

## **ADMINISTRATIVE PANEL DECISION**

Government Employees Insurance Company v. Jennifer Vasquez, Geico  
Case No. D2024-0800

### **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 Jennifer Vasquez, Geico, United States.

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

The disputed domain name <geico.icu> (the “Disputed Domain Name”) 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 February 22, 2024. On February 22, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 22, 2024, 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, Contact Privacy Inc. Customer 7151571251) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 23, 2024, 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 February 28, 2024.

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 February 29, 2024. In accordance with the Rules, paragraph 5, the due date for Response was March 20, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on March 21, 2024.

The Center appointed Douglas M. Isenberg as the sole panelist in this matter on March 26, 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**

The Complainant states that it is “an internationally well-known 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”; that it “has over 16 million policies and insures more than 28 million vehicles”; that it “also has over 38,000 employees, and is one of the fastest-growing auto insurers in the U.S.”; that it “maintains various social media accounts under its famous GEICO trademark, including Facebook, Twitter, Instagram, TikTok, YouTube, and LinkedIn, each of which platform hosts tens of thousands, and in some cases millions, of followers”; and that it “has established a website located at “www.geico.com”, which the Complainant uses to promote and sell its insurance services under its GEICO trademark.”

The Complainant states, and provides evidence to support, that it owns the following trademark registrations (the “GEICO Trademark”):

- U.S. Reg. No. 763274 for GEICO, registered January 14, 1964;
- U.S. Reg. No. 2601179 for GEICO, registered July 30, 2002;
- EU Reg. No. 1178718 for GEICO, registered September 4, 2013.

The Disputed Domain Name was created on January 4, 2024. The Complainant states, and provides evidence to support, that the Disputed Domain Name “is currently being passively held and resolves to an inactive website.”

#### **5. Parties’ Contentions**

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

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the Disputed Domain Name.

Notably, the Complainant contends that:

- The Complainant has rights in the GEICO Trademark as a result of the registrations cited above, and the Disputed Domain Name is identical or confusingly similar to the GEICO Trademark because the Disputed Domain Name includes the GEICO Trademark in its entirety; and “the gTLD ‘.icu’ in the Disputed Domain Name is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test.”;
- The Respondent has no rights or legitimate interests in the Disputed Domain Name because, inter alia, “Complainant has not given any authorization for the use of its GEICO trademark in any form, nor does the Respondent offer any legitimate GEICO services on the website to which the Disputed Domain Name resolves”; and “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 Disputed Domain Name was registered and is being used in bad faith because, inter alia, “Respondent’s incorporation of Complainant’s famous, widely-known GEICO trademark into the Disputed Domain Name creates a presumption of bad faith”; “Respondent’s current passive holding of the Disputed Domain Name to revert to an inactive website does not prevent a finding of bad faith under the doctrine of passive holding”; and “Respondent registered the Disputed Domain Name using false contact information that on its face impersonates Complainant by falsely identifying itself as Geico to conceal its true identity is patent evidence of bad faith.”.

## **B. Respondent**

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

## **6. Discussion and Findings**

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

Based upon the trademark registrations cited by the Complainant, it is apparent that Complainant has rights in and to the GEICO Trademark.

As to whether the Disputed Domain Name is identical or confusingly similar to the GEICO Trademark, the relevant comparison to be made is with the second-level portion of the Disputed Domain Name only (i.e., “geico”) because “[t]he applicable Top-Level Domain (‘TLD’) in a domain name (e.g., ‘.com’, ‘.club’, ‘.nyc’) is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test”. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), section 1.11.1.

The Disputed Domain Name contains the GEICO Trademark – and only the GEICO Trademark – in its entirety. As set forth in section 1.7 of [WIPO Overview 3.0](#), “in cases where a domain name incorporates the entirety of a trademark, or where at least a dominant feature of the relevant mark is recognizable in the domain name, the domain name will normally be considered confusingly similar to that mark for purposes of UDRP standing”.

