

ADMINISTRATIVE PANEL DECISION

Lennar Pacific Properties Management, LLC and Lennar Corporation v.
Chitkamal Arora
Case No. D2025-1264

1. The Parties

Complainants are Lennar Pacific Properties Management, LLC (“LPPM”), United States of America (“United States” or “U.S.”), and Lennar Corporation, United States, represented by Slates Harwell LLP, United States.

Respondent is Chitkamal Arora, United States, represented by DeConcini McDonald Yetwin & Lacy, P.C., United States.

2. The Domain Name and Registrar

The disputed domain name <lennarclaims.com> (the “Domain Name”) is registered with GoDaddy.com, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 27, 2025. On March 28, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On March 28, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name, which differed from the named Respondent (Registration Private, Domains by Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to Complainants on March 31, 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 March 31, 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 April 4, 2025. In accordance with the Rules, paragraph 5, the due date for Response was April 24, 2025. The Response was filed with the Center on April 10, 2025. Respondent sent an email communication to the Center on April 1, 2025.

The Center appointed Christopher S. Gibson as the sole panelist in this matter on April 17, 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.

Complainants submitted an unsolicited supplemental filing that was received by the Center on April 24, 2025. On April 30, 2025, Respondent filed unsolicited supplemental filing as a response to Complainants' supplemental filing.

4. Consolidation of Complainants

Complainants state that the consolidation of multiple complainants in this case is necessary because both Complainants have the same grievance against Respondent. Specifically, LPPM is the owner of federal trademark registrations and applications for the LENNAR marks. Lennar Corporation is a related company and authorized licensee of the LENNAR marks and also operates the website at "www.lennar.com" in connection with the services offered under the LENNAR marks. As such, both Complainants have a common legal interest or rights that are affected by Respondent's conduct regarding the Domain Name.

Paragraph 10(e) of the Rules grants a panel power to consolidate multiple domain name disputes. Section 4.11.1 of WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), provides relevant guidance on this point: "[i]n assessing whether a complaint filed by multiple complainants may be brought against a single respondent, panels look at whether (i) the complainants have a specific common grievance against the respondent, or the respondent has engaged in common conduct that has affected the complainants in a similar fashion, and (ii) it would be equitable and procedurally efficient to permit the consolidation." Here, the Panel observes that Respondent has lodged no objection on this point of consolidation. Moreover, the Panel finds that Complainants have a common grievance against Respondent, and it would be equitable and procedurally efficient to permit consolidation. Accordingly, consolidation is allowed.

5. Supplemental Filings

The Panel observes that the Rules provide for the submission of the Complaint by Complainant and the Response by Respondent. No express provision is made for supplemental filings by either Party, except in response to a deficiency notification or if requested by the Center or the Panel. Paragraphs 10 and 12 of the Rules in effect grant the Panel sole discretion to determine the admissibility of supplemental filings.

Complainants state that because Respondent's Response contains new facts and arguments that did not exist at the time of filing the Complaint, Complainants should be able to submit their supplemental filing in reply to Respondent's Response. In particular, at the time of filing the Complaint, the Domain Name hosted pay-per-click ("PPC") advertisements, and Respondent initially chose to hide behind a privacy shield, concealing his identity and providing no information regarding the Domain Name in Whois databases. Complainants state there was no indication that the Domain Name was to be used for a purported "gripe site" – which is the argument now being presented by Respondent. Respondent suggests in his Response that he created the Domain Name in "good faith" for a "noncommercial, independent, informational website;" this is a significant, new factual circumstance that did not exist at the time of filing. Complainants argue they should have the opportunity to rebut these new, unexpected factual assertions that did not exist at the time of the Complaint and could not have been anticipated.

Respondent has not objected to Complainants' supplemental filing but instead has submitted his own reply to Complainants' supplemental filing.

