

## **ADMINISTRATIVE PANEL DECISION**

PN II, Inc. v. Jackson Finch

Case No. D2025-2511

### **1. The Parties**

The Complainant is PN II, Inc., United States of America (“United States”), represented by Adams and Reese LLP, United States.

The Respondent is Jackson Finch, France.

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

The disputed domain name <pultegroupco.com> is registered with NameCheap, Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 25, 2025. On June 26, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 26, 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, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 4, 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 amended Complaint on July 8, 2025.

The Center verified that the Complaint together with the amended 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 July 9, 2025. In accordance with the Rules, paragraph 5, the due date for Response was July 29, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on July 30, 2025.

The Center appointed Christian Schalk as the sole panelist in this matter on August 6, 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 language of the proceeding is English.

#### **4. Factual Background**

The Complainant is a major homebuilding company in the USA and currently operates in around 50 markets. The Complainant and its subsidiaries offer home building, real estate, mortgage lending and related services under the Complainant's mark. They advertise their services through various websites as well as through print media and other advertising and promotional campaigns.

The Complainant owns, among others the following trademark registrations in the United States:

- United States Registration No. 1942747 for PULTE, application date, January 17, 1995 and registration date December 19, 1995, covering services in International Classes 36 and 37;
- United States Registration No. 3676026 for PULTE, application date, February 12, 2009 and registration date September 1, 2009, covering services in International Class 36;
- United States Registration No. 4077463 for PULTEGROUP, application date July 1, 2009 and registration date December 27, 2011, covering services in International Class 37.

The Complainant owns also a number of domain names incorporating his PULTE trademarks, for instance, <pulte.com>, <pultegroup.com>, and <pultegroupinc.com> which are also used to operate its principal websites. The Complainant's domain name <pultegroup.com> is used for its employees email addresses.

The disputed domain name was registered on May 27, 2025. According to the material brought before the Panel, the disputed domain name resolves to a domain parking page.

The disputed domain name has been used on June 23, 2025 as part of an email address. Its sender contacted a third party and asked for a quotation and time estimate for fulfilling certain services in the construction field. According to the Complainant, this third party then forwarded this request to the Complainant to determine if such a request was legitimate.

#### **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 identical or confusingly similar to a trademark in which the Complainant has rights. The Complainant argues that the disputed domain name incorporate its trademarks PULTE and PULTEGROUP in its entirety. The Complainant refers in this context to *Milliman, Inc v. ICS Inc*, WIPO Case No. [D2017-0360](#) and *Berlitz Investment Corporation v. Marcus Santamaria*, WIPO Case No. [D2006-1082](#) where the panels had found that a domain name's incorporation of a registered trademark in its entirety is sufficient to establish that the disputed domain name is identical or confusingly similar to that trademark, particularly where such trademark is the dominant element of the disputed domain name. The

Complainant further states that the addition of the term “co” does not prevent the disputed domain name from being confusingly similar to the Complainant’s trademarks. In this context the Complainant cites *PN II, Inc. v. Mike Smy, HorseBack, Inc., Mike James, HorseBack LLC*, WIPO Case No. [D2022-3441](#), where it has been found that the inclusion of an acronym does not prevent the confusing similarity of the disputed domain name. The Complainant explains in this context that since the Complainant is doing business as a company, the addition of the term “co” rather serves to increase the confusing similarity than to differentiate the disputed domain name from the Complainant’s trademarks.

The Complainant alleges also that the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Complainant argues that the term “PulteGroupCo” is neither the Respondent’s name nor has the Respondent ever been commonly known under this term. In addition, the Respondent is not and has never been a licensee or a franchisee of the Complainant nor has the Complainant ever in any manner authorized the Respondent to register, use, or to apply for a use of any of the Complainant’s trademarks as a domain name.

The Complainant believes also that the Respondent is not using the disputed domain name in connection with a bona fide offering of goods or services, or in a legitimate noncommercial or fair manner. According to the Complainant the Respondent is using the disputed domain name to impersonate Complainant’s employee and send fraudulent emails to unsuspecting third party vendors, presumably in furtherance of a phishing scam of fraud. The Complainant is convinced that such a behavior cannot be considered as legitimate noncommercial or fair use of the disputed domain name and refers in this context to *PN II, Inc. v. Rolland tate, fentress*, WIPO Case No. [D2025-0914](#), *PN II, Inc. v. Sanais Pulte, Gaba*, WIPO Case No. [D2024-5277](#) and *PN II, Inc. v. Mike Smy, HorseBack, Inc., Mike James, HorseBack LLC*, WIPO Case No. [D2022-3441](#) to support this argument.

