

ADMINISTRATIVE PANEL DECISION

Government Employees Insurance Company (“GEICO”) v. Privacy Service
Provided by Withheld for Privacy ehf / Davids Hope
Case No. D2022-3172

1. The Parties

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

The Respondent is Privacy Service Provided by Withheld for Privacy ehf, Iceland / Davids Hope, United States of America.

2. The Domain Name and Registrar

The disputed domain name <geico-india.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 August 26, 2022. On August 27, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 29, 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 August 30, 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 August 31, 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 September 9, 2022. In accordance with the Rules, paragraph 5, the due date for Response was September 29, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on September 30, 2022.

The Center appointed Maxim H. Waldbaum as the sole panelist in this matter on October 11, 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

Complainant here, GEICO, owns the world famous registered trademark GEICO, providing insurance services, including insurance brokerage and underwriting for automobile, motorcycles, homeowners, renters, condominiums, mobile homes, commercial properties, overseas travel, floods and boats-throughout the United States under the trademark "GEICO" since at least 1948. Complainant holds U.S. Trademark Registrations nos. 0763274 (from 1964); 2601179 (from 2002), EUIPO Registration 1178718 (from 2013) and International Registration 1178718 (from 2013). Annex 3 to Complaint.

5. Parties' Contentions

A. Complainant

The trademark GEICO has become uniquely associated with Complainant and its services through extensive use and promotional activities. Complainant has over 18 million policies and insures more than 30 million vehicles. Complainant has over 43,000 employees and is one of the fastest growing auto insurers in the USA. An overview of these services are highlighted in Complainant's webpage. Annex 4 to Complaint. Complainant maintains social media accounts under its GEICO trademark, including Facebook, Twitter, Instagram, Tik Tok, YouTube and LinkedIn, each of which garners tens of thousands, and in some cases millions of followers. Annex 5 for screenshots of Complainant's social media accounts and followers.

In connection with its insurance products and services, Complainant has established a website located at "www.geico.com" which Complainant uses to promote and sell its insurance services under the GEICO trademark. That website enables computer users to access information regarding Complainant's insurance services, manage their policies and claims, learn more about Complainant, and obtain insurance quotes. The homepage of the website "www.geico.com" is shown in the screenshot, Annex 6 to the Complaint.

The Disputed Domain Name consists entirely of Complainant's GEICO trademark, adding only the geographically descriptive term "India" and generic Top Level Domain ("gTLD") ".com". This Disputed Domain resolves to a parked website that features exploitation of Complainant's trademark GEICO into a domain name to host pay-per-click hyperlinks ("PPC") advertising auto insurance-related websites in an effort to reap PPC proceeds from Internet users, a blatant violation of the Policy.

The website's header shows the Disputed Domain Name <geico-india.com> with a series of hyperlinks comprised of wording relevant to Complainant and its business, as well as hyperlinks to Complainant's direct competitors, such as "Progressive @ Insurance". Annex 7 to the Complaint. Complainant believes that Respondent registered, is using and has used the Disputed Domain Name to intentionally attract Internet users and consumers looking for legitimate GEICO services and/or authorized partners to Respondent's own web pages all for Respondent's illicit commercial gain. Complainant had not and has not authorized Respondent's use of the GEICO trademark or registration of the Disputed Name. After becoming aware of the Disputed Domain Name, counsel for GEICO contacted Respondent to request that Respondent cease its infringing use of the GEICO trademark and transfer the Disputed Domain Name to GEICO. This letter is attached as Annex 8. No response was ever sent.

There is no evidence that Respondent has any legitimate claims to the Disputed Domain Name and any current or conceivable use of the Disputed Domain. If they did, it would continue to violate the Policy. The unauthorized use of the Disputed Domain Name severely harms Complainant by tarnishing and infringing

the GEICO trademarks of Complainant, as well as its good will and reputation in the USA and around the world.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

A. Identical or Confusingly Similar

(Policy, Paragraph 4(a)(i); Rules, Paragraphs 3(b)(viii), (b)(ix)(1))

The Disputed Domain Name of Respondent is identical and confusingly similar to Complainant's GEICO trademark. Complainant clearly has trademark rights in the GEICO mark for purposes of standing to file this case. Section 1.21, WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"); *Government Employees Insurance Company v. Jerome Crawford*, WIPO Case No. [D2019-0112](#) (April 7, 2019) (finding that Complainant's U.S. trademark registrations establish its trademark rights and cases cited therein).

