

ADMINISTRATIVE PANEL DECISION

Corning Incorporated v. cheng li
Case No. D2024-5137

1. The Parties

The Complainant is Corning Incorporated, United States of America (“United States”), represented by Gowling WLG (Canada) LLP, Canada.

The Respondent is cheng li, Australia.

2. The Domain Name and Registrar

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

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on December 12, 2024. On December 13, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 13, 2024, 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 December 17, 2024, 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 amendment to the Complaint on December 20, 2024.

The Center verified that the Complaint together with the amendment to the 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 December 23, 2024. In accordance with the Rules, paragraph 5, the due date for Response was January 12, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on January 22, 2025.

The Center appointed Kateryna Oliynyk as the sole panelist in this matter on January 27, 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 publicly traded company in the New York Stock Exchange. The Complainant has been doing business, among others, in glass science, ceramic science, optical physics for more than 165 years. The Complainant generated USD 11.29 billion in 2018.

The Complainant is the owner of over 300 trademark registrations worldwide for trademarks comprised of, or containing, the CORNING trademark, for instance, as follows:

- United States Trademark Registration No. 618649 for CORNING, registered on January 3, 1956 for goods in International Classes 9, 19, and 21;
- United States Trademark Registration No. 918421 for CORNING, registered on August 17, 1971, for goods in International Class 11;
- European Union Trademark Registration No. 016966822 for CORNING, registered on November 6, 2017, for goods in International Classes 7, 9, 10, 11, 12, 19, and 21;
- Chinese Trademark Registration No. 29608964 for CORNING, effective as of February 7, 2019, for goods in International Class 9.

The Complainant also operates a website at “www.corning.com”.

The disputed domain name was registered on November 5, 2024 and does not resolve to an active website. Mail exchanges (“MX records”) are set up for the disputed domain name, and the disputed domain name has been used for sending the emails of the fraudulent nature impersonating the Complainant. A third party sent an email communication to the Center that the Written Notice was delivered to its address, and it has no association with the disputed domain name nor 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.

Identical or Confusingly Similar

The Complainant states that the disputed domain name is confusingly similar with the Complainant's CORNING trademark as the disputed domain name includes the Complainant's trademark in its entirety.

Addition of the Top-Level Domain (“TLD”) shall be viewed as a mere registration requirement.

Rights or legitimate interests

The Complainant contends that the Respondent lacks any rights or legitimate interests in the disputed domain name.

According to the Complainant's contentions, the Respondent has not used the disputed domain name in connection with a bona fide offering of goods or services, and has not been authorized, licensed, or otherwise permitted by the Complainant to register the disputed domain name.

There is also no indication the Respondent is known under the disputed domain name, according to the Complainant.

The Complainant further contends that the Respondent registered the disputed domain name as part of a fraudulent scheme. The Respondent's infringing and illegal activities cannot be held to grant the Respondent any rights or legitimate interests in the disputed domain name.

Registration and Use in Bad Faith

The Complainant asserts that using the disputed domain name to impersonate the Complainant in the furtherance of a fraudulent scheme shall be considered as evidence of bad faith.

The Complainant further contends that the disputed domain name is being used in an attempt to intentionally attract, for commercial gain, Internet users to the Respondent's website by creating a likelihood of confusion with the Complainant's mark as to source, sponsorship, affiliation, or endorsement.

According to the Complainant's contentions, the Respondent has had the constructive knowledge of the CORNING trademark given that the Respondent is impersonating the Complainant, and factoring the prior registered rights in the CORNING trademark held by the Complainant.

Furthermore, the Complainant contends that the Respondent has engaged in a pattern of registering domain names that contain trademarks to which he is not entitled, and has prevented the Complainant from registering the disputed domain name, referring to several UDRP decisions issued against the same Respondent.

B. Respondent

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

6. Discussion and Findings

Paragraph 15(a) of the Rules instructs the Panel as to the principles the Panel is to use in determining the dispute: "[a] Panel shall decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable."

Paragraph 4(a) of the Policy directs that the Complainant must prove each of the following:

- I. that the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- II. that the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- III. that the disputed domain name has been registered and is being used in bad faith.