The Complainant continues further that without his authorization, no actual or contemplated bona fide or legitimate use of the disputed domain name could reasonably be claimed by the Respondent as the Complainant’s marks were famous at the time of the registration of the disputed domain name due to the Complainant’s extensive use of his trademarks and refers in this context among other decisions to *J Barbour & Sons LTD v. Whois Privacy Services Pty Ltd./ Quantec, LLC. Novo Point, LLC*, WIPO Case No. [D2013-0283](#), *Gerber Products Company v. LaPorte Holdings*, WIPO Case No. [D2005-1277](#) and *Universal City Studios LLLP v. Myglobalsite.com*, WIPO Case No. [D2005-1124](#).

The Complainant contends furthermore, that the disputed domain name was registered and is being used in bad faith. The Complainant believes that given the Complainant’s trademark registration for trademarks containing the element PULTE, his domain names incorporating the Complainant’s trademarks and the Complainant’s widespread reputation, it is not plausible that the Respondent could have been unaware of the Complainant and his trademark rights at the time of the registration of the disputed domain names. The Complainant continues that another reason for the Respondent’s actual knowledge of the Complainant is, that the Respondent used the disputed domain name to impersonate one of the Complainant’s employees in correspondence with at least another entity.

The Complainant argues that such a behavior is a clear indication for bad faith use of the disputed domain name since the Respondent registered the disputed domain name for commercial gain, and to trademark on the Complainant’s goodwill and reputation and may have violated criminal laws in this context. In order to underline this argument, the Complainant refers in this context among other to *PN II, Inc. v. Rollandtate, fentress*, WIPO Case No. [D2025-0914](#), *PN II, Inc. v. Sanais Pulte, Gaba*, WIPO Case No. [D2024-5277](#); *PN II, Inc. v. Mike Smy, HorseBack, Inc., Mike James, HorseBack LLC*, WIPO Case No. [D2022-3441](#) and *Valero Energy Corporation and Valero Marketing and Supply Company v. Domain Admin, Privacy Protect, LLC (PrivacyProtect.org) / Name Redacted*, WIPO Case No. [D2019-1708](#).

The Complainant argues finally that another indication of bad faith registration and use of the disputed domain name shows the Respondent's use of a false address in connection with the registration of the dispute domain name and refers to WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, (["WIPO Overview 3.0"](#)), section 3.2.1.

## **B. Respondent**

The Respondent did not reply to the Complainant's 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 3.0](#), section 1.7.

The Panel finds that the Complainant has established trademark rights in the PULTE and PULTEGROUP marks and that the entirety of the mark is reproduced within the disputed domain name.

The addition of terms to a trademark does not prevent a finding of confusing similarity where the trademark remains recognizable within the disputed domain names (see [WIPO Overview 3.0](#), section 1.8). Therefore, the addition of the term "co" (which stands for "company" in several languages, including English, French, and Italian), in the disputed domain name cannot prevent a finding of confusing similarity.

Accordingly, the disputed domain name is confusingly similar to the PULTE and PULTEGROUP marks for the purposes of the Policy (see [WIPO Overview 3.0](#), section 1.7).

Furthermore, the ".com" generic Top-Level Domain ("gTLD") in the disputed domain name is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test.

For all these reasons, the Panel finds that the Complainant has fulfilled the first element under paragraph 4(a) of the Policy.

### **B. Rights or Legitimate Interests**

Based on the submissions and materials filed in this case, the Panel finds that the Respondent does not have rights or legitimate interests in the disputed domain names.

Although the overall burden of proof in UDRP proceedings is on the complainant, UDRP 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 (see [WIPO Overview 3.0](#), section 2.1).

Paragraph 4(c) of the Policy provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in the disputed domain names.

