

ADMINISTRATIVE PANEL DECISION

Lennar Pacific Properties Management, LLC and Lennar Corporation v.
sajid pervez

Case No. D2024-4180

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 LLP, United States.

The Respondent is sajid pervez, Pakistan.

2. The Domain Name and Registrar

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

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on October 10, 2024. On October 11, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 14, 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 (Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on October 15, 2024, 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 October 15, 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”).

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on October 17, 2024. In accordance with the Rules, paragraph 5, the due date for Response was November 6, 2024. The Respondent sent email communications to the Center on October 15 and October 24, 2024. Pursuant to paragraph 6 of the Rules, the Center informed the Parties that it would proceed to Panel appointment on November 7, 2024. The Respondent sent further email communications to the Center on November 7 and November 18, 2024.

The Center appointed Petra Pecar as the sole panelist in this matter on November 13, 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

The Complainants are Lennar Pacific Properties Management, LLC (hereinafter “First Complainant”) and Lennar Corporation (hereinafter “Second Complainant”). The Complainants have offered real estate, construction, mortgage, financial, and brokerage services in connection with the construction and sale of homes since 1973. The First Complainant is the owner of the mark LENNAR, which is licensed to the Second Complainant. The Second Complainant is one of the leading homebuilders in the United States, operating in 21 states and providing a wide range of real estate and related services. Together, the Complainants use the LENNAR mark to represent their expertise and reputation in the industry.

The first Complainant is the owner of two United States registrations: No. 3,108,401 for services in classes 35, 36, and 37, registered on June 27, 2006, and No. 3,477,143 for services in classes 36 and 37, registered on July 29, 2008.

The Complainants maintain an online presence through their official website, accessible at the domain <lennar.com>.

The Complainants attempted to contact the Respondent through a cease and desist letter dated October 1, 2024.

The disputed domain name was registered on July 12, 2024, and at the time the Complaint was filed, it redirected to website displaying warnings such as “This site has been reported as unsafe” and “Malicious website blocked”.

The Respondent is an individual from Pakistan.

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.

Notably, the Complainants contend that the disputed domain name is confusingly similar to the registered mark LENNAR. The Complainants argue that the disputed domain name fully incorporates the LENNAR mark in its entirety, with only the addition of the descriptive term “corporation” and the “.xyz” generic top-level domain (gTLD).

The Complainants assert that the Respondent has no rights or legitimate interests in the disputed domain name. The Complainants contend that there is no evidence of the Respondent using or preparing to use the disputed domain name in connection with any legitimate business or services. Additionally, the Respondent is not commonly known by the disputed domain name and has not acquired any trademark or service mark rights related to the LENNAR mark. The Complainants state that the Respondent is not engaging in any legitimate non-commercial or fair use of the disputed domain name.

The Complainants further emphasize that they sent a cease and desist letter to the Respondent, who acknowledged the Complainants’ rights but demanded USD 35,000 for the transfer of the disputed domain name. Furthermore, the Respondent allegedly threatened to sell the disputed domain name to a third party if their demands were not met.

The Complainants assert that the disputed domain name was registered and is being used in bad faith. The Complainants argue that the Respondent's actions demonstrate bad faith due to the combination of non-use of the disputed domain name alongside the distinctiveness and reputation of their marks. The Complainants highlight the Respondent's failure to provide evidence of any actual or intended good-faith use of the disputed domain name and point to excessive demands for compensation as further evidence of bad faith. The Complainants contend that these factors collectively demonstrate that the disputed domain name was acquired and held for purposes contrary to fair use.

B. Respondent

The Respondent sent an email on October 15, 2024, proposing to transfer the domain, seek compensation, and allow a transition period to avoid financial harm from disabling the site, warning of alternative actions like selling to a third party if no agreement is reached.

The Respondent, in emails dated October 23, October 24, November 7, and November 18, 2024, claims a USD 23,000 loss due to restrictions on the disputed domain name, previously approved for monetization via Google AdSense, Ads Manager, Monetag, and Adsterra. The Respondent proposes domain ownership transfer for a 50% compensation and requests a proper response.

6. Discussion and Findings

6.1. Procedural Issues

6.1.1. 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 First Complainant's LENNAR marks and both operate the website "www.lennar.com" in relation to services offered under the LENNAR marks. The First Complainant and the Second Complainant are related companies in the same business field. The registration and use of the disputed domain name affects both Complainants, and they therefore have a common grievance against the Respondent. Therefore, the Panel considers that it is fair and equitable and procedurally efficient under the circumstances of the case to permit the consolidation, as the Complainants have a specific common grievance against the Respondent, since their rights are affected by the disputed domain name.

Consequently, the Panel allows the Complainants to proceed jointly with their Complaint.

6.2. Findings

"A Panel shall decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable", as indicated in paragraph 15(a) of the Rules.

Under paragraph 4(a) of the Policy, the Complainants are required to prove each of the following three elements:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainants have rights;
- (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and

(iii) the disputed domain name has been registered and is being used by the Respondent in bad faith.

6.3. Substantive Issues

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 Complainant has 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 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 other term "corporation" may bear on assessment of the second and third elements, the Panel finds the addition of such term 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.

Furthermore, it is a well accepted practice by UDRP panels that a generic Top-Level Domain ("gTLD"), such as ".xyz", is typically ignored when assessing whether a domain name is identical or confusingly similar to a trademark (see section 1.11.1 of the [WIPO Overview 3.0](#)). For that reason, the Panel accepts not to take gTLD ".xyz" into consideration when assessing confusing similarity of the disputed domain name.

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 Respondent in response even proposed the sale of the disputed domain name to the Complainants and admitted to the previous monetization of the disputed domain name.

According to the Complainants, there is no association or connection between the Respondent and the Complainants. The Complainants have not granted the Respondent any license or authorization to use or register any domain name incorporating the Complainants' marks. Furthermore, the Respondent has failed to present any information or factors that could justify prior rights or legitimate interests in the disputed domain name.

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 was registered at least 18 years later in respect of the Complainants' marks. The Panel finds that is improbable that the Respondent was not aware of the LENNAR mark since a quick Internet search would reveal its existence.

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.

At the time of the Complaint filing, the disputed domain name resolved to a website displaying warnings such as "This site has been reported as unsafe" and "Malicious website blocked.", evidencing an absence of legitimate use. The Respondent, while acknowledging the Complainants' rights, demanded an amount of USD 35,000 for its transfer and threatened to sell the disputed domain name to a third party if such demands were not met. These actions, coupled with the lack of any demonstrable good faith use or intention, and the Respondent's monetary demands most likely largely exceeding any out-of-pocket expenses relating to the disputed domain name, constitute clear evidence of bad faith in use of the disputed domain name.

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 <lennarcorporation.xyz> be transferred to the First Complainant.

/Petra Pecar/

Petra Pecar

Sole Panelist

Date: November 27, 2024