

ADMINISTRATIVE PANEL DECISION

Government Employees Insurance Company v. Reptile Sec Case No. D2024-0909

1. The Parties

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

The Respondent is Reptile Sec, United States.

2. The Domain Name and Registrar

The disputed domain name <geico.dev> is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 29, 2024. On March 1, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 1, 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, Privacy Service Provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 5, 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 amendment to the Complaint on March 8, 2024.

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 the Respondent of the Complaint, and the proceedings commenced on March 11, 2024. In accordance with the Rules, paragraph 5, the due date for Response was March 31, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on April 2, 2024.

The Center appointed Dennis A. Foster as the sole panelist in this matter on April 10, 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 is a large, prominent United States insurance company that is active in many areas of insurance, especially auto insurance. The Complainant has been in the insurance business since the 1940s.

In connection with its insurance business, the Complainant owns a number of United States and foreign trademarks such as: United States Patent and Trademark Office (“USPTO”) GEICO service mark registration no. 763,274, registration date January 14, 1964, for insurance underwriting and related services; USPTO GEICO service mark registration no. 2601179 registered on July 30, 2002; as well as, European Union Intellectual Property Office GEICO word mark registration no. 1178718 registered on September 4, 2013.

The Complainant has a sizeable Internet presence, including its main business website at “www.geico.com”. The Complainant also maintains various social media accounts under its GEICO service mark such as Facebook, Twitter, Instagram, TikTok, YouTube, and LinkedIn, each of which hosts tens of thousands, and in some cases millions, of followers.

According to the available record, the Respondent is a person or entity about which little is known. The disputed domain name was registered on January 17, 2024, resolves to an inactive site, and has not been used for any further purpose.

5. Parties’ Contentions

A. Complainant

This is a Complaint about the Respondent passively holding a domain name that wholly incorporates the Complainant’s famous GEICO service mark in violation of the Policy.

The disputed domain name consists of the Complainant’s GEICO service mark and the generic Top-Level Domain (“gTLD”) “.dev”.

The disputed domain name is currently being passively held and resolves to an inactive website that provides only the error message “Service Unavailable.”

The Complainant believes that the Respondent registered and is using the disputed domain name to intentionally attract Internet users looking for GEICO services to the Respondent’s own webpages for Respondent’s illicit commercial gain.

There is no evidence that the Respondent has any legitimate claims to the disputed domain name, and any current or conceivable future use of the disputed domain name violates the Policy.

The Complainant has not authorized the Respondent’s use of its GEICO service mark nor the registration of the disputed domain name.

This unauthorized use of the disputed domain name by the Respondent severely harms the Complainant by tarnishing and infringing its service marks, reputation and goodwill in the United States and around the world.

The disputed domain name should be transferred to the Complainant.

B. Respondent

The Respondent did not file a response in this proceeding.

6. Discussion and Findings

Pursuant to Policy paragraphs 4(a)(i) - (iii), the Panel may issue a decision for the Complainant and grant a transfer of the disputed domain name if the Complainant establishes that:

- The disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- The Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- The disputed domain name has been registered and is being used in bad faith.

A. Identical or Confusingly Similar

The Complainant contends that the Respondent has registered the disputed domain name incorporating the GEICO trademark, in which the Complainant has trademark rights per paragraph 4(a)(i) of the Policy. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.7.

The Complainant has provided copies of its GEICO service mark registrations in the United States and the European Union which the panel has laid out *supra*. In keeping with the broad consensus in Policy decisions, the Panel finds this is sufficient to show that the Complainant has trademark rights in the disputed domain name <geico.dev> per Policy paragraph 4(a)(i).

The disputed domain name consists entirely of the Complainant's GEICO service mark, and therefore the disputed domain name is identical to the Complainant's GEICO service mark, it being well-settled in UDRP jurisprudence that the gTLD is not to be taken into consideration when performing an identity or confusing similarity test.

Thus, the Panel finds the Complainant has carried its burden of proof under the Policy, paragraph 4(a)(i).

B. Rights or Legitimate Interests

The Complainant has contended that the Respondent registered the disputed domain name, which is identical to the Complainant's GEICO service mark, without any authorization and does not use it for any bona fide offering. Under the prevailing Policy decision consensus, this constitutes a prima facie case that the Respondent lacks rights or legitimate interests. It is then up to the Respondent to come forward and rebut the Complainant's prima facie case. [WIPO Overview 3.0](#), section 2.1.

The Policy at paragraph 4(c)(i, ii, and iii) lays out three non-exhaustive ways in which the Respondent can show that it does have rights and legitimate interests in the disputed domain name.

The Respondent has not come forward to file a response to the Complainant's contentions, but the Panel has nonetheless examined the case file to see whether there is any evidence tending to show that the Respondent does have rights or legitimate interests in the disputed domain name. The Respondent is not using the disputed domain name for any purpose, and thus cannot leverage Policy paragraph 4(c)(i) to show that it is using or has plans to use the disputed domain name for a bona fide offering of goods and services. Policy paragraph 4(c)(ii) also is of no help to the Respondent since it is nowhere apparent that the Respondent has been commonly known as GEICO. And finally, Policy paragraph 4(c)(iii) is of no help to the Respondent since the Respondent is not making fair use of the disputed domain name for noncommercial purposes.

In view of the above analysis, the Panel finds the Complainant has succeeded in showing that the Respondent does not have rights or legitimate interests in the disputed domain name per Policy paragraph 4(a)(ii).

C. Registered and Used in Bad Faith

Given that the Respondent has not made any use whatever of the disputed domain name during the scant two months from its registration to the filing of the Complaint, the Panel considers the disputed domain name as being passively held.

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 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, 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 does agree with the Complainant that the notoriety of the Complainant's GEICO service mark in the United States insurance market is such that the Respondent (also located in the United States) certainly was aware of it when it registered the disputed domain name. There being no apparent good faith use available for the famous in the United States GEICO service mark, this constitutes opportunistic bad faith under the Policy. ([WIPO Overview 3.0](#), section 3.2.2; and see *Government Employees Insurance Company ("GEICO") v. Jun Yin*, WIPO Case No. [DCO2020-0037](#)). The Respondent also did not reply to the Complaint despite being invited to during the course of this proceeding and the Respondent appears to have engaged the use of a privacy service to mask its details on the publicly-available WhoIs. Accordingly, 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.

Therefore, the Panel finds that the Complainant has carried its burden of proof under Policy paragraph 4(b).

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.dev> be transferred to the Complainant.

/Dennis A. Foster/

Dennis A. Foster

Sole Panelist

Date: April 24, 2024