

ADMINISTRATIVE PANEL DECISION

Government Employees Insurance Company (“GEICO”) v. Eric monroy
Case No. D2022-3350

1. The Parties

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

Respondent is Eric monroy, United States.

2. The Domain Name and Registrar

The disputed domain name <geicocorp.org> 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 September 8, 2022. On September 9, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 9, 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 (Domains by Proxy, LLC). The Center sent an email communication to Complainant on September 14, 2022, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amendment to the Complaint on September 17, 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 Respondent of the Complaint, and the proceedings commenced on September 19, 2022. In accordance with the Rules, paragraph 5, the due date for Response was October 9, 2022. Respondent did not provide a formal Response but sent informal email communications to the Center on September 14, September 15, and September 24, 2022. The Parties were notified of the commencement of the panel appointment process on October 10, 2022.

The Center appointed Ingrīda Kariņa-Bērziņa as the sole panelist in this matter on October 24, 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 is a provider of insurance services under the GEICO mark, for which it has registered numerous trademarks, including the following:

- United States Trademark Registration No. 763274 for GEICO (word mark), registered on January 14, 1964, for services related to insurance, claiming a date of first use of 1948;
- European Union Trademark No. 1178718 for GEICO (word mark), registered on September 4, 2013, for services in class 36;
- International Trademark No. 1178718 for GEICO (word mark), registered on September 4, 2013, for services in class 36.

Complainant operates its primary business website at “www.geico.com”.

The disputed domain name was registered on September 2, 2022. It resolves to a parking page featuring pay-per-click (“PPC”) links related to insurance services.

5. Parties’ Contentions

A. Complainant

Complainant’s contentions may be summarized as follows:

Under the first element, Complainant states that it is an internationally well-known insurance provider that has provided a broad range of services throughout the United States under the GEICO mark since at least 1948. Through extensive use and promotional activities, the mark is uniquely associated with Complainant and its services. Complainant has issued over 18 million insurance policies and has over 43,000 employees, and is active on social media. The disputed domain name consists of Complainant’s GEICO mark together with the descriptive term “corp”.

Under the second element, Complainant states that the disputed domain name resolves to a parking page featuring PPC links related to Complainant’s business and hyperlinks to Complainant’s direct competitors. Such links compete with or capitalize on the reputation of Complainant.

Under the third element, Complainant states that its GEICO mark is famous, and that it is one of the most recognizable insurance brands in the United States and is known throughout the world. Respondent’s apparent use of the disputed domain name to reap undeserved PPC fees is indicative of bad faith.

Complainant requests transfer of the disputed domain name.

B. Respondent

In an email communication with the Center on September 15, 2022, Respondent stated that it would like to disregard the dispute, as the disputed domain name was registered by an administrative assistant on Respondent’s behalf. In a second email dated September 24, 2022, Respondent stated it operates an insurance blog and is not connected to Complainant. Respondent is an “avid user of the insurance and wish to inspire other people to use insurance as well”. Respondent states that “if there is a issue go ahead and terminate the my email”.

6. Discussion and Findings

Paragraph 4(a) of the UDRP requires Complainant to make out all three of the following:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which Complainant has rights; and
- (ii) Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) Respondent has registered and is using the disputed domain name in bad faith.

Under paragraph 15(a) of the Rules, “[a] Panel shall decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable”.

A. Identical or Confusingly Similar

Complainant has provided evidence establishing that it has trademark rights in the GEICO mark through registrations in the United States, European Union, and internationally. Complainant thereby satisfies the threshold requirement of having trademark rights for purposes of standing to file a UDRP case. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), section 1.2.1.

In comparing Complainant’s marks with the disputed domain names, the Panel finds that the disputed domain name is confusingly similar to Complainant’s mark. The disputed domain name reflects Complainant’s GEICO mark in its entirety, followed by the dictionary term “corp”. It is the consensus view of UDRP panels that, where a domain name incorporates the entirety of a trademark, the domain name will normally be considered confusingly similar to that mark. Moreover, 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. See [WIPO Overview 3.0](#), sections 1.7 and 1.8.

It is the well-established view of UDRP panels that the generic Top-Level Domain (“gTLD”) “.org” is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test (see [WIPO Overview 3.0](#), section 1.11.1, and cases cited thereunder).

