

ADMINISTRATIVE PANEL DECISION

Lennar Pacific Properties Management, LLC, Lennar Corporation v. Kathryn Rind

Case No. D2025-1659

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 Kathryn Rind, United States.

2. The Domain Name and Registrar

The disputed domain name <lennarh.xyz> is registered with Porkbun 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 27, 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 (Whois Privacy, Private by Design, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainants on April 29, 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 29, 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 1, 2025. In accordance with the Rules, paragraph 5, the due date for Response was May 21, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on May 22, 2025.

The Center appointed Joseph Simone as the sole panelist in this matter on May 26, 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 Complainant, Lennar Pacific Properties Management, LLC (the “First Complainant”), has an extensive portfolio of trade mark registrations incorporating the LENNAR mark, including the following:

- United States Trademark Registration No. 3108401 in International Classes 35, 36 and 37, registered on June 27, 2006; and
- United States Trademark Registration No. 3477143 in International Classes 36 and 37, registered on July 29, 2008.

The Complainant, Lennar Corporation (the “Second Complainant”), is an authorized licensee of the First Complainant for the LENNAR marks and also owns the domain name <lennar.com> and operates the associated website, which promotes services offered under the LENNAR marks.

Both Complainants have offered real estate management, brokerage, development, construction, mortgage, and financial services under the LENNAR trade marks for many years. More specifically, the LENNAR brand has been one of America’s leading homebuilders since 1954 and it develops, builds, and sells homes in 21 states in the United States.

The disputed domain name was registered on March 14, 2025.

The Complainants indicate that at the time of filing of the Complaint, the disputed domain name resolved to an error page. At the time of issuance of this Decision, the disputed domain name continued to resolve to an error page.

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 disputed domain name.

Notably, the Complainants contend that the disputed domain name registered by the Respondent is identical or confusingly similar to the LENNAR trade marks, and that the addition of the generic Top-Level Domain (“gTLD”), “.xyz”, does not affect the analysis as to whether the disputed domain name is identical or confusingly similar to the two Complainants’ trade marks.

Furthermore, the Complainants argue that the addition of the letter “h” does not prevent a finding of confusing similarity between the disputed domain name and the LENNAR mark.

The Complainants assert that they have not authorized the Respondent to use the LENNAR mark, and there is no evidence to suggest that the Respondent has used, or has undertaken any demonstrable preparations to use, the disputed domain name in connection with a bona fide offering of goods or services.

The Complainants also claim there is no evidence that the Respondent has any connection to the LENNAR mark, and that there is no plausible good faith reason for the Respondent to have registered the disputed domain name. The Complainants therefore argue that the registration and any use of the disputed domain name must be in bad faith.

B. Respondent

The Respondent did not reply to the Complainants' contentions.

6. Discussion and Findings

A. Consolidation of Multiple Complainants

Pursuant to WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.11.1, the consolidation of multiple complainants filing a joint complaint against one or more respondents is subject to the discretion of the appointed panel. In assessing whether a complaint filed by multiple complainants may be brought against one or more respondents, the appointed panel should consider 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. The Panel finds that the disputed domain name targets the LENNAR marks owned by the First Complainant. The Second Complainant is an authorized licensee of the LENNAR marks. The registration and use of the disputed domain name affects both Complainants, and they have a common grievance against the Respondent. Therefore, the Panel considers that it is equitable and procedurally efficient under the circumstances of the case to permit the consolidation. Consequently, the Panel allows the Complainants to proceed jointly with their Complaint.

B. 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 Complainants' trade mark and the disputed domain name. [WIPO Overview 3.0](#), section 1.7.

The Complainants have shown rights in respect of a trade mark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds the entirety of the Complainants' mark is reproduced 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 finds the addition of the letter "h" does not prevent a finding of confusing similarity between the disputed domain name and the Complainants' mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

Furthermore, it is well accepted practice by UDRP panels that a gTLD, such as ".xyz", is typically ignored when assessing whether a domain name is identical or confusingly similar to a trade mark (see section 1.11.1 of the [WIPO Overview 3.0](#)). For that reason, the Panel accepts not to take the gTLD ".xyz" into consideration when assessing confusing similarity of the disputed domain name.

