

ADMINISTRATIVE PANEL DECISION

elasticsearch B.V. v. Gerald Brown
Case No. D2025-2398

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 Gerald Brown, United States.

2. The Domain Name and Registrar

The disputed domain name <embassy-elastic-search.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 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 (Registration Private, Domains By Proxy, LLC) 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. The Center confirmed that the proceeding was suspended to August 6, 2025. On August 8, 2025, the Complainant requested an extension of the suspension. Accordingly, the Center confirmed 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 Response was filed with the Center on October 1, 2025, and the Respondent sent an email communication to the Center on October 6, 2025. On October 8, 2025, the Center sent an email regarding the possible settlement between the Parties, and the Respondent sent an email communication on October 8, 2025. Accordingly, the Center informed the Parties of commencement of the panel appointment process.

The Center appointed Adam Taylor as the sole panelist in this matter on October 24, 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 has supplied search, AI and security technology products under the mark ELASTICSEARCH since around 2012. The Complainant has licensed its search solutions to around 20,000 customers worldwide and, as of April 2025, the Complainant's products have been downloaded more than 4.5 billion times.

The Complainant owns a number of registered trade marks for ELASTICSEARCH including United States trade mark No. 4212205, registered on September 25, 2012, in classes 9 and 42.

The Complainant operates a website at "www.elastic.co".

The disputed domain name was registered on January 7, 2025.

The Respondent is the Chief Executive Officer of a group of advertising agencies called "MadAveGroup".

There is no evidence or indication that the Respondent has used the disputed domain name for an active website.

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 asserts that:

- the disputed domain name was never public-facing and was only used in the backend operation of a website;
- it included the terms "elastic search" in the disputed domain name simply because this was descriptive of its service; and
- the Respondent has already switched to a different back-end name and relinquished the disputed domain name.

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 trade mark 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 trade mark 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 (here, "embassy") 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.

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 recognised 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.

As to paragraph 4(c)(i) of the Policy, there is no evidence that the disputed domain name is being, or ever has been, used for an active website, let alone for a bona fide offering of goods or services. Indeed, the Respondent states that the disputed domain name has never been used for a public-facing website.

Nor is there any evidence that paragraphs 4(c)(ii) or (iii) of the Policy are relevant in the circumstances of this case.

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.

Panels have found that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3.

Having reviewed the record, the Panel considers that the following circumstances are indicative of passive holding in bad faith.

First, the Complainant has established that its mark is distinctive and well-known.

Second, the Respondent has not seriously contested the Complainant's case. The Response does not deny that the Respondent was aware of the Complainant's mark when it registered the disputed domain name; nor does the Respondent provide any explanation or supporting evidence in support of its assertion that it acquired the disputed domain name for back-end use "because it was descriptive of [the] service we're using". Furthermore, the Respondent claims that it has relinquished the disputed domain name.

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 <embassy-elastic-search.com> be transferred to the Complainant.

/Adam Taylor/

Adam Taylor

Sole Panelist

Date: November 7, 2025