The Panel considers that there are new factual contentions made by Respondent, which could not have been anticipated by Complainants due to the Domain Name's website resolving to PPC links at the time the

Complaint was filed, and Respondent using a privacy service for registration of the Domain Name. Thus, in view of all the circumstances, the Panel determines that the Parties' supplemental filings will be allowed to the extent they address these new factual contentions (and do not repeat alleged facts or arguments already made).

6. Factual Background

Complainants have offered real estate management, brokerage, development, construction, mortgage, and financial services under the LENNAR trademarks since as early as 1973. More specifically, Complainants have been a leading United States homebuilder since 1954 and develop, build, and sell homes in 21 states. Complainants own and operate a website using the LENNAR marks located at "lennar.com", which was registered in September 1996.

Complainants have submitted evidence to show they are the owner/licensor of the following trademarks:

- LENNAR, U.S. Reg. No. 3,108,401, registered on June 27, 2006, in classes 35, 36, and 37, with a date of first use in commerce of May 1973, in connection with the fields of real estate management, development, planning and estate brokering; laying out and constructing residential communities and individual residences; and financial services, namely mortgage services, title insurance services, and insurance agency services.

- LENNAR, U.S. Reg. No. 3,477,143, registered July 29, 2008, in classes 36 and 37, with a date of first use in commerce of November 2006, in connection with real estate listing services; real estate management; and the development, operation, maintenance, brokerage, and rental of mid and high-rise buildings for residential, business, and retail use.

The Domain Name was registered on February 28, 2025, and at the time of the Complaint resolved to a landing page with PPC links that appear to advertise services that might relate to or be competitive with Complainants' services. Respondent states he was planning to use the Domain Name in connection with a website criticizing Complainants and their alleged building practices.

7. Parties' Contentions

A. Complainant

Complainants contend that they have satisfied each of the elements required under the Policy for transfer of the Domain Name.

(i) Identical or confusingly similar

Complainants are the owner/licensor of the LENNAR trademarks as noted above, which have been promoted and used for many years in connection with Complainants' real estate and related services. Complainants state Respondent's registration of the Domain Name is virtually identical and/or confusingly similar to Complainants' LENNAR marks, with the addition of the descriptive word "claims" after the word "lennar". Complainants contend when a domain name fully incorporates a complainant's mark, this is sufficient to establish that the domain name is identical or confusingly similar for purposes of the Policy.

(ii) Rights or legitimate interests

Complainants contend that Respondent should be considered as having no rights or legitimate interests with respect to the Domain Name. Specifically, upon initial investigation, information, and belief, Complainants have not located any evidence of Respondent's use of, or demonstrable preparations to use, the Domain Name or a name corresponding to it in connection with a bona fide offering of goods or services. In addition,

upon information and belief, Respondent has not been commonly known by the Domain Name and has acquired no trademark rights in the famous and strong LENNAR marks.

Complainants also assert Respondent is not making any legitimate noncommercial or fair use of the Domain Name and may use it to impersonate Complainants in the mortgage lending or financial aspect of Complainants' business, presumably for fraud and to misleadingly divert Complainants' consumers or to tarnish the LENNAR marks. Furthermore, Complainants sent a cease-and-desist correspondence to Respondent on March 4, 2025, regarding registration of the Domain Name, and Respondent failed to respond or otherwise provide any explanation regarding registration or use of the Domain Name.

(iii) Registered and used in bad faith

Complainants submit the Domain Name has been registered and is being used in bad faith by Respondent. Specifically, Respondent's non-use of the Domain Name combined with (i) the distinctiveness and reputation of the famous and strong LENNAR marks, (ii) Respondent's failure to respond to Complainants' cease and desist correspondence or provide any evidence of actual or contemplated good-faith use, and (iii) Respondent's concealing of its identity or use of false contact information supports a finding that the Domain Name is being used in bad faith.

Moreover, Complainants urge a finding of bad faith is further warranted because the Domain Name purports to offer services similar to those offered by Complainants in the regular course of its business. The name of the Domain Name alone illustrates bad faith and an effort to fraudulently mislead consumers into believing that Respondent offers services that are offered by Complainants. Finally, it is well settled that the practice of typosquatting constitutes evidence of the bad faith registration of a domain name. For these reasons, Respondent's conduct must be considered bad faith use and registration of the Domain Name.

