

ADMINISTRATIVE PANEL DECISION

Government Employees Insurance Company (“GEICO”) v. Andrew Grover,
A22 PTY LIMITED

Case No. DAU2022-0022

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 Andrew Grover, A22 PTY LIMITED, Australia.

2. The Domain Name and Registrar

The disputed domain name <geico.com.au> is registered with Drop.com.au Pty Ltd.

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 19, 2022. On September 19, 2022, the Center transmitted by email to Drop.com.au Pty Ltd a request for registrar verification in connection with the disputed domain name. On September 20, 2022, Drop.com.au Pty Ltd transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

The Center verified that the Complaint satisfied the formal requirements of the .au Dispute Resolution Policy (the “Policy” or “.auDRP”), the Rules for .au Dispute Resolution Policy (the “Rules”), and the WIPO Supplemental Rules for .au Domain Name Dispute Resolution Policy (the “Supplemental Rules”).

In accordance with the Rules, paragraphs 2(a) and 4(a), the Center formally notified the Respondent of the Complaint, and the proceedings commenced on September 26, 2022. In accordance with the Rules, paragraph 5(a), the due date for Response was October 16, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on October 18, 2022.

The Center appointed Andrew F. Christie as the sole panelist in this matter on October 21, 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

The Complainant is an 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 trademark GEICO since at least 1948. The Complainant has over 18 million policies and insures more than 30 million vehicles. The Complainant has over 43,000 employees, and is one of the fastest-growing auto insurers in the United States.

The Complainant is the owner of several trademark registrations for the word trademark GEICO, including United States Registration No. 763274 (registered on January 14, 1964) and International Trademark Registration No. 1178718 designating the European Union (registered on September 4, 2013).

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 GEICO trademark. This website enables computer users to access information regarding the Complainant’s insurance services, manage their policies and claims, learn more about the Complainant, and obtain insurance quotes.

The disputed domain name was registered on August 27, 2022. The Complainant has provided a screenshot, taken on September 8, 2022, of the website to which the disputed domain name resolved, showing a webpage containing what appear to be pay-per-click (“PPC”) links to insurance-related goods and services, and a “Buy this domain” link. At the time of this decision, the disputed domain name resolves to a webpage containing what appear to be PPC links to insurance-related goods and services, and a “This domain may be for sale” link to a webform on which an offer to purchase the disputed domain name may be made.

5. Parties’ Contentions

A. Complainant

The Complainant made the following contentions to establish that the disputed domain name is confusingly similar to a trademark in which the Complainant has rights. UDRP panels have consistently held that the Second-Level Domain (“2LD”) and country-code Top-Level Domain (“ccTLD”) extension “.com.au” should be disregarded as a standard registration requirement when comparing a trademark to a domain name. The disputed domain name wholly reproduces the distinctive and well-known GEICO trademark and is therefore identical to the GEICO trademark regardless of the inclusion of the “.com.au” extension.

The Complainant made the following contentions to establish that the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Complainant has not given any authorization to the Respondent for the use of its GEICO trademark in any form. 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. The Respondent’s use of the disputed domain name to host a parked page comprising PPC links does not represent a *bona fide* offering, particularly where, as here, such links capitalize on the reputation and goodwill of the Complainant’s trademark or otherwise mislead Internet users.

The Complainant made the following contentions to establish that the disputed domain name was registered and is being used in bad faith. The disputed domain name consists solely of the Complainant’s famous, widely-known GEICO trademark, once the domain extensions are ignored, which prevents the Complainant from reflecting its trademark in a corresponding domain name, and evidences the Respondent’s bad faith registration and use. GEICO is a famous trademark that is one of the most recognizable insurance brands in

the United States and is known throughout the world. It is highly unlikely that the Respondent was unaware of the Complainant's brand at the time it registered the disputed domain name, as the Complainant already had a substantial global reputation. The Respondent's use of a domain name that is identical or confusingly similar to the Complainant's GEICO trademark to resolve to an active website is use in bad faith. There is no conceivable contemplated use of the disputed domain name that would not be an infringing use by the Respondent.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

Once the 2LD and ccTLD extension ".com.au" is disregarded (which is appropriate in this case), the disputed domain name consists solely of the Complainant's registered word trademark GEICO. Accordingly, the Panel finds that the disputed domain name is identical to a trademark in which the Complainant has rights.

B. Rights or Legitimate Interests

The Respondent is not a licensee of the Complainant, is not otherwise affiliated with the Complainant, and has not been authorized by the Complainant to use its GEICO trademark. The Respondent has not provided any evidence that it has been commonly known by, or has made a *bona fide* use of, the disputed domain name, or that it has, for any other reason, rights or legitimate interests in the disputed domain name. The evidence provided by the Complainant shows that the disputed domain name has been used to resolve to a webpage containing what appear to be PPC links to insurance-related goods and services. Given the identity of the disputed domain name to the Complainant's trademark, the absence of any relationship between the Respondent and the Complainant, and the failure to avoid the implied false affiliation with the Complainant, the Respondent's use of the disputed domain name is neither a *bona fide* use nor a legitimate noncommercial or fair use.

The Complainant has put forward a *prima facie* case that the Respondent lacks rights or legitimate interests in the disputed domain name, and the Respondent has not rebutted this. Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name.

C. Registered or Subsequently Used in Bad Faith

The disputed domain name was registered many decades after the Complainant first registered, used and developed a reputation in its GEICO trademark. The evidence on the record provided by the Complainant indicates that the Respondent has used the disputed domain name in an attempt to attract, for commercial gain, Internet users to a website by creating confusion in the minds of the public as to an association between the website and the Complainant. The Respondent's use of the disputed domain name in this manner is a bad faith use. Accordingly, the Panel finds that the disputed domain name has been used in bad faith.

7. Decision

For all the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the domain name, <geico.com.au>, be cancelled.

/Andrew F. Christie/

Andrew F. Christie

Sole Panelist

Date: November 4, 2022