

ADMINISTRATIVE PANEL DECISION

Government Employees Insurance Company v. elvis chorens,
Aria Enterprise, LLC
Case No. D2023-4579

1. The Parties

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

Respondent is elvis chorens, Aria Enterprise, LLC, United States of America.

2. The Domain Name and Registrar

The disputed domain name <geicowindshieldclaim.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 November 3, 2023. On November 6, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 6, 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 (Registration Private, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to Complainant on November 14, 2023, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amendment to the Complaint on November 15, 2023.

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 November 20, 2023. In accordance with the Rules, paragraph 5, the due date for Response was December 10, 2023. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on December 12, 2023.

The Center appointed Lynda J. Zadra-Symes as the sole panelist in this matter on December 26, 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

Complainant is an internationally well-known insurance provider who has provided 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 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 United States.

Complainant is the owner of the numerous trademark registrations for the mark GEICO for use in connection with insurance products and services, including:

United States Registration No. 0763274, registered January 14, 1964

United States Registration No. 2601179, registered July 30, 2002

European Union Registration No. 1178718, registered September 4, 2013

International Registration No. 1178719, registered September 4, 2013.

Complainant maintains various social media accounts under its GEICO mark, including Facebook, Twitter, Instagram, TikTok, YouTube and LinkedIn.

Complainant operates a website at “www.geico.com” which it uses to promote and sell its insurance services under its GEICO mark.

The disputed domain name was registered on July 17, 2023. The disputed domain name resolves to a website promoting that “The domain may be for sale” and directing visitors to place a phone call for purchase assistance.

After learning about the disputed domain name, counsel for Complainant contacted Respondent to request that Respondent cease use of the GEICO trademark and transfer the disputed domain name to Complainant. Respondent responded by requesting USD 500 from Complainant in exchange for transferring the disputed domain name.

5. Parties' Contentions

A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, Complainant contends that the disputed domain name contains Complainant's GEICO mark in its entirety, that Respondent has no legitimate interest to the disputed domain name and any current or conceivable future use by Respondent of the disputed domain name violates the Policy, that Respondent registered, is using and has used the disputed domain name to intentionally attract internet users and consumers looking for legitimate GEICO services for Respondent's illicit commercial gain.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

In order to succeed in its claim, Complainant 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

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant’s trademark and the disputed domain name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, (“[WIPO Overview 3.0](#)”), section 1.7.

Based on the available record, the Panel finds Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds the entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other term here, “windshield claim” may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

Based on the available record, the Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of circumstances in which Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although 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 difficult 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 (although the burden of proof always remains on the complainant). 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.

Having reviewed the available record, the Panel finds Complainant has established a *prima facie* case that the Respondent lacks rights or legitimate interests in the disputed domain name. Respondent has not rebutted Complainant’s *prima facie* showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise.

There is no evidence that Respondent is using the disputed domain name in connection with a *bona fide* offering of services, that Respondent is commonly known by the disputed domain name or is using it for a legitimate non-commercial or fair use. Complainant has not given Respondent any authorization for the use of its GEICO trademark or services on the website to which the disputed domain name resolves. Respondent has no rights in, and cannot conduct any legitimate business under the disputed domain name.

Based on the available record, the Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

In the present case, the Panel notes that Respondent's incorporation of Complainant's famous, widely-known GEICO trademark into the disputed domain name creates a presumption of bad faith registration and use. [WIPO Overview 3.0](#), section 3.1.4. In addition, the record indicates that Respondent registered the disputed domain name for the purpose of selling the disputed domain name to Complainant at a profit.

Based on the available record, the Panel finds that the Complainant has established the third element 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 disputed domain name <geicowindshieldclaim.com> be transferred to Complainant.

/Lynda J. Zadra-Symes/

Lynda J. Zadra-Symes

Sole Panelist

Date: January 5, 2024