(iv) Complainants' supplemental filing

Complainants highlight that Respondent now alleges that the Domain Name "has never been used for commercial purposes; does not and will not display advertisements...or generate revenue." Complainants assert this statement is false. Despite Respondent's allegations, Complainants state the Domain Name has in the past and continues to resolve to a webpage with PPC advertising links. Moreover, the PPC links advertise for services that compete with Complainants' business related to home services (i.e., Home Warranty, Home Warranty Services). Complainants contend a webpage with PPC links, even if parked, demonstrates clear commercial use and does not constitute a bona fide offering of goods or services or legitimate noncommercial or fair use, especially when the links compete with or capitalize on the reputation and goodwill of Complainants' marks or otherwise mislead Internet users.

Complainants assert the Domain Name is not being used for a "gripe site," is not protected under free speech, and does not constitute a bona fide offering of goods or services or legitimate noncommercial or fair use under the Policy. To support a finding of fair use for a gripe site under the Policy, a respondent's criticism and/or content must be genuine and noncommercial. Where a domain name is not identical to the complainant's trademark but comprises the trademark plus a derogatory term (i.e., "trademarksucks"), UDRP panels tend to find a legitimate interest only when such use is prima facie noncommercial, genuinely fair, not misleading, or false. As discussed above, the Domain Name has at all times resolved to a webpage with PPC advertisements and is not and has not been used as a gripe site. There is no evidence of genuine, fair, noncommercial use, and/or noncommercial free speech as required under the Policy and Rules to maintain a legitimate interest. Significantly, even if Respondent intends to use the Domain Name as a gripe site in the future, it is the time of the Complaint that is controlling for the determination of rights and legitimate interests.

B. Respondent

Respondent requests that the Panel deny Complainants' request to transfer the Domain Name.

(i) Identical or confusingly similar

Respondent has not contested Complainants' ownership of its LENNAR marks or addressed whether the Domain Name is identical or confusingly similar to the marks.

(ii) Rights or legitimate interests and no bad faith registration or use

Respondent contends the Domain Name was registered in good faith for a lawful, legitimate purpose, and at no point was it intended to confuse consumers, misrepresent affiliation, or interfere with Complainants' operations. Instead, Respondent states he registered the Domain Name to create a noncommercial, independent, informational website to help homeowners who have experienced defects or unresolved issues in homes built by Complainants. Respondent asserts the goal of the website would be to inform and support homeowners in organizing their complaints; share experiences and foster dialogue among affected buyers; offer noncommercial tools and templates to help them document and submit concerns; and facilitate communication in the absence of timely responses from Complainants.

Respondent states he is currently engaged in an active dispute with Complainants. Respondent alleges Complainants' negligence put his family at risk. His newborn daughter was exposed to unsafe living conditions, including a gas leak in the attic, mold in the bathroom, and a non-functional air conditioning system during a record-breaking summer in Arizona where temperatures regularly reach 120 degrees Fahrenheit. These issues made the home uninhabitable, forcing him to relocate his family shortly after his daughter was born to ensure safety. Respondent also highlights the thousands of dollars of repairs the home needed as indicated by third-party inspection reports. Despite these severe circumstances, Respondent states he has continued to seek cooperation from Complainants.

Respondent states he made repeated, good-faith efforts to resolve serious issues concerning his home, including reaching out directly; working through formal channels; and having his legal counsel issue correspondence on his behalf. Despite these efforts, Respondent alleges Complainants failed to respond meaningfully or resolve the matter. This lack of engagement prompted Respondent to take independent action – through advocacy and public information – to ensure his concerns and those of others are not ignored.

