

## ADMINISTRATIVE PANEL DECISION

### Government Employees Insurance Company (“GEICO”) v. Milen Radumilo Case No. D2023-2996

#### 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 Milen Radumilo, Romania.

#### 2. The Domain Name and Registrar

The disputed domain name <geico-insurance.info> is registered with CommuniGal Communication Ltd. (the “Registrar”).

#### 3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 12, 2023. On July 13, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 14, 2023, the Registrar transmitted by email to the Center its verification response registrant and contact information for the disputed domain name which differed from the named Respondent (Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 24, 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 July 26, 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 August 7, 2023. In accordance with the Rules, paragraph 5, the due date for Response was August 27, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on September 14, 2023.

The Center appointed Mireille Buydens as the sole panelist in this matter on September 25, 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 a well-known insurer who has provided its insurance brokerage and underwriting services under the trademark GEICO (the “Trademark”) since at least 1948 for automobiles, motorcycles, homeowners, renters, mobile homes, commercial properties, overseas travel, floods, and boats throughout the United States. The Complainant has over 43,000 employees and manages 18 million policies. The Complainant maintains various social media accounts under its Trademark, including Facebook, Twitter, Instagram, TikTok, YouTube, and LinkedIn, each of which garner tens of thousands, and in some cases millions of followers. In connection with its insurance products and services, the Complainant has established a website located at “www.geico.com”, which the Complainant uses to promote and sell its insurance services under its Trademark.

The Complainant owns various registrations for the Trademark, including United States Trademark Registration No. 0763274 registered January 14, 1964, United States Trademark Registration No. 2601179 registered July 30, 2002 and International Trademark Registration No. 1178718, registered September 4, 2013.

The disputed domain name was registered on June 27, 2023. The disputed domain name resolves, via redirection, to a number of rotating third-party websites, such as the website that purports to offer download links for various computer software, including Google Chrome extensions. The disputed domain name is offered for sale for USD 2,888 on the Whols listing, where it is mentioned: “geico-insurance.info is for sale! This domain is listed for sale at one of our partner sites for \$2,888”.

#### **5. Parties’ Contentions**

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

The Complainant contends that it owns trademark registrations in the term GEICO and that the disputed domain name is identical or confusingly similar to the Trademark. The disputed domain name incorporates the Trademark, together with the term “insurance”. The generic Top-Level Domain (“gTLD”) “.info” can be ignored when assessing confusing similarity as it is viewed as a standard registration requirement.

The Complainant further contends that 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. Moreover, The Respondent’s use of the disputed domain name falsely suggests affiliation with the Complainant. The disputed domain name indeed contains the Trademark with the term “insurance” – a term that, when paired with the Trademark and the gTLD “info”, falsely suggests that Internet users can obtain insurance information about the Complainant by visiting the website at the disputed domain name. Besides, the Complainant explains that one of the websites the disputed domain name reverts to via redirection has Trojan spyware detected on it.

The Complainant further holds that the disputed domain name was registered and is being used in bad faith. The Respondent’s incorporation of the widely-known Trademark into the disputed domain name creates a presumption of bad faith. It should be presumed that the Respondent knew or should have known about the Trademark. The Complainant further explains that the Respondent appears to use the disputed domain name for redirection purposes in order to reap undeserved affiliate commissions by exploiting the reputation

of the Trademark. The Complainant also holds that (1) the disputed domain name redirects to websites containing spyware; (2) the disputed domain name is offered for sale for USD 2,888, far in excess of any out-of-pocket expenses directly related to the disputed domain name, and (3) other UDRP panels have found that the Respondent is a repeat offender who frequently registers the domain names in bad faith that are confusingly similar to the well-known trademarks.

## **B. Respondent**

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

## **6. Discussion and Findings**

Dealing with the Respondent's failure to file a response to the Complaint, paragraph 14(b) of the Rules provides that if a Party, in the absence of exceptional circumstances, does not comply with any provision of, or requirement under these Rules, the Panel shall be entitled to draw such inferences therefrom, as it considers appropriate.

Paragraph 4(a) of the Policy provides that the Complainant prove each of the following three elements in order to succeed in its Complaint:

- (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 that it is the owner of the Trademark. The registrations of the Trademark predate the registration of the disputed domain name.

