

## **ADMINISTRATIVE PANEL DECISION**

elasticsearch B.V. v. Dan Schoonmaker  
Case No. D2025-2397

### **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 Dan Schoonmaker, United States.

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

The disputed domain name <introelasticsearch.com> is registered with NameCheap, Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 18, 2025. On June 18, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 18, 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 (private registration/Redacted for Privacy, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on June 30, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint.

On July 6, 2025, the Complainant sent an email to the Center requesting a suspension for exploring settlement options with the Respondent. The Center confirmed that the proceeding was suspended to August 6, 2025. On August 8, 2025, the Complainant requested for an extension of the suspension period. Accordingly, the Center confirmed on the same day that the suspension was extended to September 7, 2025. On September 24, 2025, the Complainant filed an amended Complaint, and the Center informed the Parties of the reinstitution of the proceeding.

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 September 25, 2025. In accordance with the Rules, paragraph 5, the due date for Response was October 15, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on October 20, 2025.

The Center appointed Fabrice Bircker as the sole panelist in this matter on October 23, 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). It provides an online platform notably for search-powered solutions, observability and cybersecurity.

According to uncontested elements in the case file, the Complainant's platform has been downloaded more than 4.5 billion times. Besides, the Complainant has also directly licensed its search solutions under its ELASTIC and ELASTICSEARCH trademarks to around 20,000 commercial enterprises and government customers in approximately 175 countries.

In this respect, the Complainant owns, among many others, the following trademark registration:

- ELASTICSEARCH, International Trademark Registration No. 1114893, registered on January 30, 2012, notably designating Australia, the European Union, Japan, the Russian Federation, the United States, and protecting products and services of classes 9 and 42.

The Complainant's online presence is notably ensured through the <elasticsearch.com> and <elastic.co> domain names that were respectively registered on September 22, 2009 and on July 20, 2010, and that resolve to its official website.

The disputed domain name, <introelasticsearch.com>, was registered on July 11, 2022.

It redirects to another domain name and displays a "coming soon" page.

Very little is known about the Respondent, except that based on the information disclosed by the Registrar, the Respondent is apparently located in the United States.

#### **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 contends that the disputed domain name is confusingly similar to its ELASTICSEARCH trademark, because the latter is recognizable within it.

Then, the Complainant claims that the Respondent has no rights or legitimate interests in respect of the disputed domain name, in particular because:

- the Respondent cannot demonstrate that it is using the disputed domain name or a name corresponding to the disputed domain name in connection with a bona fide offering of goods or service;

- the Respondent is not known by the disputed domain name; and
- the Respondent is not affiliated with or licensed by the Complainant.

Finally, the Complainant contends that the disputed domain name has been registered and is being used in bad faith, notably because:

- the disputed domain name incorporates the Complainant's famous and well-known ELASTICSEARCH trademark in its entirety, creating an intrinsic likelihood of confusion and affiliation;
- at the time of registration of the disputed domain name, the Complainant has been using its trademark for over 10 years;
- the Respondent could not have innocently registered a domain name fully incorporating the ELASTICSEARCH trademark or being ignorant of the Complainant's rights in said trademark. "Rather, [the] Respondent proves it had actual notice of [the] Complainant's legitimate rights in the ELASTIC and ELASTICSEARCH trademarks given the Respondent's recent registration of the introelasticsearch.com disputed domain name on February 19, 2025" (sic);
- "[the] Respondent's registration of the introelasticsearch.com disputed domain name is consistent with establishing a parked domain for potential 'phishing' or 'pharming' site." "The disputed domain name may be misused by [the] Respondent to represent an association or affiliation with [the] Complainant to deceive individuals into willingly providing sensitive information through fraudulent emails, websites, or messages and attempts. Further, the disputed domain name may be used to actively communicate with the general public, purporting to represent [the] Complainant through the disputed domain name with [the] Complainant's famous and well-known ELASTICSEARCH trademark"; and
- the Respondent's use of the disputed domain name does not prevent a finding of bad faith under the doctrine of passive holding.

## **B. Respondent**

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

## **6. Discussion and Findings**

### **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 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 ELASTICSEARCH 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.

Indeed, although the addition of other term (here, "intro") 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 because the ELASTICSEARCH trademark remains recognizable within the disputed domain name. [WIPO Overview 3.0](#), section 1.8. Regarding the “.com” generic Top-Level Domain (“gTLD”) in the disputed domain name, it is well established that a gTLD is generally disregarded in the assessment of a domain name for the purpose of determining identity or confusingly similarity. [WIPO Overview 3.0](#), section 1.11.1.

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.

In the present case, the Complainant has not given its consent to the Respondent to use its ELASTICSEARCH trademark in a domain name registration or in any other manner. Besides, there is nothing in the record of the case likely to indicate that the Respondent may be commonly known by the disputed domain name. Furthermore, the disputed domain name is not being used (it redirects to a “coming soon” page) and nothing in the case file suggests that the Respondent has made preparations to use the disputed domain name for legitimate purposes.

The Panel finds the second element of the Policy has been established.

## **C. Registered and Used in Bad Faith**

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent’s registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

The Panel notes that:

- the disputed domain name is confusingly similar with the Complainant’s ELASTICSEARCH trademark;
- the Complainant’s trademark is intrinsically distinctive;
- previous panels have already considered the ELASTICSEARCH trademark known on the market (e.g. *elasticsearch B.V. v. Jason Harrington*, WIPO Case No. [D2023-4038](#), *elasticsearch B.V. v. Michael Nava*, WIPO Case No. [D2024-4001](#), and *elasticsearch B.V. v. Alice Korhonen*, WIPO Case No. [D2025-2395](#));

- the registration and use of this trademark predates the registration of the disputed domain name by at least 10 years; and
- the Respondent has not put forward any argument intended to establish its good faith.

In view of these elements, the Panel finds on the balance of probabilities that the Respondent registered the disputed domain name having the Complainant's trademark in mind, that is to say registration in bad faith.

Regarding the use in bad faith, the Complainant contends that the Respondent is using the disputed domain name in bad faith under the doctrine of passive holding. The Panel notes from the case record that the disputed domain name is not being actively used because it redirects to a "coming soon" page. Panels 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](#), section 3.3.

Having reviewed the available record, the Panel notes:

- the distinctiveness and reputation of the Complainant's trademark;
- the confusing similarity of the disputed domain name with the Complainant's prior rights;
- the clear absence of rights or legitimate interests of the Respondent;
- the composition of the disputed domain name which incorporates the Complainant's trademark with the additional term "intro" (a common abbreviation of "introduction") may mislead Internet users into believing that the disputed domain name may be connected to the Complainant; and
- the failure of the Respondent to submit a response.

The Panel 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.

Moreover, the Panel notes that the Complainant also claims that the disputed domain name may be used for a "phishing" or "pharming" site. The disputed domain name may also be misused by the Respondent to represent an association or affiliation with the Complainant to deceive individuals into willingly providing sensitive information through fraudulent emails, websites, or messages and attempts. Further, the disputed domain name may be used to actively communicate with the general public, purporting to represent the Complainant through the disputed domain name with the Complainant's famous and well-known ELASTICSEARCH trademark. However, the Panel finds there is no evidence on record to support the Complainant's above assertions and declines to make any findings on these matters.

In light of the above, the Panel finds that the disputed domain name was registered and is being used in bad faith. Accordingly, the third element of the Policy has been established.

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

*/Fabrice Bircker/*

**Fabrice Bircker**

Sole Panelist

Date: November 5, 2025