

ADMINISTRATIVE PANEL DECISION

Government Employees Insurance Company (“GEICO”) v. Contact Privacy Inc. Customer 7151571251 / kendrick Whiteman, geico
Case No. D2022-3173

1. The Parties

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

The Respondent is Contact Privacy Inc. Customer 7151571251, Canada / kendrick Whiteman, geico, United States of America.

2. The Domain Name and Registrar

The disputed domain name <geicocorp.com> is registered with Google LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 26, 2022. On August 28, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 29, 2022, the Registrar transmitted by email to the Center its verification, 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 the Complainant on September 2, 2022, 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 September 1, 2022.

The Center verified that the Complaint, together with the amendment to the Complaint/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 September 9, 2022. In accordance with the Rules, paragraph 5, the due date for Response was September 29, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on September 30, 2022.

The Center appointed Maxim H. Waldbaum as the sole panelist in this matter on October 11, 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 here, GEICO, owns the world famous registered trademark GEICO, providing insurance services, including insurance brokerage and underwriting for automobiles, motorcycles, homeowners, rentals, condominiums, mobile homes, commercial properties, overseas travel, floods and boats-throughout the USA under the trademark GEICO since at least 1948. Complainant holds U.S. Trademark Registrations nos. 0763274 (from 1964); 2601179 (from 2002), EUIPO Registration 1178718 (from 2013) and International Registration 1178718 (from 2013). Annex 3 to the Complaint.

5. Parties' Contentions

A. Complainant

The trademark GEICO has become uniquely associated with Complainant and its services through extensive use and promotional activities. Complainant has over 18 million policies and insures more than 30 million vehicles. Complainant has over 43,000 employees and is one of the fastest growing auto insurers in the USA. An overview of these services are highlighted in Complainant's webpage. Annex 4 to the Complaint.

Complainant maintains social media accounts under its GEICO trademark, including Facebook, Twitter, Instagram, Tik Tok, YouTube and LinkedIn, each of which garners tens of thousands and, in some cases, millions of followers. Annex 5 to the Complaint displays screenshots of Complainant's social media accounts and followers.

In connection with its insurance products and services, Complainant has established a website located at "www.geico.com" which Complainant uses to promote and sell its insurance services under the GEICO trademark. The website enables computer users to access information regarding Complainant's insurance services, manage their policies and claims, learn more about Complainant, and obtain insurance quotes. The homepage of the website "www.geico.com" is shown in the screenshot. Annex 6 to the Complaint.

The Disputed Domain Name ("DDN") <geicocorp.com> consists entirely of Complainant's GEICO trademark, adding only the descriptive language "corp" and the generic ".com". The term "corp" is a universally recognized abbreviation of the generic or descriptive term "corporation".

The DDN is currently being passively held and resolves to an inactive website. A printout of the inactive website to which the DDN currently resolves is appended as Annex 7 to the Complaint. Complainant believes Respondent registered, is using and has used the DDN 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 gain.

There is no evidence that Respondent has any legitimate claims to the DDN and any current or conceivable future use of the DDN. This activity violates the Policy.

Complainant had not and has not authorized Respondent's use of the GEICO trademark or the registration of the DDN. After becoming aware of the DDN, counsel for GEICO contacted Respondent to request that Respondent cease its infringing use of the GEICO trademark and transfer the DDN to GEICO. A printout of this letter is Annex 8 to the Complaint. Respondent has not responded to GEICO's demand that Respondent transfer the DDN to GEICO.

The unauthorized use of the DDN by Respondent severely harms Complainant by tarnishing and infringing its trademarks, reputation and good will in the U.S. and around the world.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

A. Identical or Confusingly Similar

(Policy, Paragraph 4(a)(i); Rules Paragraph 3(b)(viii),(b)(ix)(1))

The DDN of Respondent is identical and confusingly similar to Complainant's GEICO trademark. Complainant clearly has trademark rights in the GEICO mark for purposes of standing to file this case. Section 1.21, WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), *Government Employees Insurance Company v. Jerome Crawford*, WIPO Case No. [D2019-0112](#) (April 7, 2019) (finding Complainant's U.S. trademark registrations establish its trademark rights and cases cited therein).

