

ADMINISTRATIVE PANEL DECISION

PN II, Inc. v. rolland tate, fentress

Case No. D2025-0914

1. The Parties

Complainant is PN II, Inc., United States of America (“United States”), represented by Adams and Reese LLP, United States.

Respondent is rolland tate, fentress, United States.

2. The Domain Name and Registrar

The disputed domain name <pultegroupincus.com> is registered with Squarespace Domains II LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 5, 2025. On March 6, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 6, 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, fentress) and contact information in the Complaint. The Center sent an email communication to Complainant on March 10, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on March 12, 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 Respondent of the Complaint, and the proceedings commenced on March 12, 2025. In accordance with the Rules, paragraph 5, the due date for Response was April 1, 2025. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on April 7, 2025.

The Center appointed Jeffrey D. Steinhardt as sole panelist in this matter on April 14, 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

Complainant's PulteGroup, Inc. and its subsidiaries are among the United States' largest residential construction groups, offering home building, real estate, mortgage lending, and related services.

Complainant and its related company groups own many registrations for the PULTE and PULTE GROUP marks including for example United States Trademark Registration No. 3676026 (PULTE), registered in International Class 36 on September 1, 2009 with a first use in commerce date of January 10, 1969; United States Trademark Registration No. 1942747 (PULTE), registered December 19, 1995; and United States Trademark Registration No. 4077463 (PULTEGROUP), registered December 27, 2011.

The disputed domain name was registered March 4, 2025, and currently resolves to a parking page indicating that the website is "under construction."

5. Parties' Contentions

A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Complainant avers that among its group of companies, PulteGroup, Inc. is the largest homebuilding company in the United States, operating in approximately fifty domestic markets. Complainant also avers that it has widely used the PULTE mark for over fifty years.

Complainant avers that it was contacted by an industrial composting company that had allegedly received an email sent from an address at the disputed domain name posing as Chief Executive Officer of PULTEGROUP. The email (provided in annexes to the Complaint) requested a quote for the composting company's services and displayed PULTEGROUP's official logo and actual address.

Complainant alleges that Respondent is using the disputed domain name to impersonate Complainant's employee and send fraudulent emails to unsuspecting third-party vendors, presumably in furtherance of a phishing scam or fraud.

B. Respondent

Respondent did not reply to 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 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.

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 entirety of the PULTE and PULTEGROUP marks of Complainant and its related companies are reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the marks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms (here, “incus”) may bear on assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the disputed domain name and the marks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

The Panel finds that the first element of Policy paragraph 4(a) has been established.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of circumstances in which a 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.

Complainant has submitted unopposed, credible evidence that the disputed domain name was used to send fraudulent email to a third party; the email impersonated officials of one of its companies and reproduced Complainant’s trademark registered logo without authorization.

Having reviewed the available record, the Panel finds that 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.

Panels have held that the use of a domain name for illegitimate or illegal activity (here, alleged 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 that the second element of paragraph 4(a) 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, based on the undisputed allegations of the Complaint, the Panel finds that Respondent used the disputed domain name in a fraudulent impersonation scheme to solicit quotations from a third-party vendor. There can be little doubt that Respondent targeted Complainant, since Respondent included the entire PULTEGROUP mark in the disputed domain name and even reproduced one of the

PULTEGRPOUP's registered logos in its email request for quotations.

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 illegitimate activity or illegal activity, 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 that Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

The Panel finds that Complainant has established the third element paragraph 4(a) 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 <pultegroupincus.com> be transferred to Complainant.

/Jeffrey D. Steinhardt/

Jeffrey D. Steinhardt

Sole Panelist

Date: April 28, 2025