

## ADMINISTRATIVE PANEL DECISION

Lennar Pacific Properties Management, LLC, Lennar Corporation v. Name Redacted<sup>1</sup>

Case No. D2024-2932

### 1. The Parties

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

The Respondent is Name Redacted, United States.

### 2. The Domain Name and Registrar

The disputed domain name <work-lennar.com> is registered with Namesilo, LLC (the “Registrar”).

### 3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 17, 2024. On July 18, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 18, 2024, 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 (John Doe) and contact information in the Complaint. The Center sent an email communication to the Complainants on July 19, 2024, 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 July 23, 2024.

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”).

---

<sup>1</sup> The Respondent appears to have used the name of a third party when registering the disputed domain name. In light of the potential identity theft, the Panel has redacted the Respondent’s name from this decision. However, the Panel has attached as Annex 1 to this decision an instruction to the Registrar regarding transfer of the disputed domain name, which includes the name of the Respondent. The Panel has authorized the Center to transmit Annex 1 to the Registrar as part of the order in this proceeding and has indicated Annex 1 to this decision shall not be published due to the exceptional circumstances of this case. See *Banco Bradesco S.A. v. FAST-12785241 Attn. Bradescourgente.net / Name Redacted*, WIPO Case No. [D2009-1788](#).

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on July 29, 2024. In accordance with the Rules, paragraph 5, the due date for Response was August 18, 2024.

The Center appointed William F. Hamilton as the sole panelist in this matter on August 28, 2024. 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 have offered real estate management, brokerage, development, construction and financial services under the LENNAR Mark (the "Mark") since at least as early as 1973. Complainants build and sell homes in twenty-one (21) states in the United States. The Complainants are affiliated companies that have a common interest in the protection of the Mark.

The Complainants own United States Patent and Trademark Office Reg. No. 3,108,401 dated, June 27, 2006, and United States Patent and Trademark Office Registration No. 3,477,143 dated July 29, 2008, for the Mark.

The disputed domain name is currently inactive and does not direct to a functioning website. Recently, an email linked to this disputed domain name was used in a fraudulent phishing scheme aimed at illegally collecting personal information from an individual seeking employment with the Complainants. Additionally, the disputed domain name was registered under a fictitious identity.

#### **5. Parties' Contentions**

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

The Complainants asserts the disputed domain name is confusingly similar to the Mark because the disputed domain name is composed of the Mark preceded by the word "work" and a hyphen. The Complainants assert that the Complainants never authorized the Respondent to use the disputed domain name, that the Respondent is not generally known by the disputed domain name, never operated a business under the disputed domain name, has not advertised the disputed domain name, and never engaged in any bona fide commercial activity in connection with the disputed domain name. The Complainants assert that the Respondent knew of the Mark and registered and used the disputed domain name in bad faith to phish information from unsuspecting Internet users seeking employment with the Complainants.

##### **B. Respondent**

The Respondent did not reply to the Complainants' contentions.

#### **6. Discussion and Findings**

Under paragraph 4(a) of the Policy, to succeed the Complainants must satisfy the Panel that:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainants has rights;
- (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) the disputed domain name was registered and is being used in bad faith.

## **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 Complainant has shown rights in the Mark for the purposes of the Policy by virtue of the Mark's registrations. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds that the disputed domain name is confusingly similar to the Complainants' Mark because the disputed domain name is composed of the Mark and the prefix "work" followed by a hyphen. A domain name that wholly incorporates a complainant's registered mark is sufficient to establish confusing similarity for the purposes of the Policy when, as here, the mark is clearly recognizable within the disputed domain name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.8 ("where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographic, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element"). In this case, the Mark is clearly recognizable in the disputed domain name notwithstanding the addition of the word "work" and a hyphen.

The Top-Level Domain of the disputed domain name, in this case ".com", may be disregarded for the purposes of assessment under the first element, as it is viewed as a standard registration requirement. See [WIPO Overview 3.0](#), section 1.11.1. *Monster Energy Company, a Delaware Corporation v. J.H.M. den Ouden*, WIPO Case No. [D2016-1759](#).

The Complainants have met its burden under paragraph 4(a)(i) of the Policy.

## **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.

The Panel finds on the evidence presented that the Respondent has no rights or legitimate interests in the disputed domain name. The Complainants have specifically disavowed providing the Respondent with permission to use the disputed domain name or the Mark. There is no evidence that the Respondent has conducted any bona fide business under the disputed domain name or is commonly known by the disputed domain name. The Respondent has failed to come forth with any evidence showing any rights or legitimate interests in the disputed domain name.

The disputed domain name will likely confuse unsuspecting Internet users into believing the disputed domain name will resolve to websites associated, sponsored, or affiliated with the Complainants. Such association seems to have been the intent of the Respondent given the Respondent's apparent phishing of information from an unsuspecting person seeking employment with the Complainants. Such utilization of a disputed domain name can never establish rights or legitimate interests,

The facts and circumstances presented to the Panel demonstrate that the Respondent does not have any rights or legitimate interests in the disputed domain name. The Complainants have met their burden under paragraph 4(a)(ii) of the Policy.

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

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

Under paragraph 4(b) of the Policy, bad faith may be established by any one of the following non-exhaustive scenarios:

- (i) circumstances indicating that the respondent has registered or acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name to the complainant who is the owner of the trademark 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) 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 the respondent's website or location or of a product or service on the respondent's website or location.

Panels have held that the use of a domain name for illegal activity including phishing constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy. The Respondent has prominently incorporated the Complainants' Mark in the disputed domain name to confuse Internet users seeking employment with the Complainants to phish personal information. It is beyond any reasonable doubt that the Respondent has attempted to confuse Internet users with the Respondent's email address by featuring the Complainants' Mark in the disputed domain name to create a likelihood that Internet users will believe that the email address associated with the disputed domain name is sponsored or affiliated with the Complainants. *Dm-Drogerie Markt GmbH & Co. KG v. WhoisGuard Protected, WhoisGuard, Inc. / Charlotte Meilleur*, WIPO Case No. [D2018-1248](#).

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 <work-lennar.com> be transferred to the Complainant Lennar Corporation.

*/William F. Hamilton/*

**William F. Hamilton**

Sole Panelist

Date: September 10, 2024