

## **ADMINISTRATIVE PANEL DECISION**

Lennar Pacific Properties Management, LLC, Lennar Corporation v. Mark Natera

Case No. D2025-1655

### **1. The Parties**

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

The Respondent is Mark Natera, United States.

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

The disputed domain name <lennar.cloud> 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 April 24, 2025. On April 25, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 25, 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) and contact information in the Complaint. The Center sent an email communication to the Complainants on April 30, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainants to submit an amendment to the Complaint. The Complainants filed an amendment to the Complaint on April 30, 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 May 15, 2025. In accordance with the Rules, paragraph 5, the due date for Response was June 4, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on June 10, 2025.

The Center appointed W. Scott Blackmer as the sole panelist in this matter on June 13, 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.

At the Panel's request, the Center sent Procedural Order Number One to the Parties on June 26, 2025, requesting further information concerning the relationship, if any, between the Complainants and the Respondent and the circumstances surrounding the registration of the disputed domain name, given that the Respondent used a contact email address with the Complainants' domain name. The Complainants submitted an email reply to the Procedural Order Number One on July 22, 2025, but the Respondent did not reply.

#### 4. Factual Background

The Complainants are related companies operating in the homebuilding and property management business. They are organized under the laws of the State of Delaware, United States and headquartered in Miami, Florida, United States. The Complaint reports that the Complainants have been offering real estate management, brokerage, development, construction, mortgage, and financial services under the LENNAR mark since at least 1973, selling homes in 21 states of the United States.

The Complainant Lennar Pacific Properties Management, LLC ("LPPM") owns relevant LENNAR trademark registrations. The Complainant Lennar Corporation is a licensee and operates the Complainants' website at "www.lennar.com". That domain name is also used for the Complainants' business email accounts.

Because of their common interests in the marks at issue, the Panel accepts the Complaint on behalf of both Complainants and refers to them collectively hereafter as "the Complainant". See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 4.11.1.

The Complainant holds the following United States trademark registrations:

Mark	Registration Number	Registration Date	Goods or Services
LENNAR (word)	3108401	June 27, 2006	IC 35, 36, 37
LENNAR (word)	3477143	July 29, 2008	IC 36, 37

The disputed domain name was created on March 12, 2025, and is registered to the Respondent Mark Natera, listing no organization and showing a postal address in the State of Florida, United States with a contact email address at "[...]@lennar.com", the domain name used by the Complainant.

It does not appear that the disputed domain name has been associated with an active website to date.

After learning of the registration of the disputed domain name, the Complainant sent a cease-and-desist letter to the Respondent via the Registrar on March 21, 2025, receiving no reply.

The Panel notes that on the day prior to registering the disputed domain name, the same Respondent registered a similar domain name, <lennar.tech>, with the same Registrar. This became the subject of a separate UDRP proceeding between the same Parties, *Lennar Pacific Properties Management, LLC, Lennar Corporation v. Mark Natera*, WIPO Case No. [D2025-1660](#) ("*Lennar I*").

## **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 disputed domain name is "virtually identical" to its registered LENNAR mark. There is no sign that the disputed domain name has been put to use, or that the Respondent has a corresponding name or has made preparations to make legitimate use of the disputed domain name. The Complainant expresses concern over possible use of the disputed domain name for fraudulent emails and cites the "passive holding" doctrine described in [WIPO Overview 3.0](#), section 3.3, where there is as yet no active use of a disputed domain name confusingly similar to a distinctive and well-established mark, but there is also not a plausible, good-faith explanation for registering the disputed domain name.

In reply to Procedural Order Number One, the Complainant's counsel simply stated the following in an email:

"Our client confirmed that the registrant is a former Lennar employee. However, attempts to get the former employee to transfer the domain to Lennar have gone unanswered and the registrant is no longer employed by Lennar. As such, Lennar has no way to force transfer of the domain via internal channels and believes the registration was in bad faith due to the registrant's refusal to transfer."

### **B. Respondent**

The Respondent did not reply to the Complainant's contentions or to the Panel's Procedural Order Number One.

## **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 3.0](#), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark (the registered LENNAR word mark) for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

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. There is no indication that the Respondent has made use of the disputed domain name, or has made demonstrable plans to do so, for a bona fide commercial offering or for a legitimate noncommercial fair use, or that the Respondent is known by a corresponding name (as per examples of rights or legitimate interests given in the Policy, paragraphs 4(c)(i), (ii), and (iii)).

However, given the Panel's findings on the third element below, it is not necessary for the Panel to enter findings on the second Policy element.

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

In this case, it is undisputed that the Respondent is a former employee of the Complainant and therefore likely aware of the Complainant's LENNAR mark.

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. None of these examples of bad faith apply to the facts on this record, 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 found that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding, cited by the Complainant. [WIPO Overview 3.0](#), section 3.3. Having reviewed the available record, the Panel notes the distinctiveness or reputation of the Complainant's trademark (not a dictionary word and in use for decades across much of the United States), and the identical composition of the disputed domain name, as well as the Respondent's failure to come forward in this proceeding to offer an explanation for registering the disputed domain name. However, despite being invited to offer further evidence concerning the Respondent's relationship with the Complainant and explain why the Respondent registered the disputed domain name using the Complainant's email address, the Complainant has stated only that the Respondent is a former employee and has declined to transfer the disputed domain name, arguing that this is sufficient to infer bad faith in both the registration and use of the disputed domain name. It is not. It cannot be determined from this record, for example, whether the Respondent initially registered the disputed domain name in good faith on behalf of the Complainant. The panel in *Lennar I* reached the same conclusion, denying the complaint because the Complainant similarly replied to procedural orders by saying only that the Respondent was a former employee who refused to transfer the relevant domain name.

Panels have held that the use of a domain name for illegitimate or illegal activity such as fraud, phishing, or impersonation also constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. The Complainant expresses concern over such potential misuse of the disputed domain name in this case, noting that the Complainant uses its similar <lennar.com> domain name for its business emails including sensitive personal and financial information in its mortgage lending business. However, the record includes no evidence of such malfeasance on the part of the Respondent to date<sup>1</sup>.

The burden of establishing bad faith, both at the time of registration and subsequently in use, is on the Complainant. The Complainant has not met that burden on this record.

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<sup>1</sup>The Complainant also points to the Respondent's use of a domain privacy service as evidence of bad faith in obscuring its identity to further such potential illicit use of the disputed domain name, but this is not normally material, as there are also legitimate reasons to use a domain privacy service.

The Panel finds that the Complainant has not established the third element of the Policy.

## **7. Decision**

For the foregoing reasons, the Complaint is denied.

*/W. Scott Blackmer/*

**W. Scott Blackmer**

Sole Panelist

Date: July 31, 2025