

ADMINISTRATIVE PANEL DECISION

Lennar Pacific Properties Management, LLC and Lennar Title, LLC v. Name Redacted, lennertitle
Case No. D2025-0887

1. The Parties

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

The Respondent is Name Redacted¹, lennertitle, United States.

2. The Domain Name and Registrar

The disputed domain name <lennertitle.com> is registered with Tucows Domains Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on March 4, 2025. On March 4, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 4, 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 Registrant) and contact information in the Complaint. The Center sent an email communication to the Complainants on March 5, 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 March 5, 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

¹ The Respondent appears to have used the name of a third party when registering the disputed domain name. In light of the potential identity theft, the Panel has redacted the Respondent's name from this decision. However, the Panel has attached as Annex 1 to this decision an instruction to the Registrar regarding transfer of the disputed domain name, which includes the name of the Respondent. The Panel has authorized the Center to transmit Annex 1 to the Registrar as part of the order in this proceeding, and has indicated Annex 1 to this decision shall not be published due to the exceptional circumstances of this case. See *Banco Bradesco S.A. v. FAST-12785241 Attn. Bradescourgente.net / Name Redacted*, WIPO Case No. [D2009-1788](#).

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 March 7, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 27, 2025. The Respondent did not submit any Response. On March 13, 2025, the Center received a third-party’s communication claiming the unauthorized use of his physical contact details.

The Center appointed Gary Saposnik as the sole panelist in this matter on April 4, 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 Lennar Pacific Properties Management, LLC (the “First Complainant”) and Lennar Title, LLC (the “Second Complainant”, collectively, the “Complainant”) are companies that offer real estate management, brokerage, development, construction, mortgage, and financial services under the LENNAR mark since at least as early as 1973. It has been a homebuilder since 1954 and builds and sells homes in twenty-one (21) states in the United States. Under its LENNAR mark, the Complainant offers title, escrow, and real estate settlement services in connection with the sale of homes. The Second Complainant is a related company to the First Complainant, and an authorized licensee of the LENNAR marks and also owns and operates the domain name at the website “www.lennartitle.com” related to real estate and title services offered under the LENNAR marks.

In addition, the Complainant also uses the “[...]@lennartitle.com” to conduct email correspondence, including email correspondence that contains sensitive financial and personal information and instructions for activities such as home purchases and closings.

The First Complainant is the owner of the following United States trademark registrations:

- LENNAR, United States Registration No. 3108401, registered June 27, 2006, in classes 35, 36, and 37;
- LENNAR, United States Registration No. 3477143, registered July 29, 2008, in classes 36 and 37; and
- LENNAR TITLE, United States Registration No. 6817154, registered August 16, 2022, in classes 36 and 45, for real estate escrow services, real estate closing services, real estate title searching services.

The disputed domain name was registered on February 13, 2025. The Respondent, as disclosed by the Registrar, is located in California, United States. The disputed domain name appears to resolve to a website builder landing page. According to the evidence, the disputed domain name has been used for fraudulent email scheme to trick the Complainant’s consumers and lending institutions into wiring money for home purchases to a fraudulent account.

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 virtually identical and/or confusingly similar to the LENNAR marks and the Complainant’s domain name in which the Complainant has rights. The

disputed domain name contains the LENNAR mark in its entirety, with the deletion of the letter “a” in “lennar” and the substitution of the letter “e”. The disputed domain name consists of a common, obvious, or intentional misspelling of and is confusingly similar to the LENNAR mark and the Complainant’s domain name, especially due to evidence of actual bad faith use of the disputed domain name.

The Complainant further alleges that the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Respondent is not using nor has made demonstrable preparations to use the disputed domain name or a name corresponding to the disputed domain name in connection with a bona fide offering of goods or services. The Respondent has not been commonly known by the disputed domain name and has acquired no trademark or service mark rights in the LENNAR marks. The Respondent is not making any legitimate non-commercial or fair use of the disputed domain name and is in fact utilizing the disputed domain name in bad faith to perpetuate a fraudulent scheme, impersonating the Complainant, presumably for fraud and commercial gain and to misleadingly divert the Complainant’s consumers or to tarnish the LENNAR marks.

The Complainant avers that the disputed domain name has been registered and is being used in bad faith by the Respondent, including registration primarily for the purpose of disrupting the Complainant’s business, as well as intentional use of the disputed domain name to commit attempted wire fraud/theft via use of “[...]@lennertitle.com” as an email address to trick the Complainant’s consumers and lending institutions into wiring money for home purchases to a fraudulent account not associated with the Complainant. The use of a domain name as part of a fraudulent scheme, including impersonation of an employee, is “quintessential bad faith.” See *Lennar Pacific Properties Management, Inc., Lennar Corporation v. Registration Private, Domains By Proxy, LLC / IAutomation Contractors*, WIPO Case No. [D2022-1768](#); and WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), section 3.1.4 (“given that the use of a domain name for per se illegitimate activity such as [...] phishing can never confer rights or legitimate interests on a respondent, such behavior is manifestly considered evidence of bad faith”).

