

ADMINISTRATIVE PANEL DECISION

Lennar Pacific Properties Management, LLC, Lennar Corporation v. Abid Awan

Case No. D2025-0664

1. The Parties

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

The Respondent is Abid Awan, Pakistan.

2. The Domain Name and Registrar

The disputed domain name <lennarcaporation.com> 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 February 19, 2025. On February 19, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 21, 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 (Domain Admin) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 21, 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 February 21, 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 26, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 18, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on March 20, 2025.

The Center appointed Lorenz Ehrler as the sole panelist in this matter on March 25, 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 active in the real estate industry and offer in particular real estate management, brokerage, development, construction, mortgage and financial services. The Complainant provides their services in 21 states of the United States.

The Complainant owns the following United States trademarks:

- LENNAR, United States reg. no. 3,108,401, registered on June 27, 2006; and
- LENNAR, United States reg. no. 3,477,143, registered on July 29, 2008.

The Complainant operates a website using the domain name <lennar.com>.

The disputed domain name was registered on January 22, 2025 and is inactive.

5. Parties' Contentions

A. Complainant

The Complainant contends that they have 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, <lennarcaporation.com> is confusingly similar to their LENNAR trademarks.

Furthermore, the Complainant states that the Respondent is not using the disputed domain name in connection with a bona fide offering, has not been commonly known by the disputed domain name and has acquired no trademark or service mark rights in the LENNAR trademark.

Lastly, the Complainant contends that the Respondent registered and "uses" the disputed domain name in bad faith, even though it does not resolve to any website, in particular because the Respondent pursues the objective of misleading consumers into believing that he offers services that are offered by the Complainant.

B. Respondent

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

6. Discussion and Findings

According to paragraph 4(a) of the Policy, the Complainant must prove that:

- (i) The disputed domain name registered by the Respondent 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 has been 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 of WIPO Panel Views on Selected UDRP Questions, Third Edition, (["WIPO Overview 3.0"](#)), section 1.7.

The trademarks put forward by the Complainant demonstrate that the Complainant has rights in the LENNAR trademark. Under the UDRP, the requirement under paragraph 4(a) of the Policy requires that the disputed domain name be identical or confusingly similar to the Complainant's trademarks. There is no requirement of similarity of goods and/or services.

The existence of confusing similarity within the meaning of paragraph 4(a) of the Policy is not in doubt in the present case, given that the main element in the disputed domain name, i.e., "lennar", is identical with the Complainant's distinctive trademark LENNAR. The incorporation of a trademark in its entirety is typically sufficient to establish that a disputed domain name is identical or confusingly similar to a trademark. The other element of the disputed domain name, i.e., the element "corporation", which is an immediately recognisable misspelling of "corporation," does not avoid a finding of confusing similarity.

As far as the generic Top-Level Domain ("gTLD") ".com" is concerned, this element has a technical function and therefore is typically not taken into account when assessing the issue of identity or confusing similarity. The Panel thus finds that the disputed domain name is confusingly similar with the Complainant's trademark LENNAR.

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.

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

C. Registered and Used in Bad Faith

Paragraph 4(a)(iii) of the Policy provides that the complainant must, in addition to the matters set out above, demonstrate that the disputed domain name has been registered and is being used in bad faith.

The undisputed prima facie evidence establishes that the Respondent is not affiliated with the Complainant and has no license or other authorisation to use the Complainant's trademark. The Respondent registered the disputed domain name well after the Complainant's trademark was in use.

The Panel finds that the Respondent should have known about the Complainant's trademark and business when registering the disputed domain name. This Panel considers that the disputed domain name itself is a strong indication that the Respondent was aware of the Complainant's trademark LENNAR, as it seems more than unlikely that the Respondent would have created – randomly – a domain name that is almost identical with the Complainant's distinctive trademark (*cf. Motul v. Contact Privacy Inc. Customer 0138693539 / Konstantin Speranskii*, WIPO Case No. [D2016-2632](#)), all the more that the disputed domain name not only integrates the LENNAR trademark but also a misspelling of the word "corporation", it being specified that "Lennar Corporation" is the company name of one of the Complainants.

Past panels have considered the passive holding of a domain name to be in bad faith if the complainant's trademark is well known and has a solid reputation. In the circumstances of this case, this conclusion is also authorised by the fact that the Respondent: (i) has not submitted any evidence of any good faith use of the domain name or at least of any intention of a good faith use of the domain name; (ii) failed to submit a response or to provide any evidence of actual or contemplated good-faith use; (iii) failed to respond to the cease-and-desist letter sent by the Complainant's counsel; (iv) concealed its identity by using a privacy service; and that, last but not least, (v) a good faith use of the disputed domain name seems unpalisble. [WIPO Overview 3.0](#), section 3.3.

All these circumstances lead the Panel to conclude that the Respondent is using the disputed domain name in bad faith. The Respondent has not brought any evidence showing that the Complainant's allegations are untrue. Absent any such evidence, based on the evidence submitted by the Complainant, the Panel admits the Complainant's submission that the Respondent has registered and is using the disputed domain name in bad faith within the meaning of paragraph (4)(a)(iii) of the Policy. The Complainant therefore has established registration and use of the disputed domain name in bad faith.

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 <lennarcaporation.com> be transferred to Lennar Pacific Properties Management, LLC.

/Lorenz Ehrler/

Lorenz Ehrler

Sole Panelist

Date: April 3, 2025