

## **ADMINISTRATIVE PANEL DECISION**

### **Government Employees Insurance Company v. Reptile Sec Case No. D2023-1040**

#### **1. The Parties**

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

The Respondent is Reptile Sec, United States.

#### **2. The Domain Name and Registrar**

The disputed domain name <geico.health> (the “Disputed Domain Name”) is registered with NameCheap, Inc. (the “Registrar”).

#### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 8, 2023. On March 9, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On March 9, 2023, 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, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 13, 2023, 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 amended Complaint on March 17, 2023.

The Center verified that the Complaint together with the amended 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 24, 2023. In accordance with the Rules, paragraph 5, the due date for Response was April 13, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on April 20, 2023.

The Center appointed Colin T. O'Brien as the sole panelist in this matter on May 2, 2023. 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 is an insurance provider who 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 mark GEICO 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 U.S.

The Complainant holds U.S. Federal Trademark Registrations for its trademark GEICO, Registration No. 763274, registered on January 14, 1964, and Registration No. 2601179, registered on July 30, 2002, as well as trademarks registered with the European Union Intellectual Property Office, registration no. 1178718, registered on September 4, 2013, and an International Registration, no. 1178718, registered on September 4, 2013.

The Complainant maintains various social media accounts under its GEICO mark including Facebook, Twitter, Instagram, TikTok, YouTube, and LinkedIn, each of which garner tens of thousands, and in some cases millions, of followers.

The Complainant has established a website located at “www.geico.com” which enables computer users to access information regarding the Complainant’s insurance services, manage their policies and claims, learn more about the Complainant, and obtain insurance quotes.

The Disputed Domain Name <geico.health> was registered on February 8, 2023.

The Complainant has submitted evidence showing that, at the time of filing of the Complaint, the Disputed Domain Name resolved to a parked website that featured pay-per-click (“PPC”) links, including PPC links to third-party websites promoting renters’ insurance offered by the Complainant’s direct competitors, such as “Liberty Mutual.”

#### **5. Parties’ Contentions**

##### **A. Complainant**

The Complainant’s trademark registrations in the mark GEICO satisfy the threshold requirement that the Complainant has trademark rights in the mark GEICO for the purposes of standing to file a UDRP case. The generic Top-Level Domain (“gTLD”) “.health” in the Disputed Domain Name is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test. As a result, the Disputed Domain Name’s gTLD does not add any distinction and prevent confusing similarity. Accordingly, the Disputed Domain Name is identical to the Complainant’s trademark GEICO.

The Complainant has not given any authorization to the Respondent for the use of its GEICO trademark in any form. The Respondent lacks rights or legitimate interests in the Disputed Domain Name because there is no evidence that: (i) the Respondent’s use of, or demonstrable preparations to use, the Disputed Domain Name relates to a *bona fide* offering of goods or services; (ii) the Respondent is commonly known by the Disputed Domain Name; or (iii) the Respondent is making a legitimate noncommercial or fair use of the Disputed Domain Name.

The 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, as here, such links compete with or capitalize on the reputation and goodwill of the complainant's mark or otherwise mislead Internet users.

The Respondent's incorporation of the Complainant's famous, widely-known GEICO trademark into the Disputed Domain Name creates a presumption of bad faith. GEICO is a famous trademark that is one of the most recognizable insurance brands in the United States and indeed, is known throughout the world. It should be presumed that the Respondent knew or should have known about the Complainant's GEICO mark or has exercised the sort of willful blindness that would still support a finding of bad faith.

The Respondent's apparent use of the Disputed Domain Name to reap undeserved PPC fees to unfairly profit from the Complainant's reputation strongly suggests that the Respondent's intent in registering the Disputed Domain Name was to profit in some fashion from or otherwise exploit the Complainant's GEICO trademark, all in bad faith.