Considering that the Respondent did not reply to the Complainant's contentions, in order to determine whether the Complainant has met its burden as stated in paragraph 4(a) of the Policy, the Panel bases its decision on the statements and documents submitted in accordance with the Policy and the Rules. Under paragraph 5(f) and paragraph 14(b) of the Rules, if a respondent does not submit a response, in the absence of exceptional circumstances, the Panel shall decide the dispute based upon the complaint, and where a party does not comply with any provision of the Rules, the Panel "shall draw such inferences therefrom as it considers appropriate".

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 mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Moreover, the gTLD ".cam" in the disputed 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.

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.

The Panel notes that there is no evidence that the Respondent is commonly known under the CORNING trademark.

Further, the Panel notes that neither license nor authorization appears to have been granted to the Respondent to make any use of the Complainant's CORNING trademark, or to apply for registration of the disputed domain name by the Complainant.

The Panel notes that the disputed domain name does not resolve to an active website and that there is no indication in the file that the Respondent could be linked to the Complainant by any kind of relationship, including a professional relationship.

In addition, based on the undisputed submission provided by the Complainant, the Respondent has been using the disputed domain name for fraudulent purposes by impersonating the Complainant.

In the present case, the Panel notes that the disputed domain name was used as part of a phishing scheme for impersonating the Complainant, more specifically an employee of the Complainant by sending emails from "[...].@corning.cam" copying other two fake emails under the disputed domain name "@corning.cam" to the Complainant's unsuspected clients, who can easily overlook the difference in the gTLD ".cam", from which the email originates.

In these circumstances it is clear to the Panel that the Respondent may engage in some form of deceptive and fraudulent activity with a view to commercial gain and that the disputed domain name was registered with that in mind. Such activity cannot confer any rights or legitimate interests upon the Respondent.

Panels have held that the use of a domain name for illegal activity here, claimed as applicable to this case: phishing, impersonation/passing off, or other types of fraud can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

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.

The Panel finds 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.

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, 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. The Panel is satisfied that the Respondent must have been aware of the Complainant's CORNING when it registered the disputed domain name. In accordance with section 3.1.4 of [WIPO Overview 3.0](#), the Panel considers that the inclusion of the Complainant's CORNING trademark in the disputed domain name creates a presumption of bad faith registration.

The Respondent, when registering the disputed domain name, has targeted the Complainant's business and its CORNING trademark with the intention to confuse Internet users and capitalize on the fame of the Complainant's trademark for its own monetary benefit. The fact that there is a clear absence of rights or legitimate interests coupled with no credible explanation for the Respondent's choice of the disputed domain name is also a significant factor to consider that the disputed domain name was registered in bad faith (as stated in section 3.2.1 of the [WIPO Overview 3.0](#)).

In the present case, the Panel notes that the disputed domain name was used as part of a phishing scheme for impersonating the Complainant, more specifically an employee of the Complainant by sending an email from "[...].@corning.cam" to the Complainant's customers. Panels have held that the use of a domain name such as in this case for a phishing scheme, impersonation/passing off or other types of fraud constitutes bad faith. [WIPO Overview 3.0](#), section 3.4.

The Respondent appears to have given false contact details to the Whois database when registering the disputed domain name. Providing false information at the time of a domain name registration may be further evidence of the Respondent's bad faith registration and use under Policy, paragraph 4(a)(iii). Here in the context of phishing, providing false address details indicates clearly the use in bad faith.

The Panel notes that the disputed domain name does not resolve to an active website. This does not prevent the Panel in finding of bad faith under the doctrine of passive holding (see section 3.3 of the [WIPO Overview 3.0](#)).

In addition, the Panel has ascertained that the Respondent has been the respondent at least in one another UDRP proceedings based on the abusive domain name registration. Based on [WIPO Overview 3.0](#) section 3.1.2, establishing a pattern of bad faith conduct requires more than one instance of abusive domain name registration. However, the Panel finds that the combination of the previously mentioned abusive domain name registration and the registration of the disputed domain name, can be qualified as at least the beginning of a pattern of registration of trademark-abusive domain names.

Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy and that the requirements of paragraph 4(a)(iii) of the Policy have been fulfilled.

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 <corning.cam> be transferred to the Complainant.

/Kateryna Oliinyk/

Kateryna Oliinyk

Sole Panelist

Date: February 17, 2025