Accordingly, the Panel finds that Complainant has established the first element under paragraph 4(a) of the Policy.

B. Rights or Legitimate Interests

Pursuant to paragraph 4(c) of the Policy, a respondent may establish rights to or legitimate interests in a domain name by demonstrating any of the following:

- (i) before any notice to it of the dispute, respondent’s use of, or demonstrable preparations to use the domain name or a name corresponding to the domain name in connection with a *bona fide* offering of goods or services; or
- (ii) respondent has been commonly known by the domain name, even if it has acquired no trademark or service mark rights; or
- (iii) respondent is making a legitimate noncommercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

The Panel finds that there is no evidence that Respondent is commonly known by the disputed domain name nor is using the GEICO mark with the permission of Complainant. The nature of the disputed domain name, which reflects Complainant's mark in its entirety together with a descriptive term, cannot constitute fair use since it effectively impersonates or suggests sponsorship or endorsement by the trademark owner. See *Iffscience Limited v. Domains By Proxy LLC / Dr Chauncey Siemens*, WIPO Case No. [D2016-0909](#); *B&B Hotels v. WhoisGuard Protected, WhoisGuard, Inc. / Soro Wanna*, WIPO Case No. [D2020-2837](#). See also [WIPO Overview 3.0](#), section 2.5.1.

The Panel therefore finds that the evidence submitted by Complainant establishes a *prima facie* case that Respondent has no rights or legitimate interests in the disputed domain name.

Pursuant to [WIPO Overview 3.0](#), section 2.1, and cases thereunder, where Complainant makes out a *prima facie* case that Respondent lacks rights or legitimate interests, the burden of production on this element shifts to Respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the disputed domain name.

Respondent's statements do not rebut Complainant's arguments. There is no evidence to support Respondent's contention that it operates an insurance-related blog (or, indeed, any blog at all), which might entitle it to claim a right to fair use of the disputed domain name as envisioned under the Policy. See [WIPO Overview 3.0](#), sections 2.6 and 2.7. There is no evidence that Respondent is commonly known by the disputed domain name, nor that there are any circumstances or activities that would establish Respondent's rights or legitimate interests therein. Rather, the disputed domain name, which is nearly identical to Complainant's mark, resolves to a parking page featuring PPC links that compete with or capitalize upon the Complainant's goodwill and reputation. Such use cannot establish rights or legitimate interests. See [WIPO Overview 3.0](#), section 2.9.

Respondent acknowledges that the "e-mail" (by which the Panel infers a reference to the disputed domain name) may be terminated if there is an issue. Therefore, it would appear that currently Respondent has no interest in the disputed domain name.

Accordingly, the Panel finds that Complainant has established the second element under paragraph 4(a) of the Policy.

C. Registered and Used in Bad Faith

The Panel finds that Complainant has demonstrated Respondent's bad faith registration and use of the disputed domain name. Complainant's rights in its GEICO mark predate by more than 70 years the registration of the disputed domain name. The disputed domain name reflects Complainant's mark in its entirety, together with the descriptive term "corp". The Panel finds that such composition creates a presumption of bad faith on the part of Respondent. See [WIPO Overview 3.0](#), section 3.1.4.

The use of the disputed domain names to redirect to a PPC website featuring links directly related to Complainant's business is further evidence of bad faith. Respondent stated that it operates an insurance-related blog and wishes to inspire others to use insurance, but provides no evidence in support of this contention. Rather, the evidence indicates that Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with Complainant's mark. See [WIPO Overview 3.0](#), section 3.1.4.

The Panel finds that Respondent has provided no information nor arguments that would rebut a finding of bad faith in relation to the registration and use of the disputed domain name. Under these circumstances, the Panel does not find any good faith use of the disputed domain name plausible. See *Shangri-La International Hotel Management Limited v. NetIncome Ventures Inc.*, WIPO Case No. [D2006-1315](#); *Villeroy & Boch AG v. Mario Pingerna*, WIPO Case No. [D2007-1912](#).

The Panel therefore finds that Complainant has established the third element under paragraph 4(a) 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 <geicocorp.org> be transferred to Complainant.

/Ingrīda Kariņa-Bērziņa/

Ingrīda Kariņa-Bērziņa

Sole Panelist

Date: November 7, 2022