

## **ADMINISTRATIVE PANEL DECISION**

Government Employees Insurance Company v. Carolina Rodrigues,  
Fundacion Comercio Electronico  
Case No. D2022-0762

### **1. The Parties**

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

Respondent is Carolina Rodrigues, Fundacion Comercio Electronico, Panama.

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

The disputed domain name is <parternsgeico.com> which is registered with GoDaddy.com, LLC (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 3, 2022. On March 4, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 7, 2022, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name which differed from those in the Complaint. The Center sent an email communication to Complainant on March 10, 2022, 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 March 11, 2022.<sup>1</sup>

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 March 16, 2022. In accordance with the Rules, paragraph 5, the due

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<sup>1</sup> The original Complaint was filed against Domains By Proxy, LLC, which appeared as registrant in the corresponding Whois report. The amended Complaint was filed against Respondent, as per the information disclosed by the Registrar.

date for Response was April 5, 2022. Respondent did not submit any response. Accordingly, the Center notified Respondent's default on April 12, 2022.

The Center appointed Gerardo Saavedra as the sole panelist in this matter on April 29, 2022. This Panel finds that it was properly constituted. This 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 an insurance company.

Complainant has rights over the GEICO mark for which it holds, among others, registration No. 763274 granted on January 14, 1964, in Classes 35 and 36, and registration No. 2601179 granted on July 30, 2002, in Class 36, both with the United States Patent and Trademark Office and with stated first use in 1948.

The disputed domain name was registered on February 8, 2022. At the time the Complaint was filed, the website associated with the disputed domain name showed, among others, "parternsgeico.com", "Relevant searches", "Auto Insurance Quotes", "COMPARE QUOTES FOR FREE ONLINE - INSURANCE SHOPPING MADE EASY", "Using [...] To Shop For New Car Insurance Could Save You \$961 Per Year On Average", "Visit Website", "Get the Lowest Auto Insurance Quotes from the Nations Top Providers in 2 Minutes", "Buy this domain", "The domain parternsgeico.com may be for sale by its owner!", "This webpage was generated by the domain owner using Sedo Domain Parking. Disclaimer: Sedo maintains no relationship with third party advertisers. Reference to any specific service or trade mark is not controlled by Sedo nor does it constitute or imply its association, endorsement or recommendation".

#### **5. Parties' Contentions**

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

Complainant's assertions may be summarized as follows.

Complainant is a well-known insurance company that has provided insurance services since 1948 under its GEICO mark throughout the United States, and that offers numerous types of insurance services (including automobile, motorcycle, homeowners, mobile home, floods, and boats, among others). With over 43,000 employees, Complainant has over 18 million policies and insures more than 30 million vehicles, and is one of the fastest-growing auto insurers in the United States. Through extensive use and promotional activities, the GEICO mark has become uniquely associated with Complainant and its services.

Complainant has established a website located at "www.geico.com", which Complainant uses to promote and sell its insurance services, and which enables users to access information regarding Complainant's insurance services, manage their policies and claims, and obtain insurance quotes. Further, Complainant maintains various social media accounts under its GEICO mark, including Facebook, Twitter, Instagram, TikTok, YouTube, and LinkedIn, each with a large number of followers.

The disputed domain name consists entirely of the GEICO mark adding the term "parterns", which is an obvious misspelling of the term "partners". Thus the disputed domain name is identical or confusingly similar to Complainant's GEICO mark regardless of the addition of such misspelled term.

Respondent lacks rights or legitimate interests in the disputed domain name. There is no evidence that: (i) Respondent's use of, or demonstrable preparations to use, the disputed domain name relates to a *bona fide* offering of goods or services; (ii) Respondent is commonly known by the disputed domain name; or (iii) Respondent is making a legitimate noncommercial or fair use of the disputed domain name.

The disputed domain name resolves to a website that features pay-per-click (“PPC”) links. The website’s header shows the name of the disputed domain name followed by a series of hyperlinks featuring services related to Complainant and its business, as well as hyperlinks to direct competitors. Respondent’s use of the disputed domain name to redirect users to competing websites does not support a claim to rights or legitimate interests. 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 such links compete with or capitalize on the reputation and goodwill of Complainant’s mark or otherwise mislead Internet users.

