

ADMINISTRATIVE PANEL DECISION

Lennar Pacific Properties Management, LLC and Lennar Corporation v. Shi Lei

Case No. D2025-1850

1. The Parties

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

The Respondent is Shi Lei, China.

2. The Domain Name and Registrar

The disputed domain name <paymentslennarmortgage.com> is registered with Dynadot Inc (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on May 8, 2025. On May 9, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 13, 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, Super Privacy Service LTD c/o Dynadot) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 14, 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 May 14, 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 19, 2025. In accordance with the Rules, paragraph 5, the due date for Response was June 8, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on June 11, 2025.

The Center appointed William A. Van Caenegem as the sole panelist in this matter on June 23, 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 Complainants are both Delaware, United States entities. These joint Complainants are the owner and the licensee respectively of the LENNAR trademarks. The Complainants have offered real estate management, brokerage, development, construction, mortgage, and related financial services under the LENNAR trademarks since at least 1973.

The Complainants either own or license U.S. registered trademarks consisting of or including the term LENNAR, these being LENNAR, U.S. Reg. No. 3,108,401, registered on June 27, 2006 in International Classes ("IC") 35, 36 and 37; LENNAR U.S. Reg. No. 3,477,143 registered on July 29, 2008, IC 36 and IC 37; and LENNAR MORTGAGE U.S. Reg. No. 6,980,927 registered on February 14, 2023 in IC 36.

In connection with these services, the Complainants own and operates websites utilizing the LENNAR trademarks located at the domain names <lennar.com> and <lennarmortgage.com>.

The disputed domain name was registered on April 2, 2025. It resolves to a webpage with pay-per-click links that link to services that are in the same sphere as home building and related finance services offered by the Complainants. The Complainants have also submitted evidence showing that an attempt to access the website at the disputed domain name triggered a security warning by an Internet browser blocking the website as malicious.

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.

The Complainants first address the consolidation of the Complainants, pointing out that Lennar Pacific Properties Management, LLC is the owner of U.S. federal trademark registrations and applications for the LENNAR marks. Lennar Corporation is a related company and authorized licensee of the LENNAR marks, and also owns and operates the website at "www.lennar.com" related to services offered under the LENNAR marks. As such, the Complainants say, both have a common legal interest in a relevant right or rights that are affected by the Respondent's conduct regarding registration of the disputed domain name. Both Complainants are the target of common conduct by the Respondent which has clearly affected their individual legal interests, the Complainants add.

Further, the Complainants contend that when a disputed domain name fully incorporates a complainant's mark, as is the case here, this is sufficient to establish that the domain name is identical or confusingly similar for the purposes of the Policy.

The Complainants attest that they have not located any evidence of the Respondent's use of, or demonstrable preparations to use, the disputed domain name or a name corresponding to it in connection with a bona fide offering of goods or services. Additionally, the Complainants say, the Respondent has not been commonly known by the disputed domain name and has acquired no trademark or service mark rights in what the Complainants refer to as the "famous and strong" LENNAR marks. The Complainants contend that the Respondent is not making any legitimate noncommercial or fair use of the disputed domain name and may use it to impersonate the Complainants in the mortgage lending or financial aspect of the

Complainants' business, presumably for fraud and to misleadingly divert the Complainants' consumers or to tarnish the LENNAR trademarks.

Furthermore, the Complainants point out that they sent cease and desist correspondence to the Respondent on April 4, 2025, regarding registration of the disputed domain name. However, the latter failed to respond or otherwise provide any explanation regarding registration or use of the disputed domain name. Additionally, the Complainants point out that the disputed domain name resolves to a webpage with competing pay-per-click links demonstrating that the Respondent is intentionally attempting to attract or divert, for commercial gain, Internet users to its website and creating further confusion with respect to the Complainants' mark as to the source, sponsorship, affiliation, or endorsement of the Respondent's domain name. The Complainants contend that previous UDRP panel decisions expressly provide that use of a domain name with pay-per-click links, even if parked, does not constitute a bona fide offering of goods or services or legitimate noncommercial or fair use especially when such links compete with or capitalize on the reputation and goodwill of a Complainant's mark or otherwise mislead Internet users.

More specifically, the Complainants contend that the Respondent's non-use of the disputed domain name combined with the distinctiveness and reputation of what the Complainant refers to as the "famous and strong" LENNAR trademarks; the Respondent's failure to respond to the Complainants' cease and desist correspondence or provide any evidence of actual or contemplated good-faith use; and the Respondent's concealing of its identity and use of false contact information, support a finding that the disputed domain name is being used in bad faith.

The Complainants maintain that a finding of bad faith is also warranted because the disputed domain name purports to offer mortgage and/or financial lending services similar to those offered by the Complainants in the regular course of their business. The composition of the disputed domain name alone illustrates bad faith, according to the Complainants, and reflects an effort to fraudulently mislead consumers into believing that the Respondent offers mortgage-related services that are offered by the Complainants. Finally, the Complainants maintain that it is well settled that the practice of typo-squatting itself constitutes evidence of the bad faith registration of a domain name.

B. Respondent

The Respondent did not reply to the Complainants' 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 Complainants have 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 that 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.

Although the addition of other terms, here "payments" and "mortgage", may bear on assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

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 Complainants have established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the Complainants’ 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 Complainants did not authorize the use of the LENNAR mark by the Respondent, nor is there any evidence before the Panel that the latter is commonly known by the disputed domain name.

The disputed domain name which includes the distinctive LENNAR registered trademark of the Complainants resolves to a pay-per-click page with links that relate to building, loans and the building industry. The Respondent relies for traffic to the said page on Internet users being under the false impression that the disputed domain name resolves to a site with a legitimate connection to the trademark owners of the LENNAR mark. Such a connection does not exist, and the Respondent’s use of the disputed domain name is thus not of a kind that gives rise to rights or legitimate interests that might be recognized by the Panel.

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

C. Registered and Used in Bad Faith

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.

The disputed domain name incorporates the LENNAR trademark which is registered by the Complainants. A simple trademark or web search would have revealed to the Respondent that the Complainants have exclusive rights in that term in connection with building and building financing services. In any case, it is likely from the composition of the disputed domain name which includes the terms “payments” and “mortgage” related to the Complainants’ business that the Respondent when registering this domain name knew all about the Complainants’ business and their rights in the LENNAR marks.

Panels have held that the use of a domain name to resolve to a website where pay-per-click links are found that compete with or capitalize on the reputation and goodwill of the complainant’s mark is a use in bad faith. That is because the Respondent relies on Internet users being misled by the presence of the Complainants’ mark, in this case LENNAR, into visiting the website to which the disputed domain name resolves as the composition of the domain name suggests that it must be connected with the Complainants, whereas in fact it is not. Furthermore, the Complainants have also submitted evidence showing that access to the website at

the disputed domain name was blocked by an Internet browser for security reasons, which reinforces a finding of bad faith.

The Panel finds that the Complainants have 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 <paymentslennarmortgage.com> be transferred to the Complainant.

/William A. Van Caenegem/

William A. Van Caenegem

Sole Panelist

Date: July 7, 2025