

ADMINISTRATIVE PANEL DECISION

Lennar Pacific Properties Management, LLC, Lennar Corporation v. Tate Cristale, Otima INC
Case No. D2025-1266

1. The Parties

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

The Respondent is Tate Cristale, Otima INC, United States.

2. The Domain Name and Registrar

The disputed domain name <lennarus.com> (the "Domain Name") is registered with NameSilo, LLC (the "Registrar"), United States.

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 that differed from the named Respondent (Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 31, 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 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.

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on April 2, 2025. In accordance with the Rules, paragraph 5, the due date for a response was April 22, 2025. The Respondent did not submit a response. Accordingly, the Center notified the Respondent's default on April 28, 2025.

The Center appointed A. Justin Ourso III as the panelist in this matter on April 30, 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 are a publicly held company that is a well-known American homebuilder and a related intellectual property holding company that owns and licenses to the homebuilder (collectively, the “Complainants”) the well-known LENNAR trademark under which they have offered homebuilding and related services since as early as May 1973.

The Complainants own a United States registration, No. 3,108,401, for its LENNAR trademark, issued on June 27, 2006, for homebuilding and related services in Class 37, related real estate consulting services in Class 35, and mortgage and other related financial services in Class 36, and a United States registration, No. 3,477,143, for its LENNAR trademark, issued on July 29, 2008, for construction consulting and related services in Class 37, and for real estate listing and real estate management services in Class 36.

The Complainants own the domain name <lennar.com> and operate the web site “www.lennar.com” on which they advertise their services under the Complainants’ LENNAR mark.

The Respondent registered the Domain Name on March 4, 2025. The record contains no evidence that the Complainants authorized this registration. The Domain Name resolves to a parked web page at “www.lennarus.com” that contains pay-per-click (“PPC”) links featuring business categories that are competitive with the Complainants.

The Complainants sent a demand letter to the Respondent on March 6, 2025, demanding that, inter alia, the Respondent stop using the Domain Name and transfer the Domain Name to the Complainants. The Respondent did not reply to the demand letter.

5. Parties’ Contentions

A. Complainants

The Complainants contend that they have satisfied each of the elements required under the Policy for a transfer of the Domain Name, which they requested.

Notably, the Complainants contend that the Respondent is using the Domain Name intentionally and in bad faith to divert, for commercial gain, Internet users to its webpage by confusing them as to its source, sponsorship, affiliation, or endorsement; the distinctiveness and reputation of the famous LENNAR mark and the Domain Name itself illustrate an effort to mislead consumers and demonstrate bad faith; the Respondent used a privacy service and provided false contact information; and the Respondent failed to respond to the Complainants’ demand letter. The Complainants also alleged typosquatting.¹

B. Respondent

The Respondent did not submit a response to the Complaint.

¹The Panel does not view this case as one of typosquatting. The addition of a geographically descriptive element at the end of a domain name is not, in the view of the Panel, typosquatting. Typosquatting is generally considered to be present when a trademark is misspelled in a domain name, not when a descriptive element is added to a domain name. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), section 1.9.

6. Discussion and Findings

6.1. Consolidation: Multiple Complainants

In assessing the propriety of multiple complainants filing against a single respondent, panels examine whether (i) the complainants have a common grievance, or common conduct by a respondent affected the complainants similarly, and (ii) it would be equitable and procedurally efficient to permit the consolidation. Rules, paragraph 10(e); [WIPO Overview 3.0](#), section 4.11.1. The Panel finds that the Complainants are a licensor and licensee, and related companies, with a common grievance against the Respondent, arising from a common interest in their trademark, and that the Respondent's conduct has adversely affected both. Additionally, consolidation would be equitable and procedurally efficient. Accordingly, the Panel concludes that consolidation in this proceeding is proper.

6.2. Substantive Matters

A complainant must prove three elements to obtain relief: (i) the domain name is identical or confusingly similar to a trademark in which the complainant has rights; (ii) the respondent has no rights or legitimate interests in the domain name; and (iii) the respondent registered and is using the domain name in bad faith. Policy, paragraph 4(a).

A. Identical or Confusingly Similar

On the first element, a complainant must prove that (1) it has rights in a trademark and (2) the disputed domain name is identical or confusingly similar to this trademark. Policy, paragraph 4(a)(i).