UDRP panels have consistently held that domain names are identical or confusingly similar to trademarks under the Policy when the relevant trademark is recognizable within a disputed domain name regardless of the addition of other terms (whether descriptive, geographical, pejorative, meaningless or otherwise. Section 1.8, [WIPO Overview 3.0](#). The DDN unquestionably incorporates the unique and distinctive GEICO trademark regardless of the term "corp", ".com" is viewed as a standard registration requirement and should be disregarded under the first element of this confusingly similar test. Section 1.11.1, [WIPO Overview 3.0](#).

The DDN is identical and confusingly similar to Complainant's trademark GEICO.

B. Rights or Legitimate Interests

Policy, Paragraph 4(ii); Rules, Paragraph 3(b) (ix)(2)

There is no evidence that: (1) Respondent's use or demonstrable preparations for use of the DDN relates to any *bona fide* offering of goods or services; (2) Respondent is commonly known by the DDN or (3) Respondent is making a legitimate non commercial or fair use of the DDN. Section 2.1, [WIPO Overview 3.0](#).

It is also very clear Complainant has not given any authorization for use of its GEICO trademark in any form. Annex 8 to the Complaint.

Respondent's passive use to maintain the DDN is a constant danger to the health and well being of the substantial good will established by Complainant in its GEICO trademark. Respondent has no rights in, and cannot conduct any legitimate business under its DDN nor possibly legitimize its incorporation of GEICO into any legitimate business.

Complainant has established that Respondent does not have any rights or legitimate interests in the DDN.

C. Registered and Used in Bad Faith

Policy Paragraph 4(a)(iii), 4(b); Rules, Paragraph 3(b)(ix)(3))

Initially it is recognized that Respondent's incorporation of Complainant's famous and world known GEICO trademark into its DDN creates a presumption of bad faith which nothing in this record can overcome. Section 3.1.4, [WIPO Overview 3.0](#).

GEICO is a world famous trademark, one of the most recognizable insurance brands throughout the world. See *Government Employees Insurance Company (“GEICO”) v. yinjun*, WIPO Case No. [D2020-3332](#) (February 24, 2021) where it was found the mark GEICO was known worldwide, where its extensive use and advertising created “an exclusive connection between the GEICO mark and Complainant”, creating the presumption that respondent knew or should have known about Complainant’s GEICO trademark. The only other possibility would be willful blindness, not supporting any good faith by respondent. See *Government Employees Insurance Company v. Joel Rosenzweig, RegC*, WIPO Case No. [D2021-1221](#) (June 28, 2021) and *Government Employees Insurance Company v. Jun Yin*, WIPO Case No. [DCO2020-0037](#) (August 29, 2020).

Respondent’s lack of response to Complainant’s demand letter and the continuation of the bad faith use of the DDN after such explicit notice emphasizes the bad faith nature of filing, registration and passive toxic use for the DDN. Respondent’s passive holding of the DDN to revert to an inactive website does not prevent a finding of bad faith under the doctrine of passive holding and this Panel rightly infers the DDN is registered and used in bad faith based on how well known the GEICO trademark is and the lack of response to Complainant’s demand letter. See Section 3.3, [WIPO Overview 3.0](#).

Respondent’s use of the DDN <geicocorp.com> supports a finding of bad faith and there is no conceivable contemplated use of the DDN that would be a legitimate use by Respondent. The DDN is currently being used in bad faith in violation 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 DDN <geicocorp.com> be transferred to Complainant.

/Maxim H. Waldbaum/

Maxim H. Waldbaum

Sole Panelist

Date: November 2, 2022