to the Complaint. Furthermore, Complainant shows that it sent cease and desist correspondence to Respondent on January 7, 2025, regarding registration of the disputed domain name, and Respondent failed to respond or otherwise provide any explanation regarding its registration or use of the disputed domain name. As a result, there is nothing in the record that suggests that Respondent has obtained rights or legitimate interests in the disputed domain name.

Respondent has not used the disputed domain name in connection with a bona fide offering of goods or services. See *Aubert International SAS and Aubert France SA v. Tucows.com Co.*, WIPO Case No. [D2008-1986](#) (concluding that “if the domain name in question was chosen because of the similarity to a name in which a complainant has an interest and in order to capitalise or otherwise take advantage of that similarity, then such registration and use does not provide the registrant with a right or legitimate interest in the domain name”).

Complainant also shows that Respondent has not used the disputed domain name in connection with a bona fide offering of goods and services because the disputed domain name resolves to an operating “impersonation website” configured to potentially confuse consumers into believing Respondent’s consulting services were associated with, sponsored by, or endorsed by Complainant.

The Panel finds Respondent is not using the disputed domain name in connection with a bona fide offering of goods or services, so as to confer rights or legitimate interests in it in accordance with paragraph 4(c)(i) of the Policy and that the composition of the disputed domain name being identical to Complainant’s LENNAR mark fosters an implied affiliation with Complainant. [WIPO Overview 3.0](#), section 2.5.1.

Complainant has also contended that Respondent is not commonly known by the disputed domain name because Respondent, “paul ekeleme”, clearly bears no resemblance to the term “lennar”, the LENNAR Mark, or the disputed domain name. The Panel finds that Respondent is not commonly known by the disputed domain name for purposes of the Policy.

Respondent is not making a legitimate noncommercial or fair use of the disputed domain name, and instead has sought to misleadingly divert consumers for its own financial gain to its website offering consulting services under Complainant's LENNAR Mark.

Accordingly, the Panel concludes that Complainant has satisfied the requirements of paragraph 4(a)(ii) of the Policy.

### **C. Registered and Used in Bad Faith**

Finally, Complainant must prove, by a preponderance of the evidence, that the disputed domain name has been registered and used in bad faith under paragraph 4(a)(iii) of the Policy. See, e.g., *Hallmark Licensing, LLC v. EWebMall, Inc.*, WIPO Case No. [D2015-2202](#).

Paragraph 4(b) of the Policy sets out a non-exhaustive list of circumstances that point to bad faith conduct on the part of a respondent. The Panel may, however, consider the totality of the circumstances when analyzing bad faith under Policy, paragraph 4(a)(iii) and may make a finding of bad faith that is not limited to the enumerated factors in Policy, paragraph 4(b). See *Do the Hustle, LLC v. Tropic Web*, WIPO Case No. [D2000-0624](#).

First, Complainant contends, and this Panel has found in Section 6B above from the record submitted and its own independent search as permitted under the Policy, that the LENNAR Mark is widely known in the United States, where Respondent is purportedly located. Based on the uncontested record, considering that the LENNAR Mark is registered, recognized and advertised at real estate development office facilities in at least 21 states, its trademark registration predates by over eighteen years Respondent's registration of the disputed domain name, and the disputed domain name incorporates the LENNAR Mark in its entirety, Respondent has no credible argument that he is unaware of the LENNAR Mark. See, e.g., *Alstom v. Domain Investments LLC*, WIPO Case No. [D2008-0287](#); see also *Accor S.A. v. Kristen Hoerl*, WIPO Case No. [D2007-1722](#).

A consensus of prior UDRP panels has consistently found that the mere registration of a domain name that is identical or confusingly similar to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith. See [WIPO Overview 3.0](#), section 3.1.4.

Prior UDRP panels have also found that where, as here, it would be implausible to believe that Respondent selected and was using the disputed domain name for any other purpose than to trade on Complainant's trademark rights and reputation, and it establishes a fact pattern that repeatedly has been held to constitute bad faith registration. See *Houghton Mifflin Co. v. The Weathermen, Inc.*, WIPO Case No. [D2001-0211](#); see also *Philip Morris Incorporated v. Alex Tsypkin*, WIPO Case No. [D2002-0946](#). The Panel finds, therefore, that Respondent had actual knowledge of the LENNAR Mark, and that Respondent has targeted Complainant's LENNAR Mark in registering the disputed domain name in bad faith. See *Tudor Games, Inc. v. Domain Hostmaster, Customer ID No. 09382953107339 dba Whois Privacy Services Pty Ltd / Domain Administrator, Vertical Axis Inc.*, WIPO Case No. [D2014-1754](#).

Having reviewed the record, the Panel notes as it did in Section 6B above, that the disputed domain name resolved to a webpage that contains a purported "2035" copyright designation by Lennar "Corparation" demonstrating that Respondent was actively impersonating Complainant in bad faith. It is alleged that Respondent's disputed website attempted to trick users into signing up to get additional information by requiring email addresses under false pretenses.

The Panel finds Complainant's arguments and evidence persuasive and has received no arguments or evidence from Respondent to the contrary. Considering all the circumstances, the Panel concludes that Respondent has registered and used the disputed domain name in bad faith and Complainant has satisfied paragraph 4(a)(iii) 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.services> be transferred to Complainant.

*/Scott R. Austin/*

**Scott R. Austin**

Sole Panelist

Date: March 26, 2025