

## **ADMINISTRATIVE PANEL DECISION**

Lennar Pacific Properties Management, LLC and Lennar Corporation v.  
Michael Scott, Next Generation Financial  
Case No. D2025-1993

### **1. The Parties**

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

Respondent is Michael Scott, Next Generation Financial, United States.

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

The disputed domain name <lennarhomeservices.com> is registered with GoDaddy.com, LLC (“Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (“Center”) on May 19, 2025. On May 20, 2025, the Center transmitted by email to Registrar a request for registrar verification in connection with the disputed domain name. On May 20, 2025, Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name that differed from that in the Complaint (e.g., the Complaint named Registration Private/Domains By Proxy, LLC as Respondent). The Center sent an email communication to Complainants on May 21, 2025, providing the registrant and contact information disclosed by Registrar and inviting Complainants to submit an amendment to the Complaint. In a May 22, 2025 email communication, Complainants requested that Michael Scott, Next Generation Financial be added as Respondent.

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 (“Policy”), the Rules for Uniform Domain Name Dispute Resolution Policy (“Rules”), and the WIPO Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (“Supplemental Rules”).

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified Respondent of the Complaint, and the proceedings commenced on May 26, 2025. In accordance with the Rules, paragraph 5, the due date for Response was June 15, 2025. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on June 16, 2025.

The Center appointed Debra J. Stanek as the sole panelist in this matter on June 20, 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**

Complainants are related companies. Complainant Lennar Corporation provides homebuilding services across the United States under the LENNAR mark. Complainants offer real estate, development, mortgage, financial, and brokerage services in connection with the construction and sale of homes under the LENNAR mark. Complainant Lennar Pacific Properties Management, LLC<sup>1</sup> owns two registrations for the mark:

- United States: Reg. No. 3108401, registered June 27, 2006, for real estate development, mortgage, and planning services, among other things.
- United States: Reg. No. 3477143, registered July 29, 2008, for real estate-related services, including management, listing, and construction services.

Complainant Lennar Corporation operates a website at the <lennar.com> domain name<sup>2</sup>.

The disputed domain name was created on April 10, 2025. Both at the time the Complaint was filed and at the time of this decision, it resolved to a page headed “Lennar Home Services” and “Launching Soon” with a contact form.

#### **5. Parties’ Contentions**

##### **A. Complainants**

Complainants contend that they have satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

In particular:

- The disputed domain name includes the LENNAR mark in its entirety.
- Complainants’ rights in and registrations for the LENNAR marks long predate Respondent’s registration of the disputed domain name.
- Respondent is not affiliated or connected with Complainants, has not been authorized by Complainants to use the LENNAR mark, and is not known by the LENNAR mark.
- Respondent did not respond to Complainants’ April 21, 2025, demand to cease use of the disputed domain name.

---

<sup>1</sup> The certificates of registration supplied by Complainants each identify “Lennar Pacific Properties Management, Inc.” as the owner. However, the United States Patent and Trademark Office’s online Trademark Status & Document Retrieval database shows that Complainant Lennar Pacific Properties Management, LLC is the current owner of each. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), section 4.8 (“a panel may undertake limited factual research into matters of public record ... [such as] accessing trademark registration databases.”).

<sup>2</sup>The Whois information supplied by Complainants similarly identifies “Lennar Pacific Properties Management, Inc.” as the registrant of the <lennar.com> domain name.

## **B. Respondent**

Respondent did not reply to Complainants' contentions.

## **6. Discussion and Findings**

To prevail under the Policy a complainant must prove, as to the domain name at issue, that: (a) it is identical or confusingly similar to a mark in which the complainant has rights, (b) respondent has no rights or legitimate interests in respect to it, and (c) it has been registered and is being used in bad faith. Policy, paragraph 4(a). A respondent's failure to respond does not automatically result in a finding for the complainant; the complainant continues to have the burden of establishing each element. See [WIPO Overview 3.0](#), section 4.3. The Panel may, however, draw appropriate inferences from the default. See Rules, paragraph 14(b).

As a preliminary matter, the Panel determines that "Michael Scott, Next Generation Financial" is the appropriate Respondent. See [WIPO Overview 3.0](#), section 4.4.5 (in cases involving a privacy service, Panel has discretion to determine appropriate respondent).

Next, the Complaint identifies Complainants as two related entities who have requested consolidation. Complainant Lennar Pacific Properties Management, LLC owns the cited trademark registrations, while related entity Complainant Lennar Corporation is a licensee who uses them. While neither the Policy nor the Rules provide for multiple Complainants, the Panel, consistent with the consensus view, determines that consolidation is appropriate. The Complaint establishes that these related parties have a common grievance against Respondent, and it is equitable and efficient to do. See [WIPO Overview 3.0](#), section 4.11.1.

### **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 a complainant's trademark and the disputed domain name. [WIPO Overview 3.0](#), section 1.7.

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 entirety of the mark is reproduced and 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 the terms "home" and "services" may bear on assessment of the second and third elements, the Panel finds the additional terms do 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 Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although the overall burden of proof in proceedings under the Policy 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 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 Panel finds Complainants have established a prima facie case that Respondent lacks rights or legitimate interests in the disputed domain name. Respondent has not rebutted 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 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.

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. Further, panels have found that the non-use of a domain name, including a "launching soon" message does not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3.

In the present case, the Panel finds that under the totality of the circumstances, including among other things, Complainants' use and registrations of the LENNAR mark long before registration of the disputed domain name, the implausibility of any good faith use to which the disputed domain name may be put given that it combines the LENNAR mark with the terms "home" and "services," which reinforce a connection with Complainants, Respondent's failure to respond to both the Complaint and Complainants' correspondence, and Respondent's having concealed its identity in the publicly-available Whois, the Panel finds that a finding of bad faith under the Policy is not precluded.

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

## **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 <lennarhomeservices.com> be transferred to Complainant Lennar Corporation.

*/Debra J. Stanek/*

**Debra J. Stanek**

Sole Panelist

Date: July 1, 2025