

## **ADMINISTRATIVE PANEL DECISION**

Lennar Pacific Properties Management, LLC, Lennar Corporation v. John Ekpo

Case No. D2025-0306

### **1. The Parties**

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

The Respondent is John Ekpo, Nigeria.

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

The disputed domain name <lennarfinance.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 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 the Complainants on January 30, 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 30, 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 10, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 2, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on March 6, 2025.

The Center appointed Gareth Dickson as the sole panelist in this matter on March 13, 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 Lennar Pacific Properties Management, LLC (the “First Complainant”) and Lennar Corporation (the “Second Complainant”), both of whom are Delaware entities. The Complainants seek the transfer of the disputed domain name to the First Complainant, who is the registered owner of United States registration numbers 3108401 and 3477143, registered on June 27 2006 and July 29, 2008 respectively, for LENNAR (the “Mark”), under which the Complainants have offered real estate management, brokerage, development, construction, mortgage and financial services.

The Complainants have been using the Mark since at least as early as 1973. In particular, the above-mentioned registration number 3108401 is registered for, inter alia, “Financial services, namely mortgage services, title insurance services, and insurance agency services” in Class 36.

The disputed domain name was registered on December 31, 2024. It resolves to a webpage with (presumably sponsored) links to services competing with the Complainants.

#### **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.

Notably, the Complainants contend that the disputed domain name is confusingly similar to the Mark, noting that it incorporates the entirety of the Mark.

Furthermore, the Complainants assert that:

- there is no evidence that the Respondent has demonstrated any rights or legitimate interests in the disputed domain name, and in particular that there is no evidence of the Respondent using the disputed domain name (or having demonstrable plans for such use) as part of a bona fide offering of goods or services;
  - there is no evidence that the Respondent is commonly known by the disputed domain name; and
  - there is also no indication that the Respondent’s use constitutes a legitimate noncommercial or fair use of the disputed domain name, not least since they state that there is no prior relationship between the Parties, nor have the Complainants ever licensed or otherwise authorised the Respondent to use the Mark.
- Finally, the Complainants contend that the Respondent has registered and is using the disputed domain name in bad faith, specifically that the disputed domain name was registered with the intent to attract and/or divert, for commercial gain, Internet users and create further confusion with respect to the Complainants’ Mark as to the source, sponsorship, affiliation, or endorsement of the disputed domain name, which warrants a finding of bad faith.

##### **B. Respondent**

The Respondent did not reply to the Complainants’ 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 Complainants' trade mark or service mark 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 trade mark 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, "finance") 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 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, which, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith. Other circumstances may of course be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

In the present case, the Panel notes that the Respondent has incorporated the Mark and the term “finance”, being one of the services for which the First Complainant has registered the Mark, within the disputed domain name. Furthermore, the Respondent is using the disputed domain name to serve what appear on the evidence to be sponsored advertising links to Internet users, without making clear that it has no affiliation with the Complainants. The Respondent has also hidden its contact details from the WhoIs through a privacy service, without any apparent bona fide need to do so.

In light of the totality of the evidence before it, 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 <lennarfinance.com> be transferred to the First Complainant.

*/Gareth Dickson/*

**Gareth Dickson**

Sole Panelist

Date: April 10, 2025