

## **ADMINISTRATIVE PANEL DECISION**

Quarterra Multifamily Communities, LLC v. John Jones  
Case No. D2025-1422

### **1. The Parties**

Complainant is Quarterra Multifamily Communities, LLC, United States of America (“United States”), represented by Slates Harwell Campbell, LLP, United States.

Respondent is John Jones, United States.

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

The disputed domain name <quarterra.com> 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 April 7, 2025. On April 8, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 8, 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 (Registration Private, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to Complainant on April 9, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amendment to the Complaint on April 9, 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 11, 2025. In accordance with the Rules, paragraph 5, the due date for Response was May 1, 2025. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on May 6, 2025.

The Center appointed Phillip V. Marano as the sole panelist in this matter on May 21, 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 is an American real estate development and construction company that builds multi-family high-rise, mid-rise, and garden apartment communities throughout the United States. Complainant offers information about its services through its official <quarterra.com> domain name, website, and email addresses. Complainant owns a valid and subsisting registration for the QUARTERRA EMBLEM COMMUNITIES trademark in the United States, Reg. No. 7,524,198, registered on October 1, 2024, with the priority dating back to October 4, 2023. Complainant also owns numerous pending intent-to-use applications for various iterations of QUARTERRA-formative trademarks in the United States, including for example Ser. No. 97,242,259, applied for on January 27, 2022.

Respondent registered the disputed domain name on March 7, 2025. At the time this Complaint was filed, the disputed domain name resolved to a “Launching Soon” website titled “Qurterra” that is powered by the Registrar, which contains a webform for visitors to “contact us” and/or “sign up for our email list for updates, promotions, and more.”

#### **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 asserts ownership of the QUARTERRA trademark and has adduced evidence of a trademark registration and applications in the United States, with earliest priority dating back to October 4, 2023. The disputed domain name is confusingly similar to Complainant’s QUARTERRA trademark, according to Complainant, because it “is virtually identical and/or ... typosquatting to the QUARTERRA trademark in its entirety, with only the subtraction of the letter ‘a’ ....”

Complainant further asserts that Respondent lacks any rights or legitimate interests in the disputed domain name based on: (i) the lack of any evidence of Respondent’s use of the disputed domain name in connection with any bona fide offering of goods or services; (ii) the lack of any evidence that Respondent is known by the disputed domain name or evidence Respondent has acquired any rights in Complainant’s “famous and strong QUARTERRA mark”; and (iii) Respondent’s failure to reply to Complainant’s cease-and-desist correspondence.

Complainant argues that Respondent has registered and used the disputed domain name in bad faith for numerous reasons, including: (i) the distinctiveness and reputation of the famous and strong QUARTERRA mark (ii) Respondent’s typosquatting on Complainant’s QUARTERRA trademark; (iii) Respondent’s failure to reply to Complainant’s cease-and-desist correspondence; (iv) Respondent’s concealing its identity or use of false contact information within its registration data; and (v) Respondent’s purported offers of services similar to Complainant, specifically “[t]he name of the Domain alone illustrates bad faith and an effort to fraudulent mislead consumers into believing that Respondent offers services that are offered by Lennar.”

##### **B. Respondent**

Respondent did not reply to Complainant’s contentions.

## 6. Discussion and Findings

To succeed in its Complaint, Complainant must establish in accordance with paragraph 4(a) of the Policy:

- i. The disputed domain name is identical or confusingly similar to a trademark in which Complainant has rights;
- ii. Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- iii. The disputed domain name has been registered and is being used in bad faith.