Accordingly, the Panel finds that the Complainant has proven the first element of the Policy.

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

The Complainant has argued that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name because, inter alia, “Complainant has not given any authorization for the use of its GEICO trademark in any form, nor does the Respondent offer any legitimate GEICO services on the website to which the Disputed Domain Name resolves”; and “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.”

Notably, although the Respondent identifies itself as “Geico,” the Respondent has not disputed Complainant’s assertion that this is inaccurate, and the Panel finds that this “is not a believable name” (*De’Longhi Appliances S.r.l. v. Delonghi Delong, Delonghi*, WIPO Case No. [D2019-0077](#)) and “does not alone suffice to show that Respondent is commonly known by the disputed domain name” (*Quest Diagnostics Investments LLC v. Quest*, WIPO Case No. [D2019-1030](#)).

[WIPO Overview 3.0](#), section 2.1, states: “[w]hile 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 often impossible 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. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element”.

The Panel finds that the Complainant has established its prima facie case and without any evidence from the Respondent to the contrary, the Panel is satisfied that the Complainant has satisfied the second element of the Policy.

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

Whether a domain name is registered and used in bad faith for purposes of the Policy may be determined by evaluating four (non-exhaustive) factors set forth in the Policy: (i) circumstances indicating that the registrant has registered or acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of the registrant’s documented out-of-pocket costs directly related to the domain name; or (ii) the registrant has registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that the registrant has engaged in a pattern of such conduct; or (iii) the registrant has registered the domain name primarily for the purpose of disrupting the business of a competitor; or (iv) by using the domain name, the registrant has intentionally attempted to attract, for commercial gain, Internet users to the registrant’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 registrant’s website or location or of a product or service on the registrant’s website or location. Policy, paragraph 4(b).

As set forth in section 3.1.4 of [WIPO Overview 3.0](#): “Panels have consistently found that the mere registration of a domain name that is identical or confusingly similar... to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith.” Here, given the longstanding and widespread use of the GEICO Trademark, it is apparent that this mark is famous or widely known. Indeed, previous panels have found that the GEICO Trademark is “known throughout the world” (*Government Employees Insurance Company (“GEICO”) v. 尹军 (yinjun)*, WIPO Case No. [D2020-3332](#)) and is “one of the most recognizable insurance brands in the United States market” (*Government Employees Insurance Company v. Joel Rosenzweig, RegC*, WIPO Case No. [D2021-1221](#)).

Further, as set forth in section 3.1.4 of [WIPO Overview 3.0](#), citing *Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#):

From the inception of the UDRP, panelists have found that the non-use of a domain name (including a blank or “coming soon” page) would not prevent a finding of bad faith under the doctrine of passive holding.

While panelists will look at 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, (iii) the respondent’s concealing its identity or use of false contact details (noted to be in breach of its registration agreement), and (iv) the implausibility of any good faith use to which the domain name may be put.

The Panel finds that the GEICO Trademark is distinctive and has a strong reputation and it is implausible that the Disputed Domain Name could be put to any good faith use. Plus, as noted above, Respondent has failed to submit a response. Therefore, the Panel finds that the doctrine of passive holding applies here, establishing bad faith.

Further, the Respondent's false identification of itself as "Geico" (as discussed above) is also evidence of bad faith. See, e.g., *Branch Banking and Trust Co. v. BB&T BB&T*, WIPO Case No. [D2019-0089](#) (finding bad faith where "Respondent has registered the Domain Name using false contact details, where [Complainant's trademark] is listed in the field where a registrant's name should be listed").

Finally, the Respondent's failure to respond to the Complainant's demand is additional evidence of bad faith. See, e.g., *Encyclopedia Britannica v. Zucarini*, WIPO Case No. [D2000-0330](#).

Accordingly, the Panel finds that the Complainant has proven the third element 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.icu> be transferred to the Complainant.

*/Douglas M. Isenberg/*

**Douglas M. Isenberg**

Sole Panelist

Date: April 5, 2024