However, the Respondent has not provided any evidence of circumstances specified in paragraph 4(c) of the Policy or of any other circumstances giving rise to rights to or legitimate interests in the disputed domain names. Specifically, the Panel finds no evidence that the Respondent has been or is commonly known by any of the disputed domain names. The Respondent is neither affiliated with the Complainant nor has a license to use its trademark. The Respondent has also not rebutted the Complainant's allegations and has not provided the Panel with any explanations as to the Respondent's rights or legitimate interests.

The Respondent apparently used the disputed domain name as part of an email address in order to pretend of being an employee of the Complainant. In this email he asked a potential contract partner of the Complainant for a quotation and time estimate for fulfilling certain services in the Complainant's field of business. Such obviously fraudulent behavior cannot constitute a bona fide sale of goods or services, nor a legitimate noncommercial or fair use of the disputed domain name.

For all these reasons, the Panel finds the second element of the Policy has been established.

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

The Complainant contends that the Respondent registered and is using the disputed domain name in bad faith. The Policy, paragraph 4(b) sets forth four non-exclusive circumstances, which evidence bad faith registration and use of domain names:

- (i) circumstances indicating that the respondent has registered or has acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is owner of the trademark or service mark or to a competitor of the complainant, for valuable consideration in excess of the respondent's documented out-of-pocket costs directly related to the domain name; or
- (ii) the respondent has registered the domain name in order to prevent the owner of the trademark 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) the respondent has registered the domain name primarily for the purpose of disrupting the business of a competitor; or
- (iv) by using the domain name, the respondent has intentionally attempted 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 its website or location or of a product or service on its website or location.

According to the materials brought before the Panel, the Panel finds that the disputed domain name has been registered and is being used by the Respondent in bad faith.

The Panel finds that the Respondent must have been aware of the Complainant's trademark and its services when it registered the disputed domain name. The Complainant's PULTE and PULTEGROUP marks enjoy distinctiveness and are apparently well known in their field of business at least in the United States of America. The disputed domain name incorporates the trademarks PULTE and PULTEGROUP in its entirety. The Complainant has a substantive commercial presence on the Internet as well as in social media. A simple search on a search engine reveals many references to the Complainant already on the first two pages of search results, which would have made the Respondent immediately aware of the Complainant. Moreover, the Respondent used the disputed domain name for emails where he pretended to be an employee of the Complainant and asked a potential contract partner of the Complainant for a quotation and time estimate for fulfilling certain services in the Complainant's field of business. Therefore, it is not possible to conceive of a plausible situation in

which the Respondent would have been unaware of the Complainant's brands at the time of registration of the disputed domain name (see also *Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#)).

The Respondent's behaviour constitutes also use of the disputed domain name in bad faith.

The Respondent used the disputed domain name to send emails impersonating the Complainant to a contract partner of the Complainant, asking for quotation and time estimate regarding certain services of the Complainant. This constitutes fraudulent behavior; such contract partner could have believed that such a request was a genuine messages from the Complainant and that could have tempted such person to provide confidential or sensitive information.

Therefore, the Panel concludes that the Respondent's primary motive in relation to the registration and use of the disputed domain name was to capitalize on, or otherwise take advantage of, the Complainant's trademark rights, by creating a likelihood of confusion with the Complainant's mark with the intent to unlawfully profit therefrom (see also [WIPO Overview 3.0](#), section 3.4 and there especially, *Arla Foods Amba v. Michael Guthrie, M. Guthrie Building Solutions*, WIPO Case No. [D2016-2213](#)).

Furthermore, the Respondent has apparently also provided inaccurate contact details when it registered the disputed domain name or failed at least to correct such false contact details. The Center has used the contact details given in the WhoIs record for the disputed domain name and those provided by the Registrar when attempting to send communications to the Respondent. The delivery of the Center's Written Notice failed because the contact details including the Respondent's alleged physical address were not accurate. Therefore, the Panel notes that the Respondent has purportedly provided incorrect contact details to frustrate or at least to delay this proceeding (see *Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#)).

Accordingly, in light of the circumstances, the Panel finds that the Respondent has engaged in the bad faith registration and use of the disputed domain name.

## 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 <pultegroupco.com> be transferred to the Complainant.

/Christian Schalk/

**Christian Schalk**

Sole Panelist

Date: August 20, 2025