Although Respondent did not reply to Complainant's contentions, the burden remains with Complainant to establish by a balance of probabilities, or a preponderance of the evidence, all three elements of paragraph 4(a) of the Policy. A respondent's default would not by itself mean that the complainant is deemed to have prevailed; a respondent's default is not necessarily an admission that the complainant's claims are true. UDRP panels have been prepared to draw certain inferences in light of the particular facts and circumstances of the case, e.g. where a particular conclusion is *prima facie* obvious, where an explanation by the respondent is called for but is not forthcoming, or where no other plausible conclusion is apparent. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), sections 4.2 and 4.3; see also *The Vanguard Group, Inc. v. Lorna Kang*, WIPO Case No. [D2002-1064](#) ("The Respondent's default does not automatically result in a decision in favor of the complainant. The Complainant must still prove each of the three elements required by Policy paragraph 4(a)").

### A. Identical or Confusingly Similar

As a threshold matter, Complainant submitted evidence that various iterations of the QUARTERRA trademark has been applied for in the United States on an intent-to-use basis. Pending trademark applications alone do not generally establish trademark rights within the meaning of paragraph 4(a)(i) of the Policy, because they have not yet been approved or matured into registrations. [WIPO Overview 3.0](#), section 1.1.4. Therefore, the Panel's analysis focuses solely on Complainant's registered QUARTERRA EMBLEM COMMUNITIES trademark rights.

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 3.0](#), section 1.7. The Panel finds 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.

Contrary to Complainant's argument, the QUARTERRA EMBLEM COMMUNITIES trademark is not fully incorporated into the disputed domain name. Nevertheless, the Panel finds that the dominant QUARTERRA element of Complainant's mark is recognizable 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.

Furthermore, it is well established that domain names which consist of common, obvious or intentional misspellings of trademarks are confusingly similar for the purposes of the first element of the Policy. [WIPO Overview 3.0](#), section 1.9 ("Examples of such typos include (i) adjacent keyboard letters, (ii) substitution of similar-appearing characters ... (iii) the use of different letters that appear similar in different fonts, (iv) the use of non-Latin internationalized or accented characters, (v) the inversion of letters and numbers, or (vi) the addition or interspersing of other terms or numbers"). See e.g., *Edmunds.com, Inc. v. Digi Real Estate Foundation*, WIPO Case No. [D2006-1043](#) ("This is clearly a 'typosquatting' case where the disputed domain name is a slight misspelling of a registered trademark to divert internet traffic ... In fact, the domain name comprises the Complainant's trademark ... with a single misspelling of an element of the mark: a double consonant 's' at the end.") See e.g., *General Electric Company v. mr domains (Marcelo Ratafia)* Case No. D2000-0594 ("In the Panel's opinion 'www-' used in this context is a generic term which does nothing to reduce the potential for confusion, and therefore the panel is of the opinion that the Domain Names are for all intents and purposes identical to the registered trademark.") In this Complaint,

Respondent has set forth a credible argument that the disputed domain name is merely a typographical variant of its QUARTERRA EMBLEM COMMUNITIES trademark, wherein the letter “a” has merely been removed from the dominant QUARTERRA element.

Accordingly, 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.

Complainant must make out a prima facie case that Respondent lacks rights or legitimate interests in the disputed domain name, shifting the burden of production on this element to Respondent to come forward with evidence demonstrating such rights or legitimate interests. Where, as in this Complaint, Respondent fails to come forward with any relevant evidence, Complainant is deemed to have satisfied the second element of the Policy. [WIPO Overview 3.0](#), section 2.1. As a threshold matter, it is evident from the record that Respondent, identified by Whois data for the disputed domain name as “John Jones”, is not commonly known by the disputed domain name.

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.

In short, passively holding a domain name in and of itself does not constitute a bona fide offering of goods or services. *Philip Morris USA Inc. v. Gabriel Hall*, WIPO Case No. [D2015-1779](#); *Teachers Insurance and Annuity Association of America v. Wreaks Communications Group*, WIPO Case No. [D2006-0483](#) (“[A]bsent some contrary evidence from Respondent, passive holding of a Domain Name does not constitute legitimate noncommercial or fair use”). In this Complaint, Respondent has configured the disputed domain name to resolve to a “Launching Soon” website titled “Qurterra”, which contains a webform for visitors to “contact us” and/or “sign up for our email list for updates, promotions, and more.”