Respondent claims the Domain Name has never been used for commercial purposes; does not and will not display advertisements, sell products, or generate revenue; has not been offered for sale to Complainants or anyone else; contains no content at present, as the site is still in development. There is also no likelihood of confusion. The term "claims" in the Domain Name signals the site's purpose as a forum for complaints or claims, not as an official company resource. Respondent states a prominent disclaimer will be displayed on the site stating it is not affiliated with Complainants. Further, Respondent contends use of the term "lennar" in the Domain Name is nominative – used solely to identify the subject of the content and claims discussed. Respondent urges such use does not violate trademark law when: (i) the use is necessary to identify the subject; (ii) there is no suggestion of sponsorship or affiliation; (iii) the use is limited and factual. Respondent asserts that Complainants' Complaint is speculative and based on assumptions, as Respondent's site has not even launched.

(iii) Supplemental filing

Respondent states that at no point did he intentionally place PPC advertisements links on the Domain Name, nor has he received any revenue or financial benefit from such links. If sponsored links were briefly visible, they were generated automatically by the Registrar's default parking page and not under Respondent's control. Any PPC advertising on the site linked to the Domain Name is placed there by the Registrar and benefits them only. Furthermore, Respondent states he is currently unable to make any updates or changes to the Domain Name or associated website because it has been locked by the Registrar, as part of their protocol during an ongoing dispute. Respondent states it is his full intention to update the site with clear disclaimers and advocacy-focused content as soon as he can regain access and the Domain Name is unlocked. This delay should not be interpreted as abandonment or lack of legitimate interest, but rather a

direct consequence of the procedural freeze initiated by the Registrar in response to this proceeding. Respondent claims he had already begun planning and developing the content. He did not register the Domain Name to sell it, disrupt Complainants' business, or mislead consumers. Complainants' reply mischaracterizes Respondent's intent and overstates the implications of an inactive domain landing page.

8. Discussion and Findings

In order to succeed in its claim, Complainants must demonstrate that the three elements enumerated in paragraph 4(a) of the Policy have been satisfied. These elements are that:

- (i) the Domain Name registered by Respondent is identical or confusingly similar to a trademark or service mark in which Complainants have rights;
- (ii) Respondent has no rights to or legitimate interests in respect of the Domain Name; and
- (iii) Respondent has registered and is using the Domain Name 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 Complainants' LENNAR trademark and the Domain Name. See [WIPO Overview 3.0](#), section 1.7. Complainants have shown strong and well-established rights in respect of their LENNAR trademark for the purposes of the Policy, through both registration and longstanding use of the marks in connection with their real estate management, brokerage, development, construction, mortgage, and financial services business in the United States.

The entirety of the distinctive LENNAR mark is reproduced within the Domain Name, with the addition of the term, "claims." The addition of this term does not prevent a finding of confusing similarity between the Domain Name and Complainants' mark. See [WIPO Overview 3.0](#), section 1.7 ("where at least a dominant feature of the relevant mark is recognizable in the domain name, the domain name will normally be considered confusingly similar to that mark for purposes of UDRP standing.").

Accordingly, the Panel finds the Domain Name is confusingly similar to Complainants' mark for the purposes of the Policy, and the first element of the Policy has been established.

B. Rights or Legitimate Interests

Although the overall burden of proof in UDRP proceedings is on a 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 Respondent to establish rights or legitimate interests in the Domain Names by demonstrating any of the following, without limitation, under paragraph 4(c) of the Policy:

- (i) before any notice of the dispute, Respondent's use of, or demonstrable preparations to use, the Domain Name or a name corresponding to the Domain Name in connection with a bona fide offering of goods or services; or
- (ii) Respondent has been commonly known by the Domain Name, even if Respondent has acquired no trademark or service mark rights; or

(iii) Respondent is making a legitimate noncommercial or fair use of the Domain Name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

Here, the Panel finds that Complainants have made a prima facie showing that Respondent lacks rights or legitimate interests in the Domain Name, thus shifting the burden to Respondent. The Panel further determines that Respondent has not successfully rebutted Complainant's prima facie case.

