

ADMINISTRATIVE PANEL DECISION

Government Employees Insurance Company v. Domains By Proxy, LLC /
Michael Stringer
Case No. D2022-0763

1. The Parties

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

Respondent is Domains By Proxy, LLC, United States / Michael Stringer, United States.

2. The Domain Name and Registrar

The disputed domain name <geicoindianaregion.com> 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 the named Respondent and contact information 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. The Complainant filed an amendment to Complaint on the same date.

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 Respondent of the Complaint, and the proceedings commenced on March 18, 2022. In accordance with the Rules, paragraph 5, the due date for Response was April 7, 2022. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on April 12, 2022.

The Center appointed Lynda J. Zadra-Symes as the sole panelist in this matter on May 4, 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

Complainant is an international 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. Complainant owns United States trademark registrations for its GEICO mark, including Registration No. 0763274 registered on January 14, 1964, and Registration No. 2601179, registered on July 30, 2002, as well as an International Registration No. 1178718, registered on September 4, 2013, designating the European Union.

Complainant has over 18 million policies and insures more than 30 million vehicles. Complainant also has over 43,000 employees and is one of the fastest-growing auto insurers in the United States.

Complainant owns the domain name <geico.com> from which it promotes and sells its insurance services under its GEICO trademark. The website enables users to access information regarding Complainant's insurance services, manage their policies and claims, learn more about Complainant and obtain insurance quotes. Complainant also maintains various social media accounts under its GEICO trademark, including Facebook, Twitter, Instagram, TikTok, YouTube, and LinkedIn.

The disputed domain name was registered on January 27, 2002, and currently resolves to a parked website that features pay-per-click links, including to competitors of Complainant.

5. Parties' Contentions

A. Complainant

Complainant contends that the disputed domain name is confusingly similar to Complainant's mark, that Respondent has no rights or legitimate interests in respect of the disputed domain name, and that the disputed domain name was registered and is being used in bad faith.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

In order to succeed in its claim, Complainants must demonstrate that all of the elements enumerated in paragraph 4(a) of the Policy have been satisfied:

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

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".

A. Identical or Confusingly Similar

Complainant has demonstrated that it has rights in the trademark GEICO in connection with insurance services, and related goods and services. The disputed domain name incorporates Complainant's mark in its entirety, with the addition of the geographic term "Indiana region". This addition does not avoid a finding of confusing similarity.

Accordingly, the Panel finds that the disputed domain name is confusingly similar to Complainant's trademark.

B. Rights or Legitimate Interests

Complainant contends that Respondent is not affiliated with or connected to Complainant in any way. The record is devoid of any facts that establish any rights or legitimate interests of Respondent in the disputed domain name. There is no evidence that Respondent has been commonly known by the disputed domain name or that it has any rights that might predate Complainant's adoption and use of its mark.

Respondent has not made, and is not making, a legitimate noncommercial or fair use of the disputed domain name. Respondent has not used the disputed domain name in connection with the *bona fide* offering of goods or services.

Instead, the record indicates that Respondent was well aware of Complainant's well-known mark and is using the disputed domain name to redirect Internet users to other competing websites for the purpose of obtaining pay-per-click revenues. Such use cannot be considered *bona fide* and does not support a claim to rights or legitimate interests.

The Panel finds that Complainant has satisfied the requirement of paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

The record indicates that the disputed domain name was registered and is being used for the purpose of redirecting Internet users seeking Complainant to Respondent's website for Respondent's financial gain from pay-per-click fees. Such unauthorized exploitation of Complainant's mark constitutes registration and use in bad faith.

The record indicates that Respondent had actual knowledge of Complainant's rights in its well-known GEICO mark prior to registering the disputed domain name and that Respondent registered and used the disputed domain name for the purpose of Respondent's commercial gain by intentionally creating a likelihood of confusion with Complainant's mark.

Accordingly, the Panel finds that Respondent has registered and used the disputed domain name in bad faith.

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, <geicoindianaregion.com>, be transferred to Complainant.

/Lynda Zadra-Symes/

Lynda Zadra-Symes

Sole Panelist

Date: May 13, 2022