B. Respondent

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

6. Discussion and Findings

A. Preliminary Matter: Multiple Complainants

The Complainants in this case are part of the same corporate group. The First Complainant owns the LENNAR mark registrations at issue. The Second Complainant is a related company and authorized licensee of the LENNAR marks and also owns and operates the domain name at the website “www.lennartitle.com” related to real estate and title services offered under the LENNAR marks. The Panel finds the Complainants have common grievance against the Respondent. The Respondent has engaged in common conduct that has affected the Complainants in a similar fashion, and it is equitable and efficient to permit the consolidation of their complaints in this proceeding. [WIPO Overview 3.0](#), section 4.11.1.

B. Preliminary Matter: Unsolicited Supplemental Filing

The Complainant has requested the submission of a Supplemental Filing in this case. Upon service of the Complaint to the address of the Respondent as disclosed by the Registrar of the disputed domain name, the Complainant’s representative received a phone call from the resident at the address listed in the WhoIs records. That individual indicated that his personal home address was fraudulently used by the registrant of the disputed domain name. The resident also responded to the Center stating that “I received at my personal residence a letter, a portion of which is attached, delivered by DHL, and addressed to a Name Redacted, a person whom I have never heard of. The letter states that a complaint has been filed against this person at my address regarding a domain lennertitle.com. I have no association with this or any other domain and I have never heard of [...].”

Paragraph 10 of the Rules vests the panel with the authority to determine the admissibility, relevance, materiality and weight of the evidence, and also to conduct the proceeding with due expedition. In this case, the Respondent's address was initially shielded from the Complainant until revealed by the Registrar. The revealed contact details were not disclosed to be inaccurate until after service of the Written Notice. As such, this Panel finds an exceptional circumstance exists and will allow the Complainant's Supplemental Filing for whatever relevance it may have to the decision. [WIPO Overview 3.0](#), section 4.6.

C. 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 3.0](#), section 1.7.

The Complainant has 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 Panel finds the mark is recognizable within the disputed domain name. The disputed domain name contains the LENNAR mark, but exchanges an "e" for the "a" in "lennar". A domain name which consists of a common, obvious, or intentional misspelling of a trademark is considered by panels to be confusingly similar to the relevant mark for purposes of the first element. [WIPO Overview 3.0](#), section 1.9. 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, "title", 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. In addition to the confusing similarity with the Complainant's LENNAR mark, there is also confusing similarity with the Complainant's LENNAR TITLE mark. [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 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 Complainant has stated that there is no evidence of use or demonstrable preparations to the disputed domain name or a name corresponding to the disputed domain name in connection with a bona fide offering

of goods or services. The Respondent has not been commonly known by the disputed domain and has acquired no trademark or service mark rights in the LENNAR marks. Although the Registrar confirmed organization name for the Respondent is "lennertitle", the evidence provided shows that this is merely a ruse to perpetuate a phishing scheme. The Respondent is not making any legitimate noncommercial or fair use of the disputed domain name and is utilizing the disputed domain name to impersonate the Complainant, presumably for fraud and commercial gain and to misleadingly divert the Complainant's consumers or to tarnish the Complainant's marks. The evidence provided reflects that the Respondent was utilizing the disputed domain name in emails to customers of the Complainant, using an employee of the Complainant's name in the email address and correspondence, in order to seek personal information and funds from unsuspecting consumers who may not notice the difference of the letters "a" and "e" in the LENNAR name.

Panels have held that the use of a domain name for illegitimate activity here, claimed as applicable to this case: phishing and impersonation/passing off, 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 instant case, the Panel notes that the Respondent registered the disputed domain name many years after the Complainant obtained rights in its LENNAR marks. Although the disputed domain name did not resolve to an active website, as previously noted, the Respondent was utilizing the disputed domain name in a phishing scheme through an email account containing the name of an employee of the Complainant. The emails appear to impersonate the employee, while also seeking personal information and the transfer of funds from unsuspecting customers. This is an obvious attempt to intentionally attract, for commercial gain, Internet users and the Complainant's customers, by creating a likelihood of confusion with the Complainant's marks. As other panels have noted, this use is "quintessential bad faith." See *Lennar Pacific Properties Management, Inc., Lennar Corporation et al v. Registration Private, Domains By Proxy, LLC / Automation Contractors*, supra.

Panels have held that the use of a domain name for illegitimate activity here, claimed as applicable to this case: phishing and 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 <lennertitle.com> be transferred to the Complainant, Lennar Title, LLC.

/Gary Saposnik/

Gary Saposnik

Sole Panelist

Date: April 18, 2025