The Panel finds that the Complainants' registrations establish the Complainants' trademark rights. [WIPO Overview 3.0](#), section 1.2.1.

The Domain Name incorporates the entire trademark, and the trademark is readily recognizable within the Domain Name, notwithstanding the addition of a geographically descriptive component, "us." The Panel finds that the Domain Name is confusingly similar to the trademark. [WIPO Overview 3.0](#), sections 1.7 and 1.8. Accordingly, the Panel concludes that the Complainants have proven the first element: the Domain Name is confusingly similar to a trademark in which it has rights.

B. Rights or Legitimate Interests

The Respondent has not claimed the existence of any circumstance under the Policy, paragraph 4(c), that demonstrates that a respondent has rights to, or legitimate interests in, a domain name. The Panel finds that the Complainants have shown that they established their trademark rights before the Respondent registered the Domain Name; the Respondent is not commonly known by the Domain Name; the record contains no evidence that the Respondent owns a trademark registration for the Domain Name or operates a legitimate business under the Domain Name; and the Respondent has used the Domain Name to operate a web page with links featuring business categories that are competitive with the Complainants' businesses, for commercial gain, which is not a bona fide commercial use, a noncommercial use, or a fair use of the Domain Name. [WIPO Overview 3.0](#), sections 2.5 and 2.9. Additionally, the record contains no evidence that the Complainants authorized the Respondent to use their trademark or the Domain Name. This record constitutes prima facie a showing that the Respondent lacks any rights or legitimate interests in the Domain Name under the Policy, paragraph 4(a)(ii), shifting the burden of production on this second element to the Respondent to come forward with relevant evidence proving rights or legitimate interests in the Domain Name. [WIPO Overview 3.0](#), section 2.1. The Respondent has not submitted any evidence to rebut the prima facie showing.

Accordingly, the Panel concludes that the Complainants have proven, and the evidence demonstrates, the second element: the Respondent lacks rights or legitimate interests in the Domain Name.

C. Registered and Used in Bad Faith

The Policy provides that the following circumstance is “evidence of the registration and use of a domain name in bad faith: [. . .] by using the domain name, you have intentionally attempted to attract, for commercial gain, Internet users to your web site . . ., by creating a likelihood of confusion with the complainant’s mark as to the source, sponsorship, affiliation, or endorsement of your web site or location or of a product or service on your web site.” Policy, paragraph 4(b)(iv).

The Complainants’ mark is a distinctive, well-known mark. Panels have consistently found that the mere registration of a domain name that is confusingly similar to a well-known trademark can create a presumption of bad faith registration, which here is un rebutted by the Respondent. [WIPO Overview 3.0](#), section 3.1.4.

The Domain Name resolves to a landing page with what the Panel finds are PPC links featuring business categories competitive with the Complainants’ services. The Panel finds this conclusive evidence that the Respondent must have been aware of the Complainants’ trademark and of their rights in the mark at the time that the Respondent registered the Domain Name, and that the Respondent’s registration and use of the Domain Name is intended to attract, misleadingly and deceptively, customers and potential customers of the Complainants for the Respondent’s commercial gain. Policy, paragraph 4(b)(iv); [WIPO Overview 3.0](#), sections 3.1.4, 3.2.1, and 3.2.2. These findings compel the Panel to conclude that the Respondent intentionally registered the Domain Name in bad faith to take unfair advantage of the Complainants’ trademark and that the Respondent is using the Domain Name in bad faith intentionally to attract Internet users to its site for commercial gain by creating a likelihood of confusion with the Complainants’ trademark as to the source of the services offered through the Domain Name, in violation of the Policy, paragraph 4(b)(iv).

The findings that the Respondent provided a nonexistent contact address, failed to respond to the Complainants’ demand letter, and failed to respond to the Complaint support the conclusion of bad faith. [WIPO Overview 3.0](#), section 3.2.1. Accordingly, the Panel concludes that the Complainants have proven the third element: the Respondent registered and is using the Domain Name in bad faith.

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 Domain Name <lennarus.com> be transferred to the Complainants.

/A. Justin Ourso III/

A. Justin Ourso III

Panelist

Date: May 12, 2025