

ADMINISTRATIVE PANEL DECISION

elasticsearch B.V. v. MOHAMMAD ATIKUR RAHMAN BHUYAN
Case No. D2025-2401

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 MOHAMMAD ATIKUR RAHMAN BHUYAN, United States.

2. The Domain Name and Registrar

The disputed domain name <elasticcloudops.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 (Namecheap, Inc.) and contact information in the Complaint. The Center sent an email communication to the Complainant on June 19, 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 June 25, 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 June 25, 2025. In accordance with the Rules, paragraph 5, the due date for Response was July 15, 2025. The Response was filed with the Center on July 15, 2025.

The Center appointed John Swinson as the sole panelist in this matter on July 17, 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 Kingdom of the Netherlands and 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 registered trademarks for 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; and
- United States trademark registration number 6263801 for ELASTIC (word), filed on August 2, 2019, registered on February 9, 2021, covering goods and services in International Classes 9 and 42.

The Complainant contends that it has unregistered trademark rights in ELASTIC CLOUD.

The Complainant has a webpage located at "www.elastic.co/cloud" that describes its ELASTIC CLOUD product as follows: "Benefits of Elastic Cloud. Choose a single cloud or multi-cloud to bring everything together within a single view to search and visualize your data when you need it."

The disputed domain name was registered on February 8, 2025.

The Respondent is the owner a business titled ElasticCloudOps.com. According to the Registrar's records, the Respondent has an address in New York, United States. The Respondent's business is a small business focused on providing localized IT support and cloud infrastructure management consulting services to small and medium-sized organizations operating within the United States.

The website at the disputed domain name is titled "ElasticCloudOps" and describes the business as follows: "At ElasticCloudOps, we specialize in crafting innovative cloud and database solutions that empower businesses to scale effortlessly, optimize operations, and stay ahead in a rapidly evolving digital landscape." The services provided by the Respondent include database, cloud consulting, cloud cost optimization, and security & compliance. The website at the disputed domain name provides an address in New York State which is the same address that the Respondent used for his Response.

Strangely, the website at the disputed domain name includes the following statement when describing the Respondent's services: "Modernize, optimize, and transform your data estate to extract more value from your data investments. Pythian's experienced database consultants become an extension of your team, specializing in over 45 different database, cloud, and data warehouse technologies." Pythian is an American and Canadian multinational corporation that provides data and cloud-related services.

The website at the disputed domain name has social media links that do not link to social media accounts of the Respondent.

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.

In summary, the Complainant made the following submissions:

The Complainant's ELASTIC and ELASTICSEARCH trademarks are famous, well-known brands.

The disputed domain name includes the Complainant's ELASTIC trademark in its entirety. The terms "cloud" and "ops" directly relate to the Complainant's ELASTIC CLOUD trademark.

The Respondent's willful blindness to the Complainant's trademark rights is not a means for escaping a finding under the Policy.

The Respondent's use of the disputed domain name does not constitute legitimate interests in the disputed domain name.

The Respondent knew, or should have known, at the time of registration of the disputed domain name, of the Complainant's well-known status as a global innovator, the Complainant's rights in the ELASTIC and ELASTICSEARCH trademarks and the Complainant's frequent use of the ELASTIC and ELASTICSEARCH trademarks with the Complainant's goods and services.

Given the distinctiveness of the Complainant's ELASTIC and ELASTICSEARCH trademarks, the Respondent registered the disputed domain name in bad faith to prevent the Complainant from registering the disputed domain name and/or fraudulently attempting to profit from the Complainant's intellectual property rights in its famous, distinctive, and well-known ELASTIC and ELASTICSEARCH trademarks.

B. Respondent

The Respondent filed a Response, which did not expressly discuss the elements of the Policy.

In summary, the Respondent made the following submissions:

There is no overlap between the products, target market, customer base or business operations of the Complainant and the Respondent. The Complainant caters to the global enterprises software market, whereas the disputed domain name is intended solely for use within the United States and the Respondent focuses on local businesses.

The disputed domain name was selected for its descriptive meaning.

There is no visual similarity between the Complainant's website and the website at the disputed domain name.

The disputed domain name has not been monetized in a way that could be deemed misleading or exploitative.

The Registrar should have notified the Respondent of any trademark restrictions at the time of registration. The Registrar continues to offer domain names for registration that include the term "elasticcloudops".

6. Discussion and Findings

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

(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 of the disputed domain name; and
- (iii) the disputed domain name has been registered and is being used in bad faith.

The onus of proving these elements is on the Complainant.

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. That trademark is ELASTIC.

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, "cloud" and "ops") may bear on assessment of the second and third elements, the Panel finds the addition of such 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.