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

C. Rights or Legitimate Interests

The second element requires that a complainant must prove that the respondent has no rights or legitimate interests in the disputed domain name. 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.

The Complainants assert that they have not authorized the Respondent to use their trade marks and there is no evidence to suggest that the Respondent has used, or undertaken any demonstrable preparations to use, the disputed domain name in connection with a bona fide offering of goods or services. Having reviewed the available record, the Panel finds that the Complainants have established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name.

The composition of the disputed domain name, incorporating the LENNAR trade mark (which also corresponds to the Complainants' company name) along with the addition of the letter "h", indicates the Respondent's intention of taking unfair advantage of consumer confusion between the disputed domain name and the Complainants with respect to the origin of the website and a possible affiliation with the Complainants as consumers may not notice the subtle difference between the disputed domain name and the LENNAR trade mark. The Respondent did not file any response and has therefore failed to assert factors or put forth evidence to establish that it enjoys rights or legitimate interests in the disputed domain name. Meanwhile, no evidence has been provided to demonstrate that the Respondent, prior to the notice of the dispute, had used or demonstrated its preparation to use the disputed domain name in connection with a bona fide offering of goods or services.

There is also no evidence to show that the Respondent has been commonly known by the disputed domain name or that the Respondent is making a legitimate noncommercial or fair use of the disputed domain name.

As such, the Panel concludes that the Respondent has failed to rebut the Complainants' prima facie showing of the Respondent's lack of rights or legitimate interests in the disputed domain name, and that none of the circumstances of paragraph 4(c) of the Policy is applicable in this case.

Accordingly, and based on the Panel's findings below, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name pursuant to paragraph 4(a)(ii) of the Policy.

D. Registered and Used in Bad Faith

The third and final element that a complainant must prove is that the respondent has registered and is using the disputed domain name in bad faith.

Paragraph 4(b) of the Policy states that any of the following circumstances, in particular but without limitation, shall be considered as evidence of the registration and use of a domain name in bad faith:

- (i) circumstances indicating that the respondent registered or acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant (the owner of the trade mark or service mark) or to a competitor of that complainant, for valuable consideration in excess of the respondent's documented out-of-pocket costs directly related to the domain name; or
- (ii) circumstances indicating that the respondent registered the domain name in order to prevent the owner of the trade mark or service mark from reflecting the mark in a corresponding domain name, provided that the respondent has engaged in a pattern of such conduct; or
- (iii) circumstances indicating that the respondent has registered the domain name primarily for the purpose of disrupting the business of a competitor; or
- (iv) circumstances indicating that the respondent is using the domain name to intentionally attempt to

attract, for commercial gain, Internet users to its website or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of the respondent's website or location or of a product or service on its website or location.

The examples of bad faith registration and use set forth in paragraph 4(b) of the Policy are not meant to be exhaustive of all circumstances in which bad faith may be found. Other circumstances may also 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).

In the present case, the Panel finds that the Respondent has registered and used the disputed domain name in bad faith. The Complainants, with rights established in the LENNAR mark since at least 2006, provided evidence supporting their claims.

The disputed domain name was registered almost 19 years later than the Complainants' marks. The Panel finds that it is improbable that the Respondent was unaware of the LENNAR mark since a quick Internet search would have revealed the existence of the Complainants' LENNAR mark and related businesses.

The Respondent has not presented any evidence or explanation to justify its choice of the term "lennarh" in the disputed domain name.

The Panel is therefore of the view that the Respondent most likely registered the disputed domain name with knowledge of the Complainants' trade mark rights.

Panels have also consistently found that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3. Considering the reputation of the Complainants' trade mark, the composition of the disputed domain name, and the Respondent's failure to provide any explanations, the Panel finds that the current absence of substantive content on the website of the disputed domain name does not prevent a finding of bad faith.

In light of the foregoing, the Panel concludes on balance that there are no plausible good faith reasons for the Respondent to have registered and used the disputed domain name.

Accordingly, the Panel finds that the disputed domain name was registered and is being used 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 disputed domain name <lennarh.xyz> be transferred to the Second Complainant, Lennar Corporation.

/Joseph Simone/

Joseph Simone

Sole Panelist

Date: June 9, 2025