

## **ADMINISTRATIVE PANEL DECISION**

PN II, Inc. v. Sandy Andrew  
Case No. D2025-0349

### **1. The Parties**

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

The Respondent is Sandy Andrew, United States.

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

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

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on January 29, 2025. On January 29, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 29, 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 (hidden by the Registrar) and contact information in the Complaint. The Center sent an email communication to the Complainant on January 30, 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 February 1, 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 February 3, 2025. In accordance with the Rules, paragraph 5, the due date for Response was February 23, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on February 24, 2025.

The Center appointed Martin Schwimmer as the sole panelist in this matter on February 26, 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 US corporation incorporated in the state of Nevada, with headquarters in Atlanta, Georgia, United States. It is a subsidiary of PulteGroup, Inc. and forms part of the Pulte group of companies.

PulteGroup, Inc. is one of the largest homebuilding companies in the United States. The group and its predecessors have used the term “pulte” in respect of its business since at least as early as 1969.

The Complainant is the owner of various registered trademarks in the United States that comprise or incorporate the term “pulte”. These include: United States registered trademark no. 1942747 with a registration date of December 19, 1995, for PULTE as a standard character mark in classes 36 and 37; and (ii) United States registered trademark no. 3676026 with a registration date of September 1, 2009, for PULTE as a standard character mark in class 36.

The Complainant also owns registrations covering the mark PULTE HOMES as a standard character mark, including United States registration no. 1942626, with a registration date of December 19, 1995, in class 37.

The Complainant advertises its services through various websites, including <pulte.com>, <pultehomes.com>, and <pultehomesinc.com>, as well as through print media and other advertising and promotional campaigns.

The disputed domain name was created on April 9, 2021.

The Complainant asserts that at the time it learned of the disputed domain name, it resolved to a website identical to that of the Complainant. Presently, the disputed domain name resolves to the website of a real estate software company.

#### **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.

Furthermore, the Complainant contends that the Respondent used the disputed domain name to direct to a “copycat” website using the Complainant’s trademarks and copyrighted content to pass itself off as the Complainant and including a “Contact Us” form to collect personal information, which clearly is not a bona fide use of the Name.

Additionally, the Complainant proffered an MX record indicating that the Respondent is using the disputed domain name for sending and receiving emails, potentially for the purposes of misleading email recipients into believing that the Respondent is an agent or employee of the Complainant.

##### **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 the trademarks PULTE and PULTE HOMES (collectively, the "Marks") 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, "ga," might have affected the assessment of the second and third elements, the Panel finds the addition of such a 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 notes that "ga" is the abbreviation for the state of Georgia, the state in which the Complainant is headquartered.

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.

Specifically, the Complainant has established that the Respondent had directed the disputed domain name to a "copycat site" identical to that of the Complainant and presently re-directs the disputed domain name to a website that appears to have no relationship to the Respondent.

Panels have held that the use of a domain name for illegitimate activity, here, claimed impersonation/passing off, or other types of fraud, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

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 directed the disputed domain name to a “copycat site” identical to that of the Complainant. Furthermore, the content of the disputed domain name itself includes the Marks of the Complainant and the state its headquarters are in. Accordingly, the Respondent acted with knowledge of the Complainant and its Marks.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may 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.

Panels have held that the use of a domain name for here, claimed impersonation/passing off, or other types of fraud, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds the Respondent’s registration and use of the disputed domain name constitutes 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 <pultehomesga.com> be transferred to the Complainant.

*/Martin Schwimmer/*

**Martin Schwimmer**

Sole Panelist

Date: March 15, 2025