

## **ADMINISTRATIVE PANEL DECISION**

elasticsearch B.V. v. King Gray

Case No. D2025-2993

### **1. The Parties**

The Complainant is.elasticsearch B.V., Netherlands (Kingdom of the), represented by Quinn IP Law, United States of America ("United States").

The Respondent is King Gray, United States.

### **2. The Domain Name and Registrar**

The disputed domain name <elasticso.com> is registered with Dynadot Inc (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on July 26, 2025. On July 28, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 29, 2025, 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, Super Privacy Service Ltd c/o Dynadot) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 30, 2025, 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 August 2, 2025.

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 August 6, 2025. In accordance with the Rules, paragraph 5, the due date for Response was August 26, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on August 27, 2025.

The Center appointed Alvaro Loureiro Oliveira as the sole panelist in this matter on September 3, 2025. 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 a company incorporated in the Netherlands (Kingdom of the). The Complainant is in the business of creating search-powered solutions in relation to enterprise search, artificial intelligence, observability, and security for the purpose of helping enhance consumer and employee search experiences, and to keep mission-critical applications running smoothly, and protect against cyber threats.

The Complainant's Elasticsearch platform has been downloaded more than 4 billion times. The Complainant has also directly licensed its search solutions under its ELASTIC and ELASTICSEARCH trademarks to around 20,000 commercial enterprise and government customers in approximately 175 countries.

The Complainant owns numerous registrations for trademarks ELASTICSEARCH and ELASTIC in numerous jurisdictions worldwide. It currently owns over 155 applications and registrations worldwide for ELASTICSEARCH and ELASTIC, such as the following:

- the United Kingdom trademark registration number UK00801315717 for ELASTIC (word with device), registered on March 29, 2017, covering goods and services in International Classes 9 and 42;
- the United Kingdom trademark registration number UK00801114893 for ELASTICSEARCH (word), registered on March 26, 2013, covering goods and services in International Classes 9 and 42; and
- United States trademark registration number 6263801 for ELASTIC (word), registered on February 9, 2021, covering goods and services in International Classes 9 and 42.

The Complainant owns over 140 domain names that begin with or contain the trademarks ELASTICSEARCH or ELASTIC. The Complainant's main website is operated at the domain name <elastic.co>.

The disputed domain name was registered on July 23, 2025 and resolved to a website that copied the Complainant's own website and featured images and descriptions of the Complainant's products and incorporated the Complainant's ELASTICSEARCH and ELASTIC trademarks and logos, as evidenced in the Complaint.

#### **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.

Notably, the Complainant states that the disputed domain name is confusingly similar to the trademark ELASTIC – in fact, the disputed domain name includes the trademark in its entirety.

The Respondent has no rights nor legitimate interests in the disputed domain name, as the Respondent has not acquired any trademark rights with respect to the disputed domain name. As evidenced by the documents presented, the registration and use of the trademarks ELASTICSEARCH and ELASTIC predate the registration of the disputed domain name by more than a decade.

Moreover, the Respondent is not commonly known by the disputed domain name. The Respondent has also not secured a license nor any other authorization from the Complainant to use the trademark. Lastly, the disputed domain name resolves to a page that copies the Complainant's copyright protected website content that incorporates the ELASTIC and ELASTICSEARCH trademarks. The Respondent's purposeful registration and use of the disputed domain name and misappropriating the Complainant's famous, well-known, and distinctive ELASTIC trademark is clear evidence that the Respondent lacked legitimate interests in registering the disputed domain name.

In sum, the Complainant alleges that it is clear that the Respondent has no rights or legitimate interests in the disputed domain name, and that the disputed domain name was registered and is being used in bad faith.

## **B. Respondent**

The Respondent did not reply to the Complainant's contentions

## **6. Discussion and Findings**

The Policy, in its paragraph 4(a), determines that three elements must be present and duly proven by the Complainant to obtain relief. These elements are:

- i. the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- ii. the Respondent has no rights or legitimate interests in respect to 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.

The disputed domain name is confusingly similar to the ELASTIC trademark, as the latter is entirely incorporated in the disputed domain name.

The Complainant has presented evidence of ownership of the trademark ELASTIC in jurisdictions throughout the world. The addition of the term "so" in the disputed domain name does not prevent a finding of confusing similarity between the disputed domain name and the Complainant's ELASTIC trademark.

The trademark is clearly recognizable in the disputed domain name. See section 1.7 of the [WIPO Overview 3.0](#).

Lastly, the Panel notes that, in accordance with section 1.11.1 of the [WIPO Overview 3.0](#), the generic Top-Level Domain ("gTLD"), in this case ".com", is typically disregarded under the first element.

Given the above, the Panel concludes that the disputed domain name is confusingly similar to the registered trademark of the Complainant.

## **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.

Given the clear evidence that the trademark ELASTIC is registered in the name of the Complainant and is widely known in its industry as identifying the Complainant's activities, that the Complainant has not licensed it to the Respondent, and evidence that the Respondent is using the disputed domain name in connection with a web page that mimics the Complainant's official site including by reproducing the trademark and other visual elements from the Complainant's official web page, the Panel finds that the Complainant has established *prima facie* case that the Respondent has no rights or legitimate interests in the disputed domain name.

In the absence of a Response, the Respondent has not rebutted such *prima facie* case.

The Panel, thus, finds that 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 finds that the Respondent has undoubtedly registered the disputed domain name with the purpose of taking unfair advantage of the Complainant's mark.

The addition in the disputed domain name of the letters “so” which, as the Complainant points out, can refer to “system operator”, a term frequently used in the Complainant's industry, coupled with the use of the disputed domain name to impersonate the Complainant, points towards the Respondent's intent to give the impression that the disputed domain name is associated with the Complainant. In the absence of any reasonable explanation for the selection of the disputed domain name by the Respondent, and in the circumstances of this case, the Panel finds that it is more likely than not that the disputed domain name has been registered to take unfair advantage due to its value as a trademark owned by the Complainant.

The fact that the disputed domain name resolves to a website copying the Complainant's website content, including the Complainant's ELASTIC trademark to fraudulently misrepresent itself as the Complainant, clearly establishes that the Respondent engages in bad faith conduct. There is thus little doubt that the Respondent's main goal is to profit from the likelihood confusion created among Internet users.

Hence, the Panel finds that the Respondent registered and is using the disputed domain name in order to take advantage of the Complainant's reputation and to give credibility to their operations.

In the totality of the circumstances, the Panel finds the Respondent has registered and is using the disputed domain name in bad faith.

## 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 <elasticso.com> be transferred to the Complainant.

*/Alvaro Loureiro Oliveira/*  
**Alvaro Loureiro Oliveira**  
Sole Panelist  
Date: September 17, 2025