The Panel's decision is consistent with the decision in *elasticsearch B.V. v. Michael Nava*, WIPO Case No. [D2024-4001](#), a case cited by the Complainant but not addressed by the Respondent.

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 claims that he uses the disputed domain name for a small business focused on providing localized IT support and cloud infrastructure management consulting services to small and medium-sized organizations operating within the United States. However, apart from the website at the disputed domain name, the Respondent provides no evidence or details of such business. There is no evidence before the Panel of the customers of the business, no evidence or details of advertising or marketing showing use of "elasticcloudops" or similar, no evidence or details of the employees of the business, no evidence of the sales or revenue of the business, and no evidence of the reputation of the business. There are no details of any plans for the business. The Response was provided on letterhead, and this was letterhead for the

Respondent and not the business. The term “elasticcloudops” was not used on this letterhead. The email used by the Respondent was a Gmail email, and not an email at the disputed domain name. Moreover, no commercial locations are apparent in the record for the Respondent, the only addresses provided in the registration details or Response are two residential addresses located in New York State.

The website at the disputed domain name is designed to give the impression that the Respondent’s business has at least several consultants and significant customers. No details were provided of such consultants and customers.

The Policy includes circumstances where the Respondent can demonstrate rights and legitimate interests for the purposes of the Policy. See paragraph 4(c) of the Policy. These include:

- (i) before any notice to you of the dispute, your use of, or demonstrable preparations to use, the domain name or a name corresponding to the domain name in connection with a bona fide offering of goods or services; or
- (ii) you (as an individual, business, or other organization) have been commonly known by the domain name, even if you have acquired no trademark or service mark rights.

There was no evidence presented by the Respondent in respect of such circumstances. An asserting party needs to establish that it is, more likely than not, that the claimed fact is true. An asserting party cannot meet its burden by simply making conclusory statements unsupported by evidence. To allow a party to merely make factual claims without any supporting evidence would essentially eviscerate the requirements of the Policy as both complainants or respondents could simply claim anything without any proof. For this reason, UDRP panels have generally dismissed factual allegations that are not supported by any bona fide documentary or other credible evidence. *Captain Fin Co. LLC v. Private Registration, NameBrightPrivacy.com / Adam Grunweg*, WIPO Case No. [D2021-3279](#).

Accordingly, 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 finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

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.

Generally speaking, a finding that a domain name has been registered and is being used in bad faith requires an inference to be drawn that the respondent in question has registered and is using the domain name to take advantage of its significance as a trademark (usually) owned by the complainant.

The disputed domain name includes “elasticcloud” which is similar to the name of the Complainant’s “elastic cloud” product, and starts with “elastic” which is the Complainant’s well-known brand. The Respondent notes that “elastic”, “cloud”, and “ops” are common computer industry terms, which is true. The term “elastic cloud storage” is explained in Wikipedia at “https://en.wikipedia.org/wiki/Elastic_cloud_storage”. However, the term “elastic cloud” is also a well-known service offering of the Complainant.

The Respondent does not assert that he was unaware of the Complainant or its ELASTIC brand when he registered the disputed domain name. The Respondent states that he was not aware of “any potential trademark conflict” and that he did not receive any warning from his domain name registrar when registering the disputed domain name. This expresses the Respondent’s view of the Complainant’s trademark rights,

and not that he was unaware of the Complainant. Moreover, it is not the role of the Registrar to warn registrants of potential trademark conflicts.

The Respondent provided no rationale as to why he selected the combination of terms “elastic”, “cloud”, and “ops” for this business, other than that they are common computer industry terms and that the disputed domain name was selected for its descriptive meaning. However, as far as the Panel is aware, the combination of these terms does not have a common or descriptive meaning in the information technology industry, and no evidence was provided of such use or meaning.

As stated above in respect of the second element of the Policy, the Respondent provided no evidence to show his legitimate use of the business name “elasticcloudops” or similar.

The Complainant and the Respondent are not direct competitors, but they do operate in the same general field.

Based on the evidence before the Panel, the Panel draws the inference that the Respondent was aware of the Complainant’s ELASTIC and ELASTIC CLOUD brands when he registered the disputed domain name, and that he registered the disputed domain name to take advantage of the Complainant’s reputation. See paragraph 4(b)(iv) of the Policy.

It also does not assist the Respondent that his website at the disputed domain name includes apparent errors, such as references to Pythian’s experienced database consultants as being his consultants, and that it provides glowing “success story” references from large unnamed customers (such as “Leading SaaS Provider” and “Global E-commerce Giant”) that could easily have been discussed in the Response but that were not.

The Panel finds that 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 <elasticcloudops.com> be transferred to the Complainant.

/John Swinson/

John Swinson

Sole Panelist

Date: July 27, 2025