

ADMINISTRATIVE PANEL DECISION

Government Employees Insurance Company (“GEICO”) v. Jessica Nelson,
Geico

Case No. D2023-4515

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 Jessica Nelson, Geico, United States.

2. The Domain Name and Registrar

The disputed domain name <geico2.com> is registered with Squarespace Domains II LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on October 30, 2023. On October 31, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 31, 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 (Contact Privacy Inc. Customer 7151571251) and contact information in the Complaint. The Center sent an email communication to Complainant on November 1, 2023 providing the registrant and contact information disclosed by the Registrar and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on November 3, 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 Respondent of the Complaint, and the proceedings commenced on November 13, 2023. In accordance with the Rules, paragraph 5, the due date for Response was December 3, 2023. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on December 6, 2023.

The Center appointed Jeffrey D. Steinhardt as sole panelist in this matter on January 8, 2024. 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 well-known insurance business in the United States with millions of customers. Complainant owns various international and United States trademark registrations for its GEICO mark, including United States Trademark Registration No. 763,274, registered on January 14, 1964 in United States Class 102, with a first use in commerce date of 1948.

The disputed domain name was registered on October 3, 2023 and does not resolve to an active webpage.

5. Parties' Contentions

A. Complainant

Complainant avers that its GEICO trademark is famous worldwide, that it has over 18 million policies and insures over 30 million vehicles, and that it employs 43,000 people.

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name. With respect to the third element of Policy paragraph 4(a), for example, Complainant alleges that Respondent's bad faith is evidenced, among other things, by having registered the disputed domain name using information that on its face impersonates Complainant, by falsely identifying itself as GEICO to conceal its true identity.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

A. Identical or Confusingly Similar

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trademark and the disputed domain name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, (["WIPO Overview 3.0"](#)), section 1.7.

Complainant has shown rights in respect of the GEICO mark for purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

The Panel finds that Respondent's simple addition of the number "2" to Complainant's GEICO mark does not prevent a finding of confusing similarity between the disputed domain name and the mark. [WIPO Overview 3.0](#), section 1.8.

The Panel finds that the first element of Policy paragraph 4(a) has been established.

B. Rights or Legitimate Interests

The Panel also finds that the second element of Policy paragraph 4(a) has been established, as elaborated below.

Paragraph 4(c) of the Policy provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the difficult task of “proving a negative”, requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a *prima facie* case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name (although the burden of proof always remains on the complainant). If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

The Panel observes that Respondent is not making a *bona fide* offering or noncommercial legitimate or fair use of the disputed domain name, as the disputed domain name has not been used.

Having reviewed the available record, the Panel finds that Complainant has established a *prima facie* case that Respondent lacks rights or legitimate interests in the disputed domain name. Respondent has not rebutted Complainant’s *prima facie* showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain name, such as those enumerated in the Policy or otherwise.

The Panel finds that the second element of Policy, paragraph 4(a) has been established.

C. Registered and Used in Bad Faith

The Panel also finds that Complainant has established the third element of Policy, paragraph 4(a), registration and use in bad faith.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent’s registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

Panels have found that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding. Having reviewed the available record, the Panel finds the non-use of the disputed domain name does not prevent a finding of bad faith in the circumstances of this proceeding.

Although panelists review the totality of the circumstances in each case, factors that have been considered relevant in applying the passive holding doctrine include: (i) the degree of distinctiveness or reputation of the complainant’s mark, (ii) the failure of the respondent to submit a response or to provide any evidence of actual or contemplated good-faith use, and (iii) the respondent’s concealing its identity or use of false contact details (noted to be in breach of its registration agreement). [WIPO Overview 3.0](#), section 3.3.

Having reviewed the available record, the Panel notes the distinctiveness and reputation of Complainant’s trademark and the composition of the disputed domain name, and finds that in the circumstances of this case the passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy. The Panel further finds that Respondent’s use of misleading contact details to impersonate Complainant (also in breach of its registration agreement) is further evidence of bad faith.

The Panel therefore finds that the third element of Policy, paragraph 4(a) has been established.

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 <geico2.com> be transferred to Complainant.

/Jeffrey D. Steinhardt/

Jeffrey D. Steinhardt

Sole Panelist

Date: January 8, 2024