

ADMINISTRATIVE PANEL DECISION

Government Employees Insurance Company v. Carolina Rodrigues,
Fundacion Comercio Electronico
Case No. D2024-0802

1. The Parties

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

The Respondent is Carolina Rodrigues, Fundacion Comercio Electronico, Panama.

2. The Domain Name and Registrar

The disputed domain name <geicoidprotectiononline.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 February 22, 2024. On February 22, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 22, 2024, 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 the Complainant on February 23, 2024 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 February 28, 2024.

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 the Respondent of the Complaint, and the proceedings commenced on February 29, 2024. In accordance with the Rules, paragraph 5, the due date for Response was March 20, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on March 21, 2024.

The Center appointed Hong Yang as the sole panelist in this matter on March 26, 2024. 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 Complainant is an insurance provider who has provided insurance services throughout the United States, under the mark GEICO with use in commerce since 1948. Through extensive use and promotional activities, including the Complainant's own commercial website "www.geico.com" and various social media accounts with high amount of followers under the sign of GEICO, this mark has become uniquely associated with the Complainant's services and has gained high reputation at least in the United States.

The Complainant is proprietor of a number of registered trademarks for the word mark "GEICO" in various jurisdictions, including U.S. Trademark registration No. 763274 registered on January 14, 1964, U.S. Trademark registration No. 2601179 registered on July 30, 2002, as well as an international registration No. 1178718 registered on September 4, 2013.

The disputed domain name was registered on January 3, 2024, and the Whois information indicates that the Respondent is a resident of Panama. The un rebutted evidence provided by the Complainant shows that, at the time of filing of this Complaint, the disputed domain name resolved to a website comprising parked pages that displays apparent pay-per-click ("PPC") links, which redirected to sponsored links and advertisements using terms relevant to the Complainant's business, including the term "insurance". The sponsored links redirected Internet users to third-party websites, including those appearing to be operated by the Complainant's competitors. The Complainant has never authorized in any form the Respondent's use of the "GEICO" trademark in any manner.

The Panel also notes that the Respondent provided inaccurate or incomplete Whois contact details and employed a privacy protection service. In particular, the Respondent was identified as a respondent in around or even much more than 100 previous UDRP proceedings in respect of third-party trademarks and was found with bad faith registrations. See *Tommy Bahama Group, Inc. v. Registration Private, Domains By Proxy, LLC / Carolina Rodrigues, Fundacion Comercio Electronico*, WIPO Case No. [D2020-0501](#), *Teva Pharmaceutical Industries Limited v. Registration Private, Domains By Proxy LLC / Carolina Rodrigues, Fundacion Comercio Electronico*, WIPO Case No. [D2020-0071](#).

On the date of this decision, the disputed domain name resolves to an inactive webpage.

5. Parties' Contentions

A. Complainant

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

B. Respondent

The Respondent did not reply to the Complainant's contentions.

6. Discussion and Findings

For the Complainant to succeed with respect to the disputed domain name, it must prove that:

- (i) The disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- (ii) The 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 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.

Having reviewed the available record, the Panel finds that:

The 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 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 terms (id protection online) may bear on assessment of the second and third elements, the Panel finds the addition of such generic/descriptive terms 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 the 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 the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the 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.

The Panel notes that the composition of the disputed domain name itself carries a risk of implied affiliation, with the unrebutted fact that the Respondent was not licensed or otherwise authorized by the Complainant. The evidence provided by the Complainant shows that, at the time of filing the Complaint, the disputed

domain name resolved to a parked page comprising PPC links, which redirected to advertisements relevant to the Complainant's typical fields of business, as well as further sponsored links redirecting Internet users to third-party websites including those of competitors of the Complainant. Panels have found that the use of a domain name to host a parked page comprising PPC links does not represent a bona fide offering where such links compete with or capitalize on the reputation and goodwill of the complainant's mark or otherwise mislead Internet users. [WIPO Overview 3.0](#), section 2.9.

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 the Respondent intentionally attempted to attract, for commercial gain, Internet users to its website, by creating a likelihood of confusion. The Respondent used without any license or authorization the Complainant's trademark in its entirety in the disputed domain name, adding purely descriptive terms. The Complainant's trademark GEICO is well-known and the Complainant's registration and use of its mark much predate the Respondent's registration of the disputed domain name, so the Respondent must have been aware of the Complainant's mark at the time of registering the disputed domain name. Panels have consistently found that the mere registration of a domain name that is identical or confusingly similar (particularly domain names incorporating the mark plus a descriptive term) to a famous trademark by an unaffiliated entity can by itself create a presumption of bad faith. [WIPO Overview 3.0](#), section 3.1.4

The available record shows that, PPC links on the Respondent's website under the disputed domain name relate to the Complainant's major field of business (i.e., insurance) and redirect Internet users to advertisements about other insurance service providers appearing to be direct competitors of the Complainant, as well as their website links. The panel is convinced that the Respondent targets the Complainant to attract Internet users to its website by creating a likelihood of confusion, and intends to gain unlawful revenues from the PPC links, taking unfair profits from the Complainant's famous GEICO mark. The disputed domain name was thus registered and used in bad faith, according to paragraph 4(b)(iv) of the Policy.

Furthermore, evidence provided by the Complainant shows that the Respondent seemed to have engaged in a pattern of trademark-abusive registrations of domain names, as Carolina Rodrigues, Fundacion Comercio Electronico has been identified as a respondent in a large number of previous UDRP proceedings, being held with bad faith under paragraph 4(b)(ii) of the Policy in her registration for various other trademarks. Besides, the Respondent had not participated in the present proceeding. Employing a privacy protection service for identity, the Respondent provided inaccurate or incomplete Whois contact details. These facts further corroborate the finding of bad faith in the present case.

On the date of this decision, the disputed domain name resolves to an inactive website. Having reviewed the available record, the Panel notes the high distinctiveness and reputation of the Complainant's trademark, and the composition of the disputed domain name, and finds that in the circumstances of this case the passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy.

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 <geicoidprotectiononline.com> be transferred to the Complainant.

/Hong Yang/

Hong Yang

Sole Panelist

Date: April 9, 2024