

## **ADMINISTRATIVE PANEL DECISION**

Lennar Corporation and Lennar Pacific Properties Management, LLC v.  
Jenny L. Ellington, lennarusa  
Case No. D2025-0665

### **1. The Parties**

Complainants are Lennar Corporation, United States of America (“United States”), and Lennar Pacific Properties Management, LLC, United States, represented by Slaters Harwell LLP, United States.

Respondent is Jenny L. Ellington, lennarusa, United States.

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

The disputed domain name <lennarcorporation.com> is registered with NameCheap, Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 19, 2025. On February 20, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 20, 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 (Redacted for Privacy, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to Complainants on February 21, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting Complainants to submit an amendment to the Complaint. Complainants 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 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. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on March 19, 2025.

The Center appointed Timothy D. Casey as the sole panelist in this matter on March 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

Complainants are real estate management, brokerage, development, construction, mortgage, and financial services related to the development, building and sale of homes in the United States. Collectively, Complainants are the owner and authorized licensee for trademarks in the United States including "lennar" as an element of the mark (the "Lennar Marks") as follows:

Mark	Jurisdiction	Class(es)	Registration No.	Registration Date
LENNAR	United States	35, 36, 37	3,108,401	June 27, 2006
LENNAR	United States	36, 37	3,477,143	July 29, 2008

The Lennar Marks have been in use since at least 1973 and the <lennar.com> domain name, which is also owned by Complainants and resolves to Complainants' website, was first registered in 1996.

The disputed domain name was registered on January 19, 2025. At the time of filing of the Complaint, Complainant provided evidence that attempts to access the disputed domain name were blocked by security software that identified the website as "Malicious website blocked."

#### 5. Parties' Contentions

##### A. Complainants

Complainants contend that they have satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, Complainants contend that they have rights in the Lennar Marks and that the disputed domain name is virtually identical or confusingly similar to the Lennar Marks because it incorporates the entirety of the Marks, with only the addition of the descriptive word "corporation".

Complainants contend that Respondent is not using, or made demonstrable preparation to use, the disputed domain name in connection with a bona fide offering of goods or services and is not commonly known by the disputed domain name. Complainants contend Respondent is not making any legitimate noncommercial or fair use of the disputed domain name and did not respond to cease-and-desist correspondence sent to Respondent on January 22, 2025, regarding the disputed domain name. Complainants contend that Respondent may use the disputed domain name to impersonate Complainants, presumably for fraud and to misleadingly divert Complainants' consumers, or to tarnish the Lennar Marks.

Complainants contend that Respondent's non-use of the disputed domain name combined with (1) the distinctiveness and reputation of the Lennar Marks and (2) Respondent's failure to respond to Complainants' cease-and-desist correspondence or to provide any evidence of actual or contemplated good-faith use, supports a finding of bad faith use. Complainants further contend that the disputed domain name purports to offer services similar to Complainants' and that Respondent's practice of typosquatting constitutes evidence of bad faith registration of the disputed domain name.

##### B. Respondent

Respondent did not reply to 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 Complainants' 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.

Complainants have 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 Lennar Marks are 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, a misspelling ("coorporation") of the word "corporation," 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 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 Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the disputed domain name. Respondent has not rebutted 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, 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 Respondent was likely aware of the Lennar Marks at the time of registration of the disputed domain name given that the disputed domain name incorporates the Lennar Mark and corresponds to the misspelled company name of the first Complainant.

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.

The Panel notes that the Complainant has provided evidence showing that the disputed domain name has been flagged as "dangerous" and a security risk for phishing which is an indication of bad faith registration and use.

The Panel finds that 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 <lennarcooperation.com> be transferred to Complainant.

*/Timothy D. Casey/*

**Timothy D. Casey**

Sole Panelist

Date: 9 April 2025