GEICO is a famous mark that is one of the most recognizable insurance brands in the United States and indeed, is known throughout the world.<sup>2</sup> Respondent’s incorporation of Complainant’s GEICO mark into the disputed domain name creates a presumption of bad faith.

Respondent registered, is using and has used the disputed domain name to intentionally attract Internet users and consumers looking for legitimate GEICO services and/or authorized partners to Respondent’s own webpages, all for Respondent’s illicit commercial gain. Respondent’s use of the disputed domain name supports a finding of bad faith and there is no conceivable contemplated use of the disputed domain name that would not be an infringing use by Respondent.

The website to which the disputed domain name resolves includes a hyperlink promoting it as being for sale. The Whois page for the disputed domain name includes a promotional banner advertising the disputed domain name as being for sale. Such banner hyperlink resolves to a web page offering the disputed domain name for sale for at least USD 899.<sup>3</sup>

Respondent’s advertisement of the disputed domain name for sale in an amount higher than any out-of-pocket expense directly related to the disputed domain name, along with Respondent’s apparent use of the disputed domain name to reap undeserved PPC fees to unfairly profit from Complainant’s reputation, strongly suggests that Respondent’s intent in registering the disputed domain name was to profit in some fashion from or otherwise exploit Complainant’s GEICO mark, all in bad faith.

Respondent is a prolific cybersquatter that is once again exploiting Complainant’s GEICO mark into a domain name to host PPC hyperlinks to competitive insurance companies. Respondent has a history of abusively registering and using domain names incorporating third-party marks, a fact that other UDRP panels have found demonstrates bad faith under the Policy.

Complainant requests that the disputed domain name be transferred to Complainant.

## **B. Respondent**

Respondent did not reply to Complainant’s contentions.

## **6. Discussion and Findings**

Paragraph 15(a) of the Rules instructs the Panel to “decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable”.

The lack of Response from Respondent does not automatically result in a favorable decision for Complainant (see *Berlitz Investment Corp. v. Stefan Tinculescu*, WIPO Case No. [D2003-0465](#), and section 4.3 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”)).

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<sup>2</sup> Complainant relies on *Government Employees Insurance Company v. Joel Rosenzweig, RegC*, WIPO Case No. [D2021-1221](#); *Government Employees Insurance Company (“GEICO”) v. 尹军 (yinjun)*, WIPO Case No. [D2020-3332](#); and *Government Employees Insurance Company (“GEICO”) v. Jun Yin*, WIPO Case No. [DCO2020-0037](#).

<sup>3</sup> Evidenced via screenshot of such web page under Annex 7 of the Complaint.

The burden for Complainant, under paragraph 4(a) of the Policy, is to show: (i) that the disputed domain name is identical or confusingly similar to a trademark or service mark in which Complainant has rights; (ii) that 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**

It is undisputed that Complainant has rights over the GEICO mark.

Since the addition of a generic Top-Level Domain (“gTLD”) (*i.e.* “.com”) in a domain name is technically required, it is well established that such element may be disregarded where assessing whether a domain name is identical or confusingly similar to a mark. The disputed domain name identically reflects the GEICO mark, albeit preceded by the misspelled term “parterns”. It is clear to this Panel that the GEICO mark is recognizable in the disputed domain name and that the addition of such term in the disputed domain name does not avoid its confusing similarity with said mark (see sections 1.7 and 1.8 of the [WIPO Overview 3.0](#)).

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

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

Complainant has alleged and Respondent has failed to deny that Respondent has no rights or legitimate interests in respect of the disputed domain name. Complainant contends that Respondent is not using the disputed domain name in connection with any *bona fide* offer of products or services. The evidence in the file shows that the website linked to the disputed domain name shows apparent PPC links to other websites relating to Complainant’s field of business.<sup>4</sup>

This Panel considers that Complainant has established a *prima facie* case that Respondent has no rights or legitimate interests in the disputed domain name (see section 2.1 of the [WIPO Overview 3.0](#)). In the file there is no evidence of circumstances of the type specified in paragraph 4(c) of the Policy or of any other circumstances giving rise to a possible right to or legitimate interest in the disputed domain name by Respondent.

Based on the aforesaid, this Panel concludes that paragraph 4(a)(ii) of the Policy is satisfied.

