

## **ADMINISTRATIVE PANEL DECISION**

Lennar Pacific Properties Management, LLC, Lennar Corporation v. bob gaskie

Case No. D2025-1423

### **1. The Parties**

The Complainant is Lennar Pacific Properties Management, LLC, Lennar Corporation, United States of America (“United States”), represented by Slaters Harwell LLP, United States.

The Respondent is bob gaskie, United States.

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

The disputed domain name <lernnar.com> is registered with eNom, 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 (Redacted Registrant) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 9, 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 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 the 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. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on May 6, 2025.

The Center appointed Martin Schwimmer as the sole panelist in this matter on May 22, 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 following facts appear from the Complaint (as amended) and its attached Annexes, which have not been contested by Respondent, and which provide evidence sufficient to support: Recognized as one of United States' leading homebuilders, since 1954 Complainant has provided real estate management, brokerage, development, mortgage, and financial services to develop, build, and sell homes in twenty-one (21) states in the United States under the service mark LENNAR ("the LENNAR Mark").

Complainant owns and operates a website promoting its services under the LENNAR Mark accessed at "www.lennar.com" (the Official LENNAR Mark Website) through its official domain name which it registered on September 5, 1996.

Complainant owns numerous registrations protecting the LENNAR Mark in the United States, including: - United States Trademark Registration No. 3,108,401, LENNAR, registered with the United States Patent and Trademark Office ("USPTO") on June 27, 2006, for a range of real estate management, mortgage, and real estate development related services in International Classes 35, 36, and 37 and claiming a first use date of May 1973. - United States Trademark Registration No. 3,477,143, LENNAR, registered on July 29, 2008, for a range of real estate brokerage, real estate development and construction related services in International Classes 36 and 37, and claiming a first use date of March 2006.

The Whois record shows the disputed domain name was registered on February 13, 2025.

#### **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 domain name was used to send fraudulent emails to customers of the Complainant, purportedly signed by an actual employee of the Complainant.

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

The Respondent did not reply to the 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 the 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.

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. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7. The Panel notes that the string “lernnar” does not form an independently recognizable word or name, and is visually similar to the Complainant’s trademark.

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 Panel notes that the Complainant has made unrebutted assertions that Respondent has allegedly used the disputed domain name to send fraudulent invoices to customers of the Complainant, using the name of an actual employee of the Complainant.

Panels have held that the use of a domain name for illegitimate activity here, claimed as applicable to this case: 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 the second element of the Policy has been established.

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

The panel notes that this Respondent, “bob gaskie”, has previously been found to have registered and used a domain name reflecting the LENNAR trademark of the Complainant in bad faith. *Lennar Pacific Properties Management, LLC, Lennar Corporation v. bob gaskie*, WIPO Case No. [D2024-4690](#). Accordingly, it is established that the Respondent is well aware of the Complainant and its trademark, and that the Respondent has been engaged in a pattern of bad conduct.

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.

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 illegal activity, here, claimed as applicable to this case, impersonation/passing off, or other types of fraud, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4.

Furthermore, as indicated above, this Respondent has previously been found to have engaged in a pattern of bad conduct, targeted at this Complainant.

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 <lernnar.com> be transferred to the Complainant.

*/Martin Schwimmer/*  
**Martin Schwimmer**  
Sole Panelist  
Date: June 25, 2025