The Panel finds the second element of the Policy has been established.

## **C. Registered and Used in Bad Faith**

Paragraph 4(b) of the Policy proscribes the following non-exhaustive circumstances as evidence of bad faith registration and use of the disputed domain name:

- i. Circumstances indicating that Respondent has registered or Respondent has acquired the disputed domain name primarily for the purpose of selling, renting, or otherwise transferring the disputed domain name registration to Complainant who is the owner of the trademark to a competitor of that Complainant, for valuable consideration in excess of Respondent’s documented out of pocket costs directly related to the disputed domain name; or
- ii. Respondent has registered the disputed domain name in order to prevent the owner of the trademark from reflecting the mark in a corresponding domain name, provided that Respondent has engaged in a pattern of such conduct; or
- iii. Respondent has registered the disputed domain name primarily for the purpose of disrupting the business of a competitor; or
- iv. By using the disputed domain name, Respondent has intentionally attempted to attract, for commercial gain, Internet users to Respondent’s website or other online location, by creating a likelihood of confusion

with Complainant's mark as to the source, sponsorship, affiliation, or endorsement of Respondent's website or location or of a product or service on Respondent's website or location.

Where parties are both located in the United States and Complainant has obtained a federal trademark registration pre-dating a Respondent's domain name registration, UDRP panels have applied the concept of constructive notice, subject to the strength or distinctiveness of the complainant's trademark, or circumstances that corroborate respondent's awareness of the complainant's trademark.

[WIPO Overview 3.0](#), section 3.2.2.

In this Panel's view, when the disputed domain name was registered on March 7, 2025, Respondent had constructive knowledge of Complainant's pre-existing rights in Complainant's QUARTERRA EMBLEM COMMUNITIES trademark under United States law. See e.g., *Champion Broadcasting System, Inc. v. Nokta Internet Technologies*, WIPO Case No. [D2006-0128](#) (Applying the principle of constructive notice where both parties are located in the United States). Indeed, circumstances in this case corroborate Respondent's awareness of Complainant and Complainant's QUARTERRA EMBLEM COMMUNITIES trademark, including the Panel's limited dictionary investigation to confirm that neither the word "quarterra" or the variant "qurterra" appear to be dictionary words in the English language.<sup>1</sup> Indeed, the public prosecution history of Complainant's QUARTERRA EMBLEM COMMUNITIES federal trademark registration further supports the same conclusion. It is also worth noting that although Complainant argues that, Respondent "offers of services similar to Complainant," because "[t]he name of the Domain alone illustrates bad faith and an effort to fraudulent mislead consumers into believing that Respondent offers services that are offered by Lennar," the Panel found no evidence to support that argument and it is possible this language may refer to an entirely different matter for a different construction company.

In addition, passively holding a domain name does not prevent a finding of bad faith. [WIPO Overview 3.0](#), section 3.3. This includes domain names that do not resolve to any website content as well as domain names that are parked with a "coming soon" message or other similar content like "Launching Soon ... sign up for our email list for updates, promotions, and more". Where a domain name is being passively held, as alleged in this case, bad faith registration and use exists based upon: (i) the degree of distinctiveness or reputation of the complainant's mark; (ii) the failure of the respondent to submit any response or offer any credible evidence of rights or legitimate interests; (iii) the respondent's concealing its identity or use of false contact details; and (iv) the implausibility of any good faith use which the domain name may be put. See *Id.* See also *Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#) ("A remedy can be obtained under the Policy only if those circumstances show that the Respondent's passive holding amounts to acting in bad faith.")

