

ADMINISTRATIVE PANEL DECISION

Government Employees Insurance Company (“GEICO”) v.
Whoisprotection.cc / Riswandi Riswandi
Case No. D2022-0757

1. The Parties

The Complainant is Government Employees Insurance Company (“GEICO”), United States of America (“United States”), represented by Burns & Levinson LLP, United States.

The Respondent is Whoisprotection.cc, Malaysia / Riswandi Riswandi, Indonesia.

2. The Domain Name and Registrar

The disputed domain name <geico.site> is registered with Web Commerce Communications Limited dba WebNic.cc (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 3, 2022. On March 4, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 4, 2022, 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 and contact information in the Complaint. The Center sent an email communication to the Complainant on March 9, 2022, 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 March 9, 2022.

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 March 11, 2022. In accordance with the Rules, paragraph 5, the due date for Response was March 31, 2022. The Respondent sent an email to the Center on March 17, 2022, but did not submit any formal response. The Center informed the Parties of the Commencement of Panel Appointment Process on April 12, 2022.

The Center appointed Fabrizio Bedarida as the sole panelist in this matter on April 21, 2022. 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 Complainant in this administrative proceeding is an internationally well-known insurance provider that has provided its insurance services - including insurance brokerage and underwriting for automobiles, motorcycles, homeowners, renters, condominiums, mobile homes, commercial properties, overseas travel, floods, and boats - throughout the United States under the "GEICO" trademark since at least 1948.

The Complainant has over 18 million policies and insures more than 30 million vehicles. The Complainant also has over 43,000 employees, and is one of the fastest-growing auto insurers in the United States.

The Complainant has registered, *inter alia*, the following trademarks:

GEICO (word), United States Trademark No. 763274, registered on January 14, 1964;
GEICO (word), United States Trademark No. 2601179, registered on July 30, 2002; and
GEICO (word), European Union Trademark No. 1178718, registered on September 4, 2013.

The Complainant also maintains various social media accounts under its GEICO trademark, including Facebook, Twitter, Instagram, TikTok, YouTube, and LinkedIn.

The Complainant has established a website located at "www.geico.com", which the Complainant uses to promote and sell its insurance services under its GEICO trademark.

The disputed domain name was registered on November 22, 2021.

Currently the disputed domain name cannot be reached. However, at the time the Complaint was filed the disputed domain name resolved to a website promoting a purported sports event streaming service branded "Sports Live", unrelated to the Complainant's business and its insurance offerings.

5. Parties' Contentions

A. Complainant

The Complainant claims that the disputed domain name is identical to the Complainant's registered trademark; that the Respondent has no rights or legitimate interests whatsoever with respect to the disputed domain name; and that the Respondent registered and is using the disputed domain name in bad faith.

Specifically, the Complainant believes that the Respondent registered, and was using, the disputed domain name in order to intentionally attract Internet users and consumers looking for legitimate GEICO services and/or authorized partners to the Respondent's own webpages, all for the Respondent's illicit commercial gain.

B. Respondent

The Respondent did not reply to the Complainant's contentions, but sent a short email to the Center asserting that he had deleted the disputed domain name <geico.site>, because there was someone claiming the disputed domain name (*i.e.* the Complainant).

6. Discussion and Findings

In order for the Complainant to obtain a transfer of the disputed domain name, paragraph 4(a) of the Policy requires that the Complainant must demonstrate to the Panel that:

- (i) The disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- (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 in bad faith.

A. Identical or Confusingly Similar

The Complainant has established rights in the GEICO trademarks.

The only difference between the disputed domain name and the Complainant's GEICO trademark is the addition of the generic Top-Level Domain suffix ".site". This difference, being a technical requirement, is irrelevant in assessing the confusing similarity between the Complainant's trademarks and the disputed domain name.

Therefore, the Panel finds the disputed domain name to be identical or confusingly similar to the GEICO trademark in which the Complainant has rights.

Accordingly, the Panel finds that the Complainant has satisfied paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

This Panel finds that the Complainant has made a *prima facie* case that the Respondent does not have rights or legitimate interests in the disputed domain name. The Respondent does not appear to be commonly known by the name "geico" or by any similar name. The Respondent has no connection or affiliation with the Complainant, and the Complainant has not licensed or otherwise authorized the Respondent to use or register any domain name incorporating the Complainant's trademark.

Furthermore, the Respondent does not appear to make any legitimate noncommercial or fair use of the disputed domain name, nor any use in connection with a *bona fide* offering of goods or services.

The Respondent has not come forward with any explanation that demonstrates any rights or legitimate interests in the disputed domain name. The Respondent has not formally replied to the Complainant's contentions, claiming any rights or legitimate interests in the disputed domain name. On the contrary, the Respondent simply affirmed that since there was someone (the Complainant) claiming the disputed domain name, he had deleted it. In so doing the Respondent was implicitly affirming that he had no interests and/or legitimate rights in the disputed domain name.

The Panel finds that the Complainant has satisfied paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

The Panel, on the basis of the evidence presented, accepts and agrees with the Complainant's contentions that the disputed domain name was registered and has been used in bad faith.

The Complainant's trademark has no meaning apart from indicating the Complainant's trademark and trade name. It has been in use for many years before the registration of the disputed domain name and has a fairly high degree of distinctiveness, and thus, on the balance of probability, the Panel believes the Respondent knew of the Complainant's trademark when registering the disputed domain name.

In addition, as expressed in *Government Employees Insurance Company (“GEICO”) v. 尹军 (yinjun)*, WIPO Case No. [D2020-3332](#), the GEICO trademark is known throughout the world, as a result of extensive use and advertising. Therefore, it should be presumed that the Respondent knew or should have known of the Complainant’s GEICO trademark, or has exercised the sort of wilful blindness that would still support a finding of bad faith.

Inference of bad faith registration and use of the disputed domain name is also given by the fact that the Respondent deliberately chose to conceal its identity by means of a privacy protection service. While the use of a privacy service does not in and of itself constitute bad faith under the Policy, the manner in which such service is used in the present case is deemed to contribute to a finding of bad faith.

Moreover, another indication of bad faith registration and use of the disputed domain name is the fact that the Respondent has not denied the assertions of bad faith made by the Complainant in this proceeding. On the contrary in his short email he has implicitly recognized the Complainant’s claims and rights to the disputed domain name. Hence, the Panel finds that if the Respondent had legitimate purposes for registering and using the disputed domain name, it would have responded to the Complainant’s assertions in a different manner.

The Panel finds that the Respondent’s use of the disputed domain name constitutes a disruption of the Complainant’s business and qualifies as bad faith registration and use under the Policy.

Accordingly, the Panel finds, on the basis of the evidence presented, that the Respondent registered and is using the disputed domain name in bad faith.

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, <geico.site>, be transferred to the Complainant.

/Fabrizio Bedarida/

Fabrizio Bedarida

Sole Panelist

Date: May 5, 2022