

ADMINISTRATIVE PANEL DECISION

Government Employees Insurance Company v. Domain Administrator Case No. D2023-2770

1. The Parties

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

The Respondent is Domain Administrator, Nigeria.

2. The Domain Name and Registrar

The disputed domain name <geicoreimbursement.com> is registered with 1API GmbH (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 29, 2023. On June 29, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 30, 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 (REDACTED FOR PRIVACY) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 8, 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 amended Complaint on July 14, 2023.

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 July 17, 2023. In accordance with the Rules, paragraph 5, the due date for Response was August 6, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on August 7, 2023.

The Center appointed Ganna Prokhorova as the sole panelist in this matter on September 1, 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 Complainant is an insurance company who has provided its insurance services since 1936. The Complainant offers numerous types of insurance services including automobile, motorcycle, homeowners, rental, condominium, flood, mobile home, personal umbrella, and overseas insurance. The Complainant has been trading under the trademark GEICO for nearly 80 years and is the owner of numerous trademarks embodying or comprising the word “GEICO”, such as:

- United States Trademark Registration No. 0763274 for the mark GEICO registered on January 14, 1964, in respect of services in International Class 35 and 36;
- United States Trademark Registration No. 2601179 for the mark GEICO registered on July 30, 2002, in respect of services in International Class 36;
- International Trademark Registration No. 1178718 for the mark GEICO registered on September 4, 2013, in respect of services under International Class 36.

The Complainant operates a website at “www.geico.com” which 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 disputed domain name was registered on June 12, 2023, and at the moment of filing the Complaint, resolved to a parking page which consisted of pay-per-click (“PPC”) links.

5. Parties’ Contentions

A. Complainant

The Complainant asserts that each of the elements enumerated in paragraph 4(a) of the Policy and the corresponding provisions in the Rules have been satisfied. In particular, the Complainant asserts that:

- (1) the disputed domain name incorporates the distinctive GEICO trademark, in which the Complainant has rights, and is therefore confusingly similar to the GEICO trademark regardless of the inclusion of the term “reimbursement”. The applicable generic Top-Level Domain (“gTLD”) in a domain name is viewed as a standard registration requirement and as such is disregarded for the purpose of determining whether a domain name is identical or confusingly similar to a trademark;
- (2) the Respondent does not have any rights or legitimate interests in the disputed domain name because there is no evidence that the Respondent’s use of, or demonstrable preparations to use, the disputed domain name relates to a *bona fide* offering of goods or services. The Respondent is not commonly known by the disputed domain name. The Respondent does not make a legitimate noncommercial or fair use of the disputed domain name. The Complainant has not authorized the use of its GEICO trademark in any form to the Respondent, nor does the Respondent offer any legitimate GEICO services on the website to which the disputed domain name resolves. A parked page that comprises 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 trademark or otherwise mislead Internet users;

- (3) the Respondent both registered and is using the disputed domain name in bad faith. The Respondent's apparent use of the disputed domain name to generate undeserved PPC fees and unfairly profit from the Complainant's distinct trademark strongly suggests that the Respondent's intent in using the disputed domain name was to generate a profit. The Registrant's multi-layered obfuscation of its identity by providing obviously false or incomplete registrant information, even behind a privacy proxy.

B. Respondent

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

6. Discussion and Findings

To succeed, the Complainant must demonstrate that all the elements listed in paragraph 4(a) of the Policy have been satisfied, as following:

- (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.

The Panel will further analyze the potential concurrence of the above circumstances.

Moreover, the Panel has taken note of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)") and, where appropriate, will decide consistent with the consensus views captured therein.

A. Identical or Confusingly Similar

According to paragraph 4(a)(i) of the Policy it should be established that the disputed domain name is identical or confusingly similar to a mark in which the Complainant has rights.

The Panel confirms that for the purposes of paragraph 4(a)(i) of the Policy the Complainant has satisfied the threshold requirement of having relevant trademark rights for GEICO in jurisdictions throughout the world.

The disputed domain name incorporates the GEICO mark in full and the term "reimbursement". It is well accepted by UDRP panels that a gTLD, such as ".com", is typically ignored when assessing whether a domain name is identical or confusingly similar to a trademark. See section 1.11.1 of the [WIPO Overview 3.0](#). Therefore, the Panel is of the view that the disputed domain name is confusingly similar to the Complainant's mark.

For all of the above-mentioned reasons, the Panel concludes that the requirement of paragraph 4(a)(i) of the Policy is satisfied.

B. Rights or Legitimate Interests

Under paragraph 4(a)(ii) of the Policy, the Complainant has the burden of establishing that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

On the basis of the evidence and arguments submitted, the Panel finds that the Complainant makes out a *prima facie* case that the Respondent is not a *bona fide* provider of goods or services under the disputed domain name and is not making legitimate noncommercial or fair use of the disputed domain name.

The Panel also notes that the Respondent is not commonly known by the disputed domain name, whereas the Complainant has prior rights in the trademarks, which precede the Respondent's registration of the disputed domain name.

Furthermore, a parked page that comprises 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 trademark or otherwise mislead Internet users (see [WIPO Overview 3.0](#), section 2.9).

As such, the Panel finds that the burden of production regarding this element shifts to the Respondent (see [WIPO Overview 3.0](#), section 2.1).

The Respondent has not replied to the Complainant's contentions, claiming any rights or legitimate interests in the disputed domain name. With the evidence on file, the Panel finds that the requirement of paragraph 4(a)(ii) of the Policy is satisfied.

C. Registered and Used in Bad Faith

According to paragraph 4(a)(iii) of the Policy, the Complainant must prove on the balance of probabilities both that the disputed domain name was registered in bad faith and that it is being used in bad faith.

As it stands from the case file, and also found by other panels, the GEICO trademark is known throughout the world as a result of extensive use and advertising creating an exclusive connection between the GEICO mark and the Complainant. See *Government Employees Insurance Company v. Joel Rosenzweig, RegC*, WIPO Case No. [D2021-1221](#). Thus, it is the view of the Panel that the Respondent knew or should have known about the Complainant and its trademark when it registered the disputed domain name.

As regards bad faith use, the Panel finds that at the moment of submitting the Complaint the disputed domain name resolved to a website containing PPC links to third-party sites. The Panel is of the view that the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of that website. In accordance with paragraph 4(b)(iv) of the Policy, this shall be evidence of both the registration and use in bad faith of the disputed domain name for the purposes as set out in paragraph 4(a)(iii) of the Policy.

The Respondent has not participated in these proceedings and has failed to rebut the Complainant's contentions and to provide any evidence of actual or contemplated good-faith use and indeed none would seem plausible.

In light of the above, the Panel finds that the Respondent has registered and used the disputed domain name in bad faith and that the Complainant has established its case under paragraph 4(a)(iii) 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 <geicoreimbursement.com> be transferred to the Complainant.

/Ganna Prokhorova/

Ganna Prokhorova

Sole Panelist

Date: September 12, 2023