

## **ADMINISTRATIVE PANEL DECISION**

Corning Incorporated v. Fred Loggerhunt  
Case No. D2024-5155

### **1. The Parties**

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

The Respondent is Fred Loggerhunt, United States.

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

The disputed domain name <corning-tech.org> is registered with Hostinger Operations, UAB (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on December 12, 2024. On December 16, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 17, 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 January 7, 2025. In accordance with the Rules, paragraph 5, the due date for Response was January 27, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on February 3, 2025.

The Center appointed W. Scott Blackmer as the sole panelist in this matter on February 4, 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 New York (United States) corporation that is a world leader in materials science, producing glass and ceramics products since 1851. The Complainant operates a principal website at “www.corning.com”, highlighting the facts that the Complainant is a Fortune 500 company with 2023 core sales of approximately USD 13.6 billion and more than 52,000 employees worldwide in more than 77 manufacturing sites and 10 research and development facilities.

The Complainant owns more than 325 trademark registrations comprised of, or containing, the CORNING name. These include the following:

Mark	Jurisdiction	Registration Number	Registration Date	Goods or Services
CORNING (word)	United States	618649	January 3, 1956	International Classes 9, 19, and 21
CORNING (word)	United Kingdom	UK00000762061	February 4, 1957	International Class 9
CORNING (word)	European Union	16966822	November 6, 2017	International Classes 7, 9, 10, 11, 12, 19, and 21

The disputed domain name was created on December 3, 2024, and resolves to a multi-page website headed “Corning-Tech” (the “Respondent’s website”) with the tagline “Trusted Investment Platform” offering “wealth management”, individual banking services and “fast loans”, purportedly provided by “International Corporate Bank”. Despite advertising financial services, the home page of the Respondent’s website prominently features a photograph of people apparently at one of the Complainant’s facilities, standing in front of a sign with the Complainant’s name and mark CORNING. The copyright notice at the bottom of each page is in the name of “Corning Tech”. The Respondent’s website is in the English language, with predominantly British (or Indian) spelling, but includes numerous misspellings and Latin text blocks from Cicero’s corrupted *Lorem ipsum* oration that is often used as a placeholder in website development (see Wikipedia article, *Lorem ipsum*). The Respondent’s website lists a “Head Office” address in “Jackson Heights”, New York (this actually is not a town or city but a neighborhood in the Queens borough of New York City), and the address is incomplete, lacking a street number. According to the “About Us” page of the website, the Respondent is a “multinational regional financial services provider that is committed to delivering complete solutions to customers through differentiated segment offerings and an ecosystem that supports simple, fast and seamless customer experiences, underpinned by a cohesive and inspired workforce, and relationships built with stakeholders.” This nebulous sentence is followed by an assertion that the Respondent is supervised by a relevant regulatory authority:

“Authorised by the Prudential Regulation Authority and regulated by the Financial Conduct Authority and the Prudential Regulation Authority under registration number 213845. We are covered by the Financial Services Compensation Scheme and Financial Ombudsman Service. International Corporate Bank is committed to responsible lending and bridging every gaps [sic] of your financial needs.”

The Panel notes that the Prudential Regulatory Authority (“PRA”) and Financial Conduct Authority (“FCA”) are United Kingdom financial services regulatory authorities under the Bank of England, and these authorities do not list “International Corporate Bank” or registration number 213845 on their website as banks currently incorporated in the United Kingdom. It is also telling that the Respondent’s website gives a United

States location and claims “40+ Branchs [sic] in USA)” but refers only to a United Kingdom regulatory authority.

The Respondent’s website includes a chat feature and a “Signup” page that encourages visitors to furnish personal information for “Account registration”.

## **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 “nearly identical” and confusingly similar to its registered CORNING marks, which the Respondent has no permission to use and for which it otherwise lacks evident rights or legitimate interests. The Complainant contends that the Respondent is impersonating the Complainant and using the disputed domain name as part of a scheme to defraud consumers. The Complaint points to some other websites with similar structure and content, including in some cases language identical to the first passage quoted above from the “About Us” page in the Respondent’s website, suggesting that this evidence of a fraudulent scheme also should be considered bad faith within the meaning of the Policy. The Complainant also cites the Policy, paragraph 4(b)(iv) (attracting Internet users for commercial gain by creating a likelihood of confusion with the Complainant’s mark) as grounds for a finding of bad faith.

### **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, the registered CORNING word 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, the abbreviation “tech”) may bear on assessment of the second and third elements, the Panel finds the addition of such a 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 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 Respondent has published an ostensibly commercial website associated with the disputed domain name, but it impersonates the Complainant, both in displaying the Complainant’s mark in the heading and copyright notice and in what appears to be a photograph of one of the Complainant’s facilities with the Complainant’s signage. Moreover, there are several indicia of phishing and fraud in the Respondent’s website, such as what appear to be false claims of financial regulatory oversight. Thus, on this record it does not appear that the Respondent is using the disputed domain name in connection with a “bona fide” offering of goods or services.

Panels have held that the use of a domain name for illegitimate or illegal activity (here, claimed to be part of a fraud or phishing scheme involving multiple websites) can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

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 the Respondent clearly was aware of the Complainant’s well-known and long-established CORNING mark, as the home page of the Respondent’s website prominently displays a photo of one of the Complainant’s facilities with the CORNING mark on signage. The Respondent’s website advertises financial services, but the Complainant is known for materials science and technical innovation, and the word “tech” in the disputed domain name would not avoid potential confusion and was presumably meant to attract Internet users familiar with the Complainant’s mark. The associated website then impersonated the Complainant with a header, copyright notice, and photo suggesting, at the least, an association with the Complainant. Hence, the Panel finds that the registration and use of the disputed domain name accords with the example of bad faith given in the Policy, paragraph 4(b)(iv), intentionally attempting to attract Internet users for commercial gain by creating a likelihood of confusion with the Complainant’s mark.

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 also 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 held that the use of a domain name for illegitimate or illegal activity (here claimed to involve a multi-website fraud and phishing scheme, as outlined above) constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

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-tech.org> be transferred to the Complainant.

*/W. Scott Blackmer/*

**W. Scott Blackmer**

Sole Panelist

Date: February 10, 2025