First, there are several submissions by Complainants that Respondent does not challenge:

(i) that Complainants has not authorized Respondent to use Complainants' well-established and distinctive LENNAR trademark for any purpose including in a domain name – Respondent does not contest this point and the record is clear, through Respondent's own explanations, that he registered the Domain Name with Complainants' and their LENNAR trademark in mind.

(ii) that Respondent is not commonly known by the Domain Name – Respondent does not contest this point and the evidence, as far as it goes, indicates Respondent is known by his personal name.

(iii) that Respondent has not used the Domain Name in connection with a bona fide offering of goods or services. At the time the Complaint was filed, the Domain Name was being used to display PPC advertising links, which advertised services competitive to those offered by Complainants. See [WIPO Overview 3.0](#), section 2.11 ("Panels tend to assess claimed respondent rights or legitimate interests in the present, i.e., with a view to the circumstances prevailing at the time of the filing of the complaint."); see also section 2.9 ("panels have found that the use of a domain name to host a parked page comprising PPC links does not represent a bona fide offering where such links compete with or capitalize on the reputation and goodwill of the complainant's mark or otherwise mislead Internet users.").

With regard to the contested points between the parties, Complainants claim that Respondent is not making a legitimate noncommercial or fair use of the Domain Name, without intent for commercial gain to misleadingly divert consumers within the meaning of paragraph 4(c)(iii) of the Policy. As to this point, Complainants contend the Domain Name has at all relevant times resolved to a webpage with PPC advertisements (some of which appear to offer services competitive with those offered by Complainants) and there is no evidence of genuine, fair, noncommercial use, and/or noncommercial free speech.

The crux of Respondent's response is that (i) Respondent had no control over the PPC links displayed at the Domain Name, which were generated automatically by the Registrar's default parking page and not under Respondent's control, and (ii) he has legitimate interests in respect of the Domain Name because he had planned to use it for a criticism site. In particular, Respondent contends that use of the term "lennar" in the Domain Name is nominative – used solely to identify the subject of the content for the website to be developed. In support of Respondent's explanation for why he registered the Domain Name, he has provided evidence of a dispute between himself and Complainants concerning alleged defects in a home he owned in Arizona; however, he has provided no further evidence (other than his own words that he had begun planning and developing the content for a criticism site) to show what a future website linked to the Domain Name might actually be used for.

After careful consideration of the totality of circumstances in this case, the Panel is of the view that Respondent is making a less than legitimate noncommercial or fair use of the Domain Name under the Policy. First, the Panel observes that at the time the Complaint was filed and all other relevant times, the website linked to the Domain Name displayed PPC advertising links, which offered services competitive to those offered by Complainants. This clearly does not give rise to any right or legitimate interest. Further, normally, a respondent cannot disclaim responsibility for content appearing on the website associated with the respondent's domain name." See [WIPO Overview 3.0](#), section 3.5 ("Neither the fact that such links are generated by a third party such as a registrar or auction platform (or their affiliate), nor the fact that the respondent itself may not have directly profited, would by itself prevent a finding of bad faith."). In this case, the PPC advertising links existed for a relatively brief period between the registration of the Domain Name

and filing of the Complaint (February 28 - March 27, 2025). In this regard, Complainants' have been vigilant in protecting the trademark rights, a practice that is generally encouraged for trademark owners.

Second, and importantly for this case, the Panel observes that the Domain Name contains Complainants' well-established LENNAR trademark, which is the dominant element in the Domain Name both in terms of placement and distinctiveness. Indeed, the term "lennar" is not descriptive but instead a unique name or coined term referring only to Complainants, their trademark, and their services, and it is precisely for this reason that Respondent included Complainants' mark in the Domain Name. While the Domain Name is not identical to Complainants' mark (and therefore this is not a case of exact impersonation), the term "claims" in the Domain Name is not obviously derogatory or critical of Complainants and their offerings, but refers instead to a meaning (i.e., "to ask or call for something as due or as necessary"¹) that is related to Complainants' field of commerce or services such that it raises an inference of sponsorship or affiliation by Complainants.

