

ADMINISTRATIVE PANEL DECISION

Government Employees Insurance Company (“GEICO”) v. MyEisha Watts Case No. D2023-2819

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 MyEisha Watts, United States.

2. The Domain Name and Registrar

The disputed domain name <geicoemployees.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 June 30, 2023. On July 3, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 4, 2023, 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 (Contact Privacy Inc. Customer 7151571251) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 14, 2023, 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 July 18, 2023, identifying the Respondent named in Section 1 above.

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 July 19, 2023. In accordance with the Rules, paragraph 5, the due date for Response was August 8, 2023. The Respondent did not submit any formal response. Accordingly, the Center notified the Respondent’s default on August 15, 2023.

Following notification of default, the Respondent sent an email to the Center, on August 15, 2023.

The Center appointed Gregory N. Albright as the sole panelist in this matter on August 25, 2023. 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 following information is derived from the amended Complaint and materials submitted by the Complainant.

The Complainant is the owner of the following registrations:

United States Reg. No. 763,274 for the GEICO service mark, in class 102, issued by the United States Patent and Trademark Office (“USPTO”) on January 14, 1964;

United States Reg. No. 2,601,179 for the GEICO service mark, in international class 036, issued by the USPTO on July 30, 2002; and

Registration No. 1178718 for the GEICO service mark, in international class 036, issued by the European Union Intellectual Property Office on September 4, 2013.

The disputed domain name was registered on June 7, 2023. The disputed domain name does not resolve to an active website.

5. Parties’ Contentions

A. Complainant

The Complainant is an internationally well-known 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.

Through extensive use and promotional activities, the mark GEICO has become uniquely associated with the Complainant and its services. The Complainant has over 18 million policies and insures more than 30 million vehicles. The Complainant also has over 43,000 employees, and is one of the fastest-growing auto insurers in the United States.

The Complainant maintains various social media accounts under its famous GEICO mark, including Facebook, Twitter, Instagram, TikTok, YouTube, and LinkedIn, each of which garner tens of thousands, and in some cases millions, of followers.

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. The “www.geico.com” 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 Complainant’s trademark registrations in the mark GEICO satisfy the threshold requirement that the Complainant has trademark rights in the mark GEICO for the purposes of standing to file a UDRP case.

Domain names are identical or confusingly similar to trademarks under the Policy when the relevant trademark is recognizable within the disputed domain name regardless of the addition of other terms

(whether descriptive, geographical, pejorative, meaningless, or otherwise). The disputed domain name incorporates the distinctive GEICO trademark and is therefore identical or confusingly similar to the GEICO trademark regardless of the inclusion of the term “employees.”

Furthermore, the generic Top-Level Domain (“gTLD”) “.com” in the disputed domain name is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test. As a result, the disputed domain name’s gTLD does not add any distinction and avoid confusing similarity. Accordingly, the disputed domain name is identical or confusingly similar to the Complainant’s trademark, GEICO.

The Complainant has not given the Respondent any authorization for the use of its GEICO trademark in any form, nor does the Respondent offer any legitimate GEICO services on the website to which the disputed domain name resolves. Under these circumstances, the Respondent possesses no rights in, and cannot conduct any legitimate business under the disputed domain name nor possibly legitimize its incorporation of GEICO, a highly distinctive and famous trademark, into the disputed domain name.

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 incorporation of the Complainant’s famous, widely-known GEICO trademark into the disputed domain name creates a presumption of bad faith. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“WIPO Jurisprudential Overview 3.0”), section 3.1.4.

GEICO is a famous trademark that is one of the most recognizable insurance brands in the United States and indeed, is known throughout the world. *Government Employees Insurance Company (“GEICO”) v. 尹军 (yinjun)*, WIPO Case No. [D2020-3332](#) (finding the GEICO trademark to be “known throughout the world “ as a result of extensive use and advertising creating “an exclusive connection between the GEICO mark and the Complainant” such that it should be presumed that respondent knew or should have known about Complainant’s GEICO mark or has exercised the sort of willful blindness that would still support a finding of bad faith); *Government Employees Insurance Company v. Joel Rosenzweig, RegC*, WIPO Case No. [D2021-1221](#) (characterizing GEICO as “one of the most recognizable insurance brands in the United States market”); *Government Employees Insurance Company (“GEICO”) v. Jun Yin*, WIPO Case No. [DCO2020-0037](#) (finding the GEICO Mark so well-known that when a “disputed domain name entirely reproduces the distinctive GEICO mark,...[it is] highly unlikely without knowledge of the Complainant or its marks”).

