

ADMINISTRATIVE PANEL DECISION

Lennar Pacific Properties Management, LLC, Lennar Corporation v. Shi Lei
Case No. D2024-4440

1. The Parties

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

The Respondent is Shi Lei, China.

2. The Domain Name and Registrar

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

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on October 29, 2024. On October 30, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 1, 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 (Redacted for Privacy Purposes, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 1, 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 the same day.

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 November 5, 2024. In accordance with the Rules, paragraph 5, the due date for Response was November 25, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on December 3, 2024.

The Center appointed Dr. Clive N.A. Trotman as the sole panelist in this matter on December 5, 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 Delaware entities in the business of real estate, housing, and associated services. The relationship between the Complainants is that the First Complainant, is the owner of the LENNAR trademarks licensed to and used by the Second Complainant in connection with the latter's provision of the relevant goods and services. The Complainant will be referred to hereafter in the singular as applying to either of the Complainants as appropriate. Since 1954 the Complainant has built homes in the United States, and since 1973 has offered associated services such as real estate management, brokerage, development, construction, mortgage, and financial services.

The Complainant owns the trademarks:

- LENNAR, United States Patent and Trademark Office ("USPTO"), registered June 27, 2006, registration number 3108401, in classes 35, 36, and 37;

- LENNAR, USPTO, registered July 29, 2008, registration number 3477143, in classes 36 and 37.

The Complainant operates the websites "www.lennar.com", and "www.lennartotalrewards.com", which latter is an internal webpage with information concerning employee health benefits and employee related insurance coverage.

Nothing of substance is known about the Respondent except for the contact details provided to the Registrar at the time of registration of the disputed domain name on September 22, 2023. The disputed domain name has resolved to a website that offered what appeared to be pay-per-click (PPC) link headings related mainly to employee benefits and to home warranties.

On July 9, 2024, the Complainant sent to the Respondent, through the link provided by the Registrar, a cease and desist letter setting out the Complainant's rights in its trademark and requesting the transfer of the disputed domain name. There has been no reply.

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 the Complainant's trademark. The disputed domain name fully incorporates the Complainant's trademark, with the additional descriptive words "total" and "reward", amounting to confusing similarity under the Policy.

The Complainant contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name. After due enquiry, the Complainant has found no evidence of the Respondent's use or demonstrable preparations for use of the disputed domain name in connection with a bona fide offering of goods or services, or that the Respondent has been commonly known by the disputed domain name, or that the disputed domain name has been in use for any legitimate noncommercial or fair purpose. The Respondent has not provided any explanation in reply to the Complainant's cease and desist letter.

The Complainant further contends that the disputed domain name was registered and is being used in bad faith.

The Complainant asserts in effect that the disputed domain name is not in use. The Complainant says its trademark is distinctive and strong, that the Respondent has failed to supply any evidence of good faith use of the disputed domain name, and that the Respondent has concealed its identity behind a privacy service, which are all factors that should support a finding of passive holding in bad faith.

The Complainant also says the website to which the disputed domain name has resolved, has provided links offering “Employee Benefits”, “Employee Benefits Programs”, and “Home Warranties”, which are similar services to those on the Complainant’s internal website “www.lennartotalrewards.com”. These link options, however, cause redirection to unrelated websites.

The Complainant requests the transfer of the disputed domain name to the First Complainant.

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 of WIPO Panel Views on Selected UDRP Questions, Third Edition ([“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 other terms (here, “total” and “reward”) 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 Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the Complainant's 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 did not reply to the Complainant's cease and desist letter of July 9, 2024 and in particular has not offered any evidence of any use or demonstrable plans for use of the disputed domain name in connection with a bona fide offering of goods or services, or of having been commonly known by the disputed domain name, or of any legitimate noncommercial or fair use of the disputed domain name.

Moreover, the composition of the disputed domain name, wholly incorporating the Complainant's trademark with the addition of terms used by the Complainant for one of its own domain names, carries a risk of implied affiliation. [WIPO Overview 3.0](#), section 2.5.1.

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

C. Registered and Used 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.

The disputed domain name, in addition to featuring the Complainant's trademark prominently, is extraordinarily similar to the domain name used for the Complainant's website "www.lennartotalrewards.com", differing only by omission of the concluding letter "s" from the disputed domain name. The degree of similarity leads the Panel to find it unrealistic, on balance, that the similarity is accidental, coincidental, or innocent. Inescapably the Respondent has intentionally targeted the Complainant in the knowledge of the Complainant's trademark and the Complainant's website "www.lennartotalrewards.com".

According to evidence in the Complaint, the disputed domain name has resolved to a website with PPC link headings marked "Employee Benefits", "Employee Rewards", and "Home Warranty". One link from the Respondent's website leads to a page, a screen capture of which has been produced by the Complainant, that under the heading "lennartotalreward.com", advertises the home insurance services of an apparent competitor of the Complainant. The reader is invited to click a link marked "Visit Website". It may reasonably be inferred that the Respondent expects to receive commercial benefit from such referrals.

Moreover, a placard displayed by the Complainant's browser provider warned that the Respondent's website may be a "Dangerous Site" with the statement, "Attackers on this site may try to trick you into doing dangerous things, like installing software or revealing your personal information (for example passwords, phone number, or credit cards)".

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)(iv) of the Policy reads:

"by using the domain name, you have intentionally attempted to attract, for commercial gain, Internet users to your web site or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of your web site or location or of a product or service on your web site or location".

On the totality of the evidence and on the balance of probabilities, the Panel finds the Respondent to have registered and used the disputed domain name for commercial gain and with intent to cause confusion to Internet users with the Complainant's trademark, of which it had knowledge, being registration and use of the disputed domain name in bad faith in the terms of paragraphs 4(b)(iv) and 4(a)(iii) of the Policy.

The Panel finds that the Complainant has 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 <lennartotalreward.com> be transferred to the First Complainant.

/Dr. Clive N.A. Trotman/

Dr. Clive N.A. Trotman

Sole Panelist

Date: December 19, 2024