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

Complainant contends that Respondent’s registration and use of the disputed domain name is in bad faith, which Respondent did not rebut.

This Panel considers that the fact that Complainant has succeeded in several prior UDRP cases involving Respondent and the GEICO mark supports in this case a finding of Respondent’s bad faith.<sup>5</sup> Such bad faith finding is reinforced by the fact that Respondent has been flagged as a serial cybersquatter in a number of UDRP decisions involving marks of other complainants.<sup>6</sup>

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<sup>4</sup> See *Merck Sharp & Dohme Corp. v. Domain Administrator, PrivacyGuardian.org / George Ring, DN Capital Inc.*, WIPO Case No. [D2017-0302](#): “using a domain name incorporating the Complainant’s mark to host sponsored links associated with the Complainant’s area of business cannot be a *bona fide* offering of goods or services”.

<sup>5</sup> See *Government Employees Insurance Company (“GEICO”) v. Registration Private, Domains By Proxy, LLC / Carolina Rodrigues, Fundacion Comercio Electronico*, WIPO Case No. [D2021-4048](#), WIPO Case No. [D2021-2606](#), WIPO Case No. [D2020-3253](#), and WIPO Case No. [D2020-0764](#).

<sup>6</sup> See *Discover Financial Services v. Registration Private, Domains By Proxy, LLC / Carolina Rodrigues, Fundacion Comercio Electronico*, WIPO Case No. [D2020-3107](#): “Respondent is a serial offender [...] There are over 140 cases filed through the Center – found via a simple search on its public website – involving the Respondent, ranging from 2012 to the present. The Panel agrees that the Respondent is clearly in the business of registering domain names that include the trademarks of others”.

In any event, Respondent's bad faith may also be deduced from the following additional facts: (i) Complainant's registration and use of its GEICO mark preceded the registration of the disputed domain name by a significant number of years; (ii) the disputed domain name incorporates in its entirety Complainant's GEICO mark coupled with just a misspelled term; (iii) the content of the website associated with the disputed domain name showing apparent sponsored PPC links relating to Complainant's same area of business;<sup>7</sup> (iv) Respondent's intent to sell (through a third party) the disputed domain name for a price in excess of its registration cost;<sup>8</sup> (v) Respondent's use of a privacy service to hide its name and contact details; and (vi) Respondent's failure to appear at this proceeding, which is indicative that Respondent lacks arguments and evidence to support its holding of the disputed domain name.

In sum, the overall evidence indicates that Respondent's choice of the disputed domain name was deliberate for its similarity with, and with the likely intention to benefit from the reputation and goodwill of, Complainant's GEICO mark, which denotes bad faith.

In light of the above, this Panel finds that Complainant has satisfied paragraph 4(a)(iii) of the Policy.

## 7. Decision

For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, this Panel orders that the disputed domain name <parternsgeico.com> be transferred to Complainant.

*/Gerardo Saavedra/*  
**Gerardo Saavedra**  
Sole Panelist  
Date: May 13, 2022

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See also *Budget Rent a Car Corporation v. Cupcake City*, WIPO Case No. [D2000-1020](#): "Respondent is the typical cyber squatter that the ICANN rules were designed to protect trademark holders against".

<sup>7</sup> See *Hertz System, Inc. v. Domainproxyagent.com/Compsys Domain Solutions Private Limited*, WIPO Case No. [D2009-0615](#): "Respondent registered the Domain Name knowing that its principal feature was the well-known service mark of the Complainant and anticipating that the use of the Complainant's service mark in this way would attract Internet users to its pay-per-click website [...] The fact that the links on the Respondent's website are in large part to competitors of the Complainant is likely to have deceived Internet users and is, of course, calculated to cause damage to the Complainant's business". As set forth in *Richemont International SA v. Hrach Aghajanyan / "This Domain Name is for sale..."*, WIPO Case No. [D2015-0543](#), the fact that the website linked to the disputed domain name might be a generic parking page created by a third party does not relieve Respondent from its responsibility for contents appearing on said website.

<sup>8</sup> See *Esteban Ceca Magán v. John Gray*, WIPO Case No. [D2011-1202](#): "Respondent's attempt to sell (through the Registrar) the disputed domain name for an amount well in excess of its registration cost is also indicative of bad faith registration and use".