Furthermore, the Respondent’s current passive holding of the disputed domain name to revert to an inactive website does not prevent a finding of bad faith use under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3.

In sum, the 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 the Respondent. As such, it is currently being used in bad faith in violation of the Policy.

B. Respondent

The Respondent did not submit any formal reply to the Complainant’s contentions. As noted above in Section 3, following notification of default the Respondent sent an email to the Center, on August 15, 2023, stating: “What is this? I dont [sic] have any information on this matter. How did I get attached to this?”

6. Discussion and Findings

Paragraph 4(a) of the Policy requires Complainant to prove: (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which Complainant has rights; (ii) 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.

Paragraph 4(b) of the Policy elaborates some circumstances that shall be evidence of the registration and use of the disputed domain name in bad faith. Paragraph 4(c) sets out various circumstances which, if found by the Panel to be proved based on the evaluation of all the evidence presented, shall demonstrate that Respondent has rights or legitimate interests in the disputed domain name.

A. Identical or Confusingly Similar

The Complainant has shown it has long-established rights in the well-known GEICO service mark, for which it owns registrations in the United States, and the European Union.

The disputed domain name incorporates the entirety of the Complainant's mark, and the Complainant's mark is a prominent and instantly recognizable part of the disputed domain name.

The addition of "employees" to the disputed domain name does not, in the Panel's view, prevent confusing similarity between the Complainant's mark and the disputed domain name. See [WIPO Overview 3.0](#), section 1.8. And the gTLD suffix (".com") is properly disregarded for purposes of assessing confusingly similarity. [WIPO Overview 3.0](#), section 1.11.

The Panel therefore finds that the disputed domain name is confusingly similar to the GEICO mark.

The first element of paragraph 4(a) of the Policy is satisfied.

B. Rights or Legitimate Interests

"While the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the often impossible task of 'proving a negative', requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a *prima facie* case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element." [WIPO Overview 3.0](#), section 2.1.

Here, the Complainant has made a *prima facie* case that the Respondent does not have any rights or legitimate interests in respect of the disputed domain name. The Complainant asserts that it has not given the Respondent permission to use the GEICO mark in any manner. Nor is there any evidence that "Geico" is the Respondent's personal name, or that the Respondent is known by, or has acquired any trademark rights in the disputed domain name.

Moreover, the Respondent's August 15, 2023 email to the Center regarding this dispute – the Respondent's sole response to the Complaint – disavowed any knowledge of the dispute domain name, and in effect conceded a lack of any rights or legitimate interests in it.

Further, given the composition of the disputed domain name, combining the Complainant's well-known trademark with the term "employees", there is a risk of implied affiliation to the Complainant, contrary to the fact, which cannot constitute fair use. [WIPO Overview 3.0](#), section 2.5.1.

The second element of paragraph 4(a) of the Policy is satisfied.

C. Registered and Used in Bad Faith

The Panel finds sufficient evidence that the Respondent registered the disputed domain name in bad faith. It may be inferred that the Respondent registered the disputed domain name with knowledge of the Complainant and its GEICO service mark because the Complainant owns numerous registrations of the mark, based on use in commerce since 1948, that pre-date the June 7, 2023 registration of the disputed domain name. Further, GEICO is a distinctive and well-known mark, and it appears the Respondent's adoption of the mark in its entirety, as a prominent part of the disputed domain name, was deliberate.

With respect to the Respondent's "passive holding" of the disputed domain name, "[f]rom the inception of the UDRP, panelists have found that the non-use of a domain name (including a blank or "coming soon" page) would not prevent a finding of bad faith under the doctrine of passive holding." [WIPO Overview 3.0](#). "While 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, (iii) the respondent's concealing its identity or use of false contact details (noted to be in breach of its registration agreement), and (iv) the implausibility of any good faith use to which the domain name may be put."

Here, the Complainant's mark is distinctive and has a well-established reputation. The Respondent did not formally submit a response to the Complaint, other than the August 15, 2023 email which did not offer any evidence of any actual or contemplated good-faith use. The disputed domain name was registered using a privacy service. And, as the Complainant correctly asserts, there is no plausible potential for the Respondent to make a good faith, non-infringing use of the disputed domain name.

The third element of paragraph 4(a) of the Policy is satisfied.

7. Decision

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

/Gregory N. Albright/

Gregory N. Albright

Sole Panelist

Date: September 8, 2023