The Panel finds that the disputed domain name is confusingly similar to the Trademark. The disputed domain name incorporates the Trademark in its entirety. The fact that the disputed domain name also contains another term (here, the descriptive word "insurance") is irrelevant (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.8: "[w]here 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."

The gTLD ".info" is 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).

The Panel therefore finds that the disputed domain name is confusingly similar to the Trademark.

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

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

Under paragraph 4(a)(ii) of the Policy, a complainant must make at least a *prima facie* showing that a respondent does not have any rights or legitimate interests in the disputed domain name. Once such showing is made, the burden of production shifts to the respondent. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element (see [WIPO Overview 3.0](#), section 2.1.).

In the Panel's opinion, the Complainant's submissions set out above under the section 5.A give rise to a *prima facie* case that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

There is no evidence that the Respondent is affiliated with or authorized by the Complainant in any way. The Panel notes the composition of the disputed domain name carries a risk of implied affiliation with the Complainant (see [WIPO Overview 3.0](#), section 2.5.1).

There is also no evidence that the Respondent is using the disputed domain name in connection with a *bona fide* offering of products or services. Rather, the Respondent uses the disputed domain name for the purpose of trading off the well-known Trademark for possible commercial gain by redirecting traffic to third-party websites. Besides, it appears that the disputed domain name is offered for sale for an amount that largely exceeds any out-of-pocket expenses directly related to the disputed domain name. This suggests that the Respondent had no *bona fide* intention behind the use of the disputed domain name other than to mislead Internet users or unduly benefit from the reputation of the Trademark.

The facts and circumstances presented to the Panel demonstrate that the Respondent does not have any rights or legitimate interests in the disputed domain name. The Panel finds that the Complainant has met its burden under paragraph 4(a)(ii) of the Policy.

### **C. Registered and Used in Bad Faith**

Given that the disputed domain name incorporates the Trademark with the addition of a word ("insurance") which describes the Complainant's core business, the Respondent was more likely than not aware of the Complainant and its Trademark at the time of the registration of the disputed domain name (section 3.1.4 of the [WIPO Overview 3.0](#) states that "the mere registration of a domain name that is identical or confusingly similar (particularly domain names comprising typos or incorporating the mark plus a descriptive term) to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith".)

The disputed domain name is also suited to mislead the public. The composition of the disputed domain name (the Trademark and the descriptive word "insurance") combined with the gTLD "info" falsely suggests that Internet users can obtain information about the Complainant by visiting the website at the disputed domain name. The Respondent has sought to create a misleading impression of association with the Complainant, which is a well-known insurer. Also, considering the nature of the disputed domain name, the Panel finds that the disputed domain name may not be put into any good faith use.

Besides, the disputed domain name, which incorporates the well-known Trademark, is offered for sale for USD 2,888, far in excess of any out-of-pocket expenses directly related to the disputed domain name (see [WIPO Overview 3.0](#), section 3.1.1).

Furthermore, the failure of the Respondent to submit a response or to provide any evidence of actual or contemplated good faith use, or to this Complaint, is further evidence of bad faith, given all the circumstances of the case (see [WIPO Overview 3.0](#), section 3.2).

Lastly, the Panel finds that the Respondent has a history of registering domain names incorporating the trademarks of third parties (see, e.g., *International Business Machines Corporation v. Milen Radumilo*, WIPO Case No. [D2023-2971](#); *Lidl Stiftung & Co. KG v. Milen Radumilo*, WIPO Case No. [D2023-2848](#); *Euromaster Services et Management v. Milen Radumilo*, WIPO Case No. [D2023-2758](#) – the Panel found about 184 cases of bad faith registration by the Respondent). Therefore, the Respondent has established a pattern of bad faith conduct (see [WIPO Overview 3.0](#), section 3.1.2).

Based on the evidence and circumstances of this case, the Panel concludes that the requirement of registration and use of the disputed domain name in bad faith under paragraph 4(a)(iii) of the Policy has been fulfilled.

## 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-insurance.info> be transferred to the Complainant.

*/Mireille Buydens/*

**Mireille Buydens**

Sole Panelist

Date: October 9, 2023