The Panel finds that the placement of Complainants' distinctive and well-established mark LENNAR in the dominant position at the beginning of the Domain Name, followed by the term, "claims", is likely to generate confusion. The Panel therefore disagrees with Respondent's submission that "claims" in the Domain Name signals the site's purpose as a forum for complaints or claims, and not as an official company resource. Indeed, many companies have in-house claims processes in connection with the goods or services they offer. See [WIPO Overview 3.0](#), section 2.5.1 ("Even where a domain name consists of a trademark plus an additional term (at the second- or top-level), UDRP panels have largely held that such composition cannot constitute fair use if it effectively impersonates or suggests sponsorship or endorsement by the trademark owner.").

Therefore, in balancing the rights of Complainants in its longstanding and well-established LENNAR mark, and the right of Respondent to choose freely a domain name (and purportedly use it for a criticism site that does not yet exist), the Panel concludes that Respondent has impermissibly taken advantage of Complainants' commercial interests in its LENNAR mark. This is especially so in light of Complainants' longstanding trademark rights which date back to at least 1973 – and which clearly predate February 28, 2025, when Respondent registered the Domain Name.

Accordingly, for all of the above reasons, the Panel finds that Complainants have made a prima facie showing of Respondent's lack of rights or legitimate interests in respect of the Domain Name, which has not been sufficiently rebutted by Respondent. The Panel therefore finds that Complainants have established the second element of the Policy.

C. Registered and Used in Bad Faith

The third element of paragraph 4(a) of the Policy requires that Complainants demonstrate Respondent registered and is using the Domain Name in bad faith. [WIPO Overview 3.0](#), section 3.1, states, "bad faith under the UDRP is broadly understood to occur where a respondent takes unfair advantage of or otherwise abuses a complainant's mark." Moreover, [WIPO Overview 3.0](#), section 3.1.4, states in relevant part that "Panels have consistently found that the mere registration of a domain name that is identical or confusingly similar (particularly domain names comprising typos or incorporating the mark plus a descriptive term) to a famous or widely known trademark by an unaffiliated entity can by itself create a presumption of bad faith.

For the reasons discussed under this and the preceding heading, the Panel considers that Respondent's conduct in this case constitutes bad faith registration and use of the Domain Name within the meaning of paragraph 4(a)(iii) of the Policy. It is clear that Respondent was aware of Complainants and its LENNAR trademark, and targeted that mark, when registering the Domain Name. The placement of Complainants' distinctive and well-established LENNAR mark in the dominant position at the beginning of the Domain Name, followed by the term, "claims", is likely to generate confusion. In particular, although we have only

¹ Merriam-Webster Dictionary, at "<https://www.merriam-webster.com/thesaurus/claim>".

Respondent's word that the Domain Name was to be used for a criticism website, even if this was true, the Domain Name is likely to confuse the public as to whether it is sponsored by, or otherwise affiliated with, Complainants because the additional term is not derogatory but instead relates to a process that could be carried out by Complainants (i.e., claims). See e.g., [WIPO Overview 3.0](#), section 2.6.2 (a general right to legitimate criticism does not necessarily extend to a domain name that creates an impermissible risk of user confusion through impersonation). Further, during the relevant period, the website linked to the Domain Name only offered PPC advertising links that listed commercial services, some of which were directly competitive to services offered by Complainants, and Respondent's identity was shielded by a privacy service such that it was not transparent who stood behind the Domain Name's registration.

In conclusion, the Panel finds that, for all of the above reasons, the Complainants have made a sufficient showing that the Domain Name was registered and used in bad faith. Accordingly, Complainants have satisfied the third element of the Policy.

9. Decision

For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the Domain Name <lennarclaims.com> be transferred to Complainants.

/Christopher S. Gibson/

Christopher S. Gibson

Sole Panelist

Date: May 27, 2025