UDRP panels have consistently held that domain names are identical or confusingly similar to trademarks under the Policy when the relevant trademark is recognizable within a disputed domain name regardless of the addition of other terms (whether descriptive, geographical, pejorative, meaningless or otherwise). Section 1.8, [WIPO Overview 3.0](#). The Disputed Domain Name unquestionably incorporates the unique and distinctive GEICO trademark and is therefore identical and confusingly similar to the GEICO trademark regardless of the addition of the term "India".

The "gTLD" and ".com" are viewed as standard registration requirements and should be disregarded under this first element of this confusingly similar test. Section 1.11.1, [WIPO Overview 3.0](#). The Disputed Domain Name is identical and confusingly similar to Complainant's trademark GEICO.

B. Rights or Legitimate Interests

(Policy, Paragraph 4(a)(ii); Rules, Paragraph 3(b)(ix)(2))

There is no evidence that: (1) Respondent's use or demonstrable preparations to use, of the Disputed Domain Name relates to any *bona fide* offering of goods or services; (2) Respondent is commonly known by the Disputed Domain Name or (3) Respondent is making a legitimate noncommercial or fair use of the Disputed Domain Name. Section 2.1, [WIPO Overview 3.0](#). It is also very clear Complainant has not given any authorization for use of its GEICO trademark in any form. Annex 8 to the Complaint.

Respondent's use of the Disputed Domain Name to host a parked page comprising PPC links does not represent a *bona fide* offering, particularly where such links compete with or capitalize on the reputation and good will of Complainant's mark and otherwise mislead Internet users. Section 2.9, [WIPO Overview 3.0](#).

The above conclusively establishes Respondent has no rights or legitimate interests in the Disputed Domain Name.

C. Registered and Used in Bad Faith

(Policy, Paragraph 4(a)(iii), 4(b); Rules Paragraph 3(b)(ix)(3))

Initially it is recognized that Respondent's incorporation of Complainant's famous and world known GEICO trademark into a Disputed Domain Name creates a presumption of bad faith. Section 3.1.4,

[WIPO Overview 3.0](#). GEICO is a world famous trademark, one of the most recognizable insurance brands throughout the world. See *Government Employees Insurance Company (“GEICO”) v. yinjun*, WIPO Case No. [D2020-3332](#) (February 24, 2021) where it was found that the mark GEICO was known worldwide, where its extensive use and advertising created “an exclusive connection between the GEICO mark and Complainant”, creating the presumption that Respondent knew or should have known about Complainant’s GEICO trademark. The only other possibility would be willful blindness, not supporting any good faith by Respondent. See *Government Employees Insurance Company v. Joel Rosenzweig, RegC*, WIPO Case No. [D2021-1221](#) (June 28, 2021) and *Government Employees Insurance Company v. Jun Yin*, WIPO Case No. [DCO2020-0037](#) (August 29, 2020).

Respondent’s apparent use of the Disputed Domain Name to collect undeserved PPC fees and unfairly profit from Complainant’s reputation strongly suggests that Respondent’s intent in registering the Disputed Domain Name was to profit in some direct and unsupportable legal fashion to exploit Complainant’s trademark and reputation, in bad faith. Section 3.1.1, [WIPO Overview 3.0](#). See *Government Employees Insurance Company v. Domain Hostmaster, Whois Privacy Services Pty LTD / Lisa Katz , Domain Protection LLC*, WIPO Case No. [D2016-1275](#) (August 28, 2016) (transferring <geicorewards.com> to Complainant and finding the respondent’s use of the domain name to offer click through links to insurances services of Complainant’s competitors was evidence of bad faith).

That PPC links are generated automatically by a third party rather than specifically selected by Respondent, does not prevent a finding of bad faith. See Section 3.5, [WIPO Overview 3.0](#). If Respondent wanted to prevent automatically generated links that would cause confusion, Respondent should have used e.g., negative keywords to suppress links related to Complainant. Section 3.5 [WIPO Overview 3.0](#). See *Alstom v, WhoisGuard Protected, WhoisGuard, Inc/ Richard Lopez Marine Supply Inc*, WIPO Case No. [D2021-0859](#) (June 2, 2021).

Further the continued use in bad faith of the Disputed Domain Name after direct contact from Complainant to stop supports the bad faith finding. *Sunovion Pharmaceuticals v. Lucio Peacock*, WIPO Case No. [D2018-0802](#) (June 25, 2018).

As there is no conceivable contemplated use by Respondent that would not be in bad faith the usage by Respondent is in violation of the Policy.

7. Decision

For the foregoing reasons, in accordance with paragraph 4(i) of the Policy and 15 of the Rules, the Panel orders that the Disputed Domain Name, <geico-india.com>, be transferred to Complainant.

/Maxim H. Waldbaum/

Maxim H. Waldbaum

Sole Panelist

Date: November 2, 2022