

ADMINISTRATIVE PANEL DECISION

Government Employees Insurance Company (GEICO) v. Registration Private, Domains By Proxy, LLC / Carolina Rodrigues, Fundacion Comercio Electronico
Case No. D2022-2044

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 Registration Private, Domains By Proxy, LLC, United States / Carolina Rodrigues, Fundacion Comercio Electronico, Panama.

2. The Domain Name and Registrar

The disputed domain name <connectgeico.com> 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 June 6, 2022. On June 7, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 8, 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 June 11, 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 amended Complaint on June 15, 2022.

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 June 16, 2022. In accordance with the Rules, paragraph 5, the due date for Response was July 6, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on July 7, 2022.

The Center appointed Mario Soerensen Garcia as the sole panelist in this matter on July 14, 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 is a well-known insurance company that has provided insurance services since 1936, offering several types of insurance services including automobiles, renters, condominiums, mobile homes, commercial properties, etc.

GEICO has over 18 million policies and insurances in more than 30 million vehicles, in addition to over 43,000 employees and is one of the fast-growing auto insurers in the United States.

The Complainant uses the website “www.geico.com” to promote and sell its insurance services.

The Complainant owns different trademark registrations that wholly incorporate the GEICO mark, including the following:

-United States registrations for GEICO Nos. 763,274, registered on January 14, 1964, and 2,601,179, registered on July 30, 2002; and

-International Registration for GEICO No. 1178718, registered on September 4, 2013.

The disputed domain name was registered on February 23, 2022 and resolved, via redirection, to third-party websites that are not affiliated with the Complainant. The website is currently inactive and, according to the Complainant, the Respondent has listed it for sale.

5. Parties' Contentions

A. Complainant

The Complainant states that it owns various trademark registrations including GEICO, and that the disputed domain name incorporates its trademark adding the generic or descriptive term “connect”.

According to the Complainant, the disputed domain name is confusingly similar to its trademarks and the inclusion of the term “connect” falsely suggests that Internet users can “connect” (*i.e.* communicate) with the Complainant by visiting the website to which the disputed domain name resolves.

The Complainant argues that the Respondent has no rights or legitimate interests in the disputed domain name, that it is not commonly known by the disputed domain name, and that it has not received any license or consent to use the GEICO mark in a domain name or in any other manner.

The Complainant also says that the Respondent registered the disputed domain name in bad faith as it is inconceivable that the Respondent was unaware of GEICO's rights, due to extensive advertising featuring its name and mark.

In addition, the Complainant mentions that the disputed domain name resolved, via redirection, to a number of rotating websites, in an apparent scheme for the Respondent derive commissions from “affiliate marketing” programs or otherwise unfairly profit from the Complainant's fame.

The Complainant alleges that the Respondent's intention in registering the disputed domain name was for commercial gain and in bad faith, since it is advertised for sale for a minimum price of USD 899, an amount

likely in excess of any out-of-pocket costs incurred in the registration of the disputed domain name.

Also, the Complainant informs that the Respondent has previously been involved in other UDRP cases, which provides evidence of the pattern of cybersquatting in which the Respondent is engaging.

Finally, the Complainant requests the transfer of the disputed domain name.

B. Respondent

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

6. Discussion and Findings

As per paragraph 4(a) of the Policy, the Complainant must prove that:

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

A. Identical or Confusingly Similar

The evidence presented demonstrates that the Complainant is the owner of trademark registrations for GEICO in the United States and that they predate the registration of the disputed domain name. The Panel finds that the Complainant has trademark rights for purposes of the Policy.

The disputed domain name comprises the Complainant's trademark GEICO in its entirety. The addition of the term "connect" does not avoid confusing similarity between the disputed domain name and the Complainant's trademarks, as the Complainant's trademark is recognizable within the disputed domain name. In this regard, it is the general view among UDRP panels that where the relevant trademark is recognizable within the disputed domain name the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element of the UDRP (see section 1.8 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (["WIPO Overview 3.0"](#))).

As numerous prior UDRP panels have recognized, the incorporation of a trademark in its entirety or a dominant feature of a trademark is sufficient to establish that a domain name is identical or confusingly similar to the complainant's mark. See section 1.7 of the [WIPO Overview 3.0](#).

The Panel finds that paragraph 4(a)(i) of the Policy has been proved by the Complainant, *i.e.*, the disputed domain name is confusingly similar to the Complainant's trademarks.

B. Rights or Legitimate Interests

The Respondent has not submitted a response to the Complaint and there is no evidence that it has any authorization to use the Complainant's trademarks and/or to register domain names containing the trademark GEICO.

There is also no evidence that the Respondent is commonly known by the disputed domain name and/or that it is making a legitimate noncommercial or fair use of the disputed domain name or that before any notice of the dispute the Respondent has made use of, or demonstrable preparations to use, the disputed domain name or a name corresponding to the disputed domain name in connection with a *bona fide* offering of

goods or services. Instead, there is evidence in the Complaint that the Respondent has used the disputed domain name to resolve, via redirection, to third-party websites that are not affiliated with the Complainant.

Based on the evidence in the Complaint, the Panel finds that the use of the disputed domain name, which incorporates the Complainant's trademarks, does not correspond to a *bona fide* use of domain names under the Policy. Moreover, the nature of the disputed domain name, incorporating the Complainant's well-known trademark GEICO with the descriptive word "connect", carries a risk of implied affiliation and cannot constitute fair use as it effectively impersonates or suggests sponsorship or endorsement by the Complainant (see section 2.5.1 of the [WIPO Overview 3.0](#)).

For the above reasons, the Panel finds that the condition of paragraph 4(a)(ii) of the Policy has been satisfied, *i.e.*, the Respondent has no rights or legitimate interests in the disputed domain name.

C. Registered and Used in Bad Faith

The trademark GEICO is registered by the Complainant and has been used for over 80 years.

The disputed domain name totally incorporates the GEICO trademark, in addition to the descriptive word "connect", and as discussed above the Respondent has no rights or legitimate interests in the disputed domain name. The addition of such term indeed enhances confusion, since Internet users may understand that through the website corresponding to the disputed domain name it would be possible "to contact" the Complainant.

The annexes to the Complaint show that the Respondent's objective was clearly to make a profit with the registration of the disputed domain name by incorporating and taking advantage of the Complainant's well-known trademark GEICO in the disputed domain name.

This Panel concludes that the Respondent obviously knew of the Complainant's mark when it registered the disputed domain name and has intentionally attempted to attract Internet users to its website for commercial gain by creating a likelihood of confusion with the Complainant's trademarks. Moreover, the Complainant has provided evidence that the Respondent has offered the inherently misleading disputed domain name for valuable consideration likely in excess of the Respondent's documented out-of-pocket costs directly related to the disputed domain name, which further supports a finding of bad faith in these circumstances.

Additionally, the Respondent has chosen not to respond to the Complainant's allegations. In these circumstances, and as found in the UDRP panel's decision in *The Argento Wine Company Limited v. Argento Beijing Trading Company*, WIPO Case No. [D2009-0610](#), "the failure of the Respondent to respond to the Complaint further supports an inference of bad faith".

This Panel finds that the Respondent's intention of taking undue advantage of the trademark GEICO as described in paragraph 4(b)(iv) of the Policy has been demonstrated.

For the above reasons, the Panel finds that the condition of paragraph 4(a)(iii) of the Policy has been satisfied, *i.e.*, the disputed domain name has been registered and is being used 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 <connectgeico.com> be transferred to the Complainant.

/Mario Soerensen Garcia/

Mario Soerensen Garcia

Sole Panelist

Date: July 28, 2022