The fact that the PPC links were automatically generated by a third party rather than specifically selected by the Respondent, as claimed in the disclaimer, does not prevent a finding of bad faith; if the Respondent wanted to prevent automatically generated links that could cause confusion, it should have used negative keywords to suppress links related to the Complainant and its business.

The Respondent's use of the Disputed Domain Name supports a finding of bad faith and there is no conceivable contemplated use of the Disputed Domain Name that would not be an infringing use by the Respondent.

## **B. Respondent**

The Respondent did not reply to the Complainant's contentions.

## **6. Discussion and Findings**

### **A. Identical or Confusingly Similar**

The Complainant has demonstrated it owns registered trademark rights in the famous GEICO mark, and has shown that no other entity has rights in or uses the Complainant's mark. The gTLD ".health" is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test. Accordingly, the Disputed Domain Name is identical to a mark in which the Complainant has rights. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.7.

Accordingly, the Disputed Domain Name is identical to a mark in which the Complainant has rights and, consequently, the Panel finds that the Complainant has satisfied paragraph 4(a)(i) of the Policy.

### **B. Rights or Legitimate Interests**

The Complainant has presented a *prima facie* case that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name and has not been commonly known by the Disputed Domain Name. The fact that the Respondent obtained the Disputed Domain Name decades after the Complainant had begun using its globally famous GEICO mark indicates the Respondent sought to piggyback on the mark for illegitimate reasons, namely to receive PPC revenue from Internet users clicking through to third party sites. Such use indicates to the Panel that the Respondent does not have any rights or legitimate interests in the Disputed Domain Name.

After a complainant has made a *prima facie* case, the burden of production shifts to a respondent to present evidence demonstrating rights or legitimate interests in the domain name. See, e.g., *Croatia Airlines d.d. v. Modern Empire Internet Ltd.*, WIPO Case No. [D2003-0455](#).

Here, the Respondent has provided no evidence of any rights or legitimate interests in the Disputed Domain Name.

Furthermore, the Panel finds that because the Disputed Domain Name is identical to the Complainant's mark, any use of such domain name by the Respondent carries a high risk of implied affiliation with the Complainant. See [WIPO Overview 3.0](#), section 2.5.1.

In the absence of any evidence rebutting the Complainant's *prima facie* case indicating the Respondent's lack of rights or legitimate interests in respect of 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 Disputed Domain Name was registered many years after the Complainant first registered and used its famous GEICO trademark. The evidence on the record provided by the Complainant with respect to the extent of use and fame of its GEICO trademark, combined with the absence of any evidence provided by the Respondent to the contrary, is sufficient to satisfy the Panel that, at the time the Disputed Domain Name was registered, the Respondent undoubtedly knew of the Complainant's GEICO trademark.

There is *prima facie* no reason for the Respondent to have registered the Disputed Domain Name identical to the GEICO trademark with the gTLD ".health" which can be associated with the Complainant's services.

Further, the use of the Disputed Domain Name by the Respondent is clearly in bad faith. Paragraph 4(b)(iv) of the Policy states that evidence of bad faith may include a respondent's use of a disputed domain name to intentionally attempt to attract, for commercial gain, Internet users to the respondent's 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. The Complainant has submitted evidence that the Respondent has used the Disputed Domain Name in order to direct Internet users to a parked website which includes links to websites of its competitors.

Given the fame of the Complainant's GEICO mark, the obvious inference is that the Respondent hoped to mislead customers of the Complainant to visit the website at the Disputed Domain Name trading on the Complainant's trademark and reputation in order to obtain PPC revenue.

In the absence of any evidence or explanation from the Respondent, the Panel finds that the only plausible basis for registering and using the Disputed Domain Name has been for bad faith purposes.

Accordingly, the Panel finds that the Complainant has satisfied paragraph 4(a)(iii) 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, <geico.health>, be transferred to the Complainant

/Colin T. O'Brien/

**Colin T. O'Brien**

Sole Panelist

Date: May 16, 2023