

## **ADMINISTRATIVE PANEL DECISION**

Corning Incorporated v. sefesf awdawd  
Case No. D2024-2859

### **1. The Parties**

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

Respondent is sefesf awdawd, United States.

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

The disputed domain name <corning-hr.com> (the “Domain Name”) is registered with Hosting Concepts B.V. d/b/a Registrar.eu. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 12, 2024. On July 15, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On July 16, 2024, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named Respondent (Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to Complainant on July 18, 2024, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amendment to the Complaint on July 18, 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 Respondent of the Complaint, and the proceedings commenced on July 22, 2024. In accordance with the Rules, paragraph 5, the due date for Response was August 11, 2024. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on August 12, 2024.

The Center appointed Harrie R. Samaras as the sole panelist in this matter on August 16, 2024. 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**

Complainant is a publicly traded company (NYSE: GLW) with a 165-year history in the field of materials science (e.g., glass science, ceramic science, and optical physics). It engineers and makes products that people use in their every-day lives.

Complainant owns over 325 trademark registrations worldwide for trademarks comprised of, or containing, CORNING, including United States Registration Nos. 618649 (registered, January 3, 1956) and 1748228 (registered, January 26, 1993) (collectively, the "CORNING MARK" or the "Mark"). Complainant operates a website at "corning.com".

The Domain Name was registered on June 5, 2024. After the Center notified Complainant of the registrant and contact information disclosed by the Registrar and invited Complainant to amend its Complaint, which it did, Complainant noted that the information Respondent provided is very likely fake. In this regard, Complainant pointed out that: (1) Respondent's alleged location is in Minneapolis not Arkansas; (2) Respondent's alleged area code "333" is associated with the United Kingdom and not the United States; (3) Respondent's alleged name is gibberish; and (4) Respondent's zip code "44324" is associated with Ohio and not Arkansas.

Respondent's website was terminated following the issuance of a complaint filed with the Registrar citing fraud. The Domain Name currently resolves to a website with Pay-Per-Click ("PPC") links to "Fresh Food Supplies", "Natural Organic Food", and "Grocery Shopping Coupons."

#### **5. Parties' Contentions**

##### **A. Complainant**

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the Domain Name.

Notably, Complainant contends that the entirety of the CORNING Mark is incorporated in the Domain Name, supporting a finding of confusion. Adding "-hr" to the CORNING Mark does not diminish confusion and Complainant argues that confusion is enhanced because consumers are likely to be misled into believing that the Domain Name resolves to a website operated by, or otherwise connected to, Complainant as it relates to human resources given that "HR" is a well-known abbreviation for human resources.

There is no evidence to suggest that Respondent: (1) has been commonly known by the Domain Name; (2) is making, or intends to make, a legitimate noncommercial or fair use of the Domain Name; or (3) has ever used, or demonstrated preparations to use, the Domain Name, or a name corresponding to the same, in connection with a bona fide offering of goods or services. There has never been any relationship between Complainant and Respondent. Respondent is not licensed, or otherwise authorized, to register or use, the CORNING Mark for any purpose including in the Domain Name. Respondent registered the Domain Name as part of a fraudulent scheme. Respondent was issuing text messages to end users directing them to Respondent's website located at the Domain Name. Once at the website, their personal information was misappropriated by Respondent. The message prompts users to check a project schedule then redirects them to a credential harvesting site located at the Domain Name, where they login and their employee credentials are then compromised.

The Domain Name is virtually identical to the CORNING Mark. If it were ever put to use in association with an active website, the Domain Name would likely confuse potential consumers into believing that Respondent is somehow affiliated with, or endorsed by, Complainant. The Domain Name would put Respondent in a position to reap a financial benefit if ever used. Because Respondent was engaged in a fraudulent scheme, it is reasonable to conclude that any active use of the Domain Name would be for unlawful financial gain.

Given that Respondent is impersonating Complainant, there can of course be no doubt that Respondent had actual knowledge of the CORNING Mark when registering the Domain Name. Respondent also had constructive knowledge of the CORNING Mark by virtue of the CORNING Mark registrations.

## **B. Respondent**

Respondent did not reply to 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.

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 Domain Name. Accordingly, the 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, "-hr" may bear on assessment of the second and third elements, the Panel finds the addition of that term does not prevent a finding of confusing similarity between the 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 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 Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the Domain Name. Respondent has not rebutted Complainant's prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the Domain Name such as those enumerated in the Policy or otherwise.

It is un rebutted that Respondent: (1) has not been commonly known by the Domain Name; (2) is not making a legitimate noncommercial or fair use of the Domain Name – Respondent is currently using the Domain Name in conjunction with PPC links and Respondent's website was terminated following the issuance of a complaint filed with the Registrar citing fraud; and (3) has not used, or demonstrated preparations to use, the Domain Name, or a name corresponding to the same, in connection with a bona fide offering of goods or services (for the same reasons in (2) above). Furthermore, Respondent is not licensed, or otherwise authorized by Complainant, to register or use, the CORNING Mark for any purpose including in the Domain Name. On these bases, the Panel concludes that Complainant has carried its burden under this element of the Policy. Furthermore, as indicated above, the Panel has taken into account that Respondent's website was terminated following the issuance of a complaint filed with the Registrar citing fraud.

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.

In the present case, the Panel notes that Respondent just recently registered the Domain Name on June 5, 2024, whereas Complainant's use of its well-known CORNING Mark predates that registration by over 60 years. Furthermore, Respondent registered the Domain Name that is confusingly similar to Complainant's registered Mark, merely adding "-hr" to a trademark that Respondent has no rights or legitimate interests in (also, the Domain Name is similar to Complainant's domain name <corning.com>). On these bases alone it is more probable than not that Respondent knew of Complainant and its rights in the well-known CORNING Mark before registering the Domain Name. Moreover, even after Respondent's website was terminated on the basis of fraud, he/she continued to use the Domain Name in conjunction with PPC links and, thus, to benefit commercially by it. This is further evidence of bad faith registration.

Respondent has also been making a bad faith use of the Domain Name. There is no plausible reason for Respondent's selection of a Domain Name that is confusingly similar to the CORNING Mark, in which Respondent has no rights or legitimate interests, other than as a deliberate attempt to profit unfairly from confusion with the Mark. See, *Intel Corporation v. The Pentium Group*, WIPO Case No. [D2009-0273](#). Furthermore, in addition to having its prior website terminated for fraud, as Complainant pointed out, it appears that the contact information Respondent provided is not correct. Moreover, Respondent is currently using the Domain Name as described above to intentionally attempt to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Mark as to the source, sponsorship, affiliation or endorsement of such site or the products or services advertised on such site, within the meaning of paragraph 4(b)(iv) of the Policy. Even if the users who access Respondent's website may conclude that it is not what they were originally looking for, Respondent has already succeeded in its purpose of using Complainant's Mark to attract users for commercial gain. See *Red Bull GmbH v. Unasi Management Inc.*, WIPO Case No. [D2005-0304](#).

Panels have held that the use of a domain name for illegal activity (here, alleged phishing) constitutes bad faith. [WIPO Overview 3.0](#), section 3.4.

Having reviewed the record, the Panel finds Respondent's registration and use of the Domain Name constitutes bad faith under the Policy.

The Panel finds that 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 Domain Name <corning-hr.com> be transferred to Complainant.

*/Harrie R. Samaras/*

**Harrie R. Samaras**

Sole Panelist

Date: August 30, 2024