

ADMINISTRATIVE PANEL DECISION

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

Case No. D2025-1660

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.tech> is registered with Squarespace Domains 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 the same day, 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 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 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 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.

The Panel issued a Procedural Order in these proceedings on June 16, 2025 (“Procedural Order No. 1”) requiring the Complainants to clarify if the Complainants have any relationship with the Respondent and also inviting the Respondent to comment on the Complainants’ submission (if any). The Complainants sent a communication to the Center on June 24, 2025, but the Respondent did not submit a response. On July 2, the Complainants sent an email to the Center. The Panel issued another Procedural Order on July 3, 2025 (“Procedural Order No. 2”) requiring the Complainants to clarify if the Respondent registered the disputed domain name on the Complainants’ behalf, together with supporting documents and also inviting the Respondent to comment on the Complainants’ submission (if any). The Complainants requested an extension to the deadline in the Procedural Order No. 2 on July 8, 2025, and sent a communication to the Center on July 18, 2025. The Respondent did not submit any response.

4. Factual Background

The First Complainant, Lennar Pacific Properties Management, LLC (hereinafter the “First Complainant”) has an extensive portfolio of trade mark registrations incorporating the LENNAR mark, including the following:

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

The Second Complainant, Lennar Corporation (hereinafter 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. The Complainants have 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 11, 2025.

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

The Respondent is an individual in the United States. According to the contact details provided by the Registrar, the Respondent’s email address is [...]@lennar.com, which appears to be a corporate email address of the Complainants.

5. Parties’ Contentions

A. Complainant

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 Top-Level Domain (“TLD”)

(here “.tech”) does not affect the analysis as to whether the disputed domain name is identical or confusingly similar to the Complainants’ trade marks.

The Complainants assert that 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 Respondent has not been commonly known by the disputed domain name, and has acquired no trademark or service mark rights in the LENNAR marks. The Respondent is not making any legitimate noncommercial or fair use of the disputed domain name.

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.

In response to the Procedural Orders No.1 and No. 2, the Complainants have confirmed that the Respondent was an employee of the Complainants, but is no longer with the Complainants. The Complainants have attempted to ask the Respondent to transfer the disputed domain name to the Complainants without success. The Complainants believe that the registration was in bad faith due to the Respondent’s refusal to transfer the disputed domain name.

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 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 Complainant’s trade mark 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 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 Complainants’ mark appears in its full form 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.

Furthermore, it is well accepted practice by UDRP panels that a TLD, such as “.tech”, 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 TLD “.tech” 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 that a complainant must prove is 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 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, or a legitimate noncommercial or fair use. 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 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.

However, based on the Panel’s findings below, it is not necessary for the Panel to make a finding as to whether the Respondent does not have any rights or legitimate interests under the circumstances of this case.

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).

While the Respondent has not appeared in this matter, the Panel has reservations about whether the Complainants have proven bad faith registration and use of the disputed domain name. First, the Registrar's verification shows that the contact email for the disputed domain name is "[...]@lennar.com", an email address that is clearly associated with the Complainants' own <lennar.com> domain name.

Notably, the Complainants were provided with the Registrar's verification and given the opportunity to comment on said issues, and could have explained and provided evidence as to whether the Respondent used an email address, prima facie belonging to the Complainants, to register and use the disputed domain name in bad faith. In the Procedural Order No. 2, the Complainants were invited to clarify whether the Respondent registered the disputed domain name on the Complainants' behalf, (e.g. on the Complainants' instructions), together with supporting documents. However, the Complainants did not substantively address this issue and simply responded as follow:

"[...] registrant is a former Lennar employee. However, attempts to get the prior 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 registrant's refusal to transfer."

The Complainants' claim that "the registration was in bad faith due to registrant's refusal to transfer" is insufficient to prove that the disputed domain name was originally registered in bad faith. [WIPO Overview 3.0](#), section 3.2.1. As such, and in the absence of further evidence, the Panel is not able to conclude that the Respondent registered the disputed domain name in bad faith. And as the burden of proving bad faith is on the Complainants, the Panel finds the third element of the Policy has not been established.

In all, the Panel finds that the Complainants have failed to prove bad faith registration and use of the disputed domain name, and thus the Complaint fails on the third element.

7. Decision

For the foregoing reasons, the Complaint is denied.

/Joseph Simone/

Joseph Simone

Sole Panelist

Date: July 25, 2025