With respect to the totality of the circumstances in this case, Complainant has broadly asserted "the distinctiveness and reputation of the famous and strong QUARTERRA Mark" but incorrectly relies upon various intent-to-use trademark applications and has not offered any evidence to support either fame or distinctiveness of its QUARTERRA EMBLEM COMMUNITIES trademark. Nevertheless, as described above, the Panel conducted an independent investigation to confirm that neither the word "quarterra" or the variant "qurterra" appear to be dictionary words in the English language, and the Panel has further confirmed that search engine results for each term produce only hyperlink results related to Complainant.

Furthermore, the Panel acknowledges Respondent's failure to offer any credible evidence of rights or legitimate interests. Indeed, failure by Respondent to answer Complainant's cease and desist letter "suggests that Respondent was aware that it has no rights or legitimate interests in the disputed domain name, and that the disputed domain name has been registered and is being used in bad faith." See *America*

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<sup>1</sup>A panel may undertake limited factual research into matters of public record where it considers such information useful to assessing the case merits and researching a decision. This includes visiting the website linked to the disputed domain name in order to obtain more information about the respondent or its use of the domain name, consulting historical resources like the Internet Archive, reviewing dictionaries, encyclopedias, or accessing trademark registration or other governmental databases. [WIPO Overview 3.0](#), Section 4.8.

*Online, Inc. v. Antonio R. Diaz*, WIPO Case No. [D2000-1460](#) (internal citations omitted). See also *Spyros Michopoulos S.A. v. John Talias, ToJo Enterprises*, WIPO Case No. [D2008-1003](#). Furthermore, the failure of Respondent to answer this Complaint or take any part in the present proceedings, in the view of the Panel, is another indication of bad faith on the part of Respondent. See *Bayerische Motoren Werke AG v. (This Domain is For Sale) Joshuathan Investments, Inc.*, WIPO Case No. [D2002-0787](#).

And finally, the Panel acknowledges Respondent's either intentional or default use of a proxy registration service, thus concealing its identity from Complainant. Where it appears that a respondent employs a proxy service, or selects a registrar that applies default proxy services, merely to avoid being contacted by a complainant, or notified of a UDRP proceeding filed against it, UDRP panels tend to find that this supports an inference of bad faith. [WIPO Overview 3.0](#), section 3.6. Use of a privacy or proxy registration service to shield a respondent's identity and elude or frustrate enforcement efforts by a legitimate complainant demonstrates bad faith use and registration of a disputed domain name. See *Fifth Third Bancorp v. Secure Whois Information Service*, WIPO Case No. [D2006-0696](#) (the use of a proxy registration service to avoid disclosing the identity of the real party in interest is also consistent with an inference of bad faith when combined with other evidence of evasive, illegal, or irresponsible conduct).

Collectively, each of the foregoing factors make any good faith use of the disputed domain name by Respondent implausible under the passive holding doctrine. And ultimately, the Panel concurs with Complainant that the much more likely explanation for Respondent's registration and use of the disputed domain name is as a typosquatted variant of Complainant's official <quarterra.com> domain name and website. The act of "typosquatting" or registering a domain name that is a common misspelling of a mark in which a party has rights has often been recognized as evidence of bad faith registration per se. [WIPO Overview 3.0](#), section 3.2.1 ("Particular circumstances UDRP panels take into account in assessing whether the respondent's registration of a domain name is in bad faith include: (i) the nature of the domain name (e.g., a typo of a widely known mark ..."). See also *Paragon Gifts, Inc. v. Domain.Contact*, WIPO Case No. [D2004-0107](#) (citing *National Association of Professional Baseball Leagues, d/b/a Minor League Baseball v. Zuccarini*, WIPO Case No. [D2002-1011](#)); *ESPN, Inc. v. XC2*, WIPO Case No. [D2005-0444](#) (finding that the practice of "typosquatting", of itself, is evidence of the bad faith registration of a domain name).

The Panel therefore finds the third element of the Policy has been established.

## 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 <qurterra.com> be transferred to Complainant.

/Phillip V. Marano/  
**Phillip V. Marano**  
Sole Panelist  
Date: June 4, 2025