

## **ADMINISTRATIVE PANEL DECISION**

Corning Incorporated v. lost boy  
Case No. D2025-0407

### **1. The Parties**

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

The Respondent is lost boy, United States.

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

The disputed domain name <corning.com> (the "Disputed Domain Name") is registered with NameCheap, Inc. (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on January 31, 2025. On February 3, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On February 3, 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 (Redacted for Privacy, Privacy service provided by Withheld for Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 4, 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 amendment to the Complaint on February 12, 2025.

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 February 13, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 5, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on March 6, 2025.

The Center appointed Lynda M. Braun as the sole panelist in this matter on March 13, 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, a New York corporation that is publicly traded on the New York Stock Exchange, is a leading innovator in materials science, with a more than 165-year track record of life-changing inventions. The Complainant is the owner of the CORNING trademark, which is the subject of over 325 trademark registrations worldwide for trademarks comprised of, or containing the CORNING mark. The CORNING trademarks enjoy widespread recognition, have generated significant goodwill, and have become famous. The Complainant has enjoyed success, since, for example, in 2018 alone, the Complainant generated USD 11.29 billion in revenue.

The Complainant owns various trademark registrations with the United States Patent and Trademark Office ("USPTO"), including, but not limited to the following: CORNING, United States Trademark Registration No. 618,649, registered on January 3, 1956; CORNING, United States Trademark Registration No. 918,421, registered on August 17, 1971; and CORNING, United States Trademark Registration No. 1,682,729, registered on April 14, 1992. The Complainant also owns numerous registered trademarks in other jurisdictions worldwide.

The aforementioned registered trademarks will hereinafter collectively be referred to as the "CORNING Mark".

The Complainant also owns many domain names, among them, the domain name <corning.com>, which resolves to its official website at "www.corning.com".

The Disputed Domain Name was registered on January 27, 2025 and at the time of the filing of the Complaint resolved to a pay-per-click ("PPC") website displaying links to competitors of the Complainant as well as links to sites selling services that compete with, or rival, those offered by the Complainant.<sup>1</sup> The resolving website also provides a means by which end users can search for links to competitor sites of the Complainant and through which the Respondent may derive a financial benefit.

#### **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 confusingly similar to the Complainant's CORNING Mark, as it includes the CORNING Mark in its entirety, albeit misspelled with an additional "n", followed by the generic Top-Level Domain ("gTLD") ".com";
- the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name because the Disputed Domain Name resolved to a landing page that contained PPC third-party sponsored hyperlinks; the Complainant has not authorized or otherwise permitted the Respondent to register a domain name containing the CORNING Mark; the Respondent was not making a bona fide offering of goods or services

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<sup>1</sup>As of the writing of this Decision, the Disputed Domain Name resolves to an error landing page that states "This site can't be reached. corning.com's server IP address could not be found."

through its use of the Disputed Domain Name; and the Respondent has never been commonly known by the CORNING Mark or any similar name; and

- the Disputed Domain Name was registered and is being used in bad faith since, among other things, the Disputed Domain Name resolved to a PPC landing page where the Respondent intentionally attempted to attract, for commercial gain, Internet users to its website, by creating a likelihood of confusion with the Complainant's CORNING Mark; the Respondent engaged in typosquatting, which is prima facie evidence of bad faith; and the Respondent had actual knowledge of the Complainant and the CORNING Mark when it registered the Disputed Domain Name.

The Complainant seeks the transfer of the Disputed Domain Name from the Respondent to the Complainant in accordance with paragraph 4(i) of the Policy.

## **B. Respondent**

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

## **6. Discussion and Findings**

Paragraph 4(a) of the Policy requires that the Complainant prove the following three elements in order to prevail in this proceeding:

- (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 was registered and is being used in bad faith.

### **A. Identical or Confusingly Similar**

Paragraph 4(a)(i) of the Policy requires a two-fold inquiry: a threshold investigation into whether a complainant has rights in a trademark, followed by an assessment of whether the disputed domain name is identical or confusingly similar to that trademark. The Panel concludes that in the present case, the Disputed Domain Name is confusingly similar to the CORNING Mark, differing only by the misspelling of the mark by adding an additional "n".

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. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.7.

It is uncontroverted that the Complainant has established rights in the CORNING Mark based on its registered trademarks for the CORNING Mark in the United States and other jurisdictions worldwide. The registration of a mark satisfies the threshold requirement of having trademark rights for purposes of standing to file a UDRP case. As stated in section 1.2.1 of the [WIPO Overview 3.0](#), "[w]here the complainant holds a nationally or regionally registered trademark or service mark, this prima facie satisfies the threshold requirement of having trademark rights for purposes of standing to file a UDRP case". The Respondent has not rebutted this presumption, and therefore the Panel finds that the Complainant has rights in the CORNING Mark. Thus, the Panel finds that the Complainant satisfied the threshold requirement of having trademark rights in the CORNING Mark.

The Disputed Domain Name consists of the CORNING Mark in its entirety, albeit misspelled with an extra letter "n" in the Disputed Domain Name. Such a minor modification to a disputed domain name is commonly

referred to as “typosquatting” and seeks to wrongfully take advantage of errors by a user in typing a domain name into a web browser. The misspelling of “corning” to “cornning” does not prevent a finding of confusing similarity to the CORNING Mark. See [WIPO Overview 3.0](#), section 1.9: “A domain name which consists of a common, obvious, or intentional misspelling of a trademark is considered by panels to be confusingly similar to the relevant mark for purposes of the first element”; see also *Express Scripts, Inc. v. Whois Privacy Protection Service, Inc. / Domaindeals, Domain Administrator*, WIPO Case No. [D2008-1302](#); *Singapore Press Holdings Limited v. Leong Meng Yew*, WIPO Case No. [D2009-1080](#).

Finally, the addition of a gTLD such as “.com” in a domain name is a technical requirement. Thus, it is well established that, as here, such element may typically be disregarded when assessing whether a domain name is identical or confusingly similar to a trademark. See *Proactiva Medio Ambiente, S.A. v. Proactiva*, WIPO Case No. [D2012-0182](#) and [WIPO Overview 3.0](#), section 1.11.1. Thus, the Panel finds that the Disputed Domain Name is confusingly similar to the Complainant’s CORNING Mark.

Based on the available record, the Panel finds that 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 that 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.

In this case, given the facts as set out above, the Panel finds that the Complainant has made out a prima facie case that the respondent lacks rights or legitimate interests. The Respondent has not submitted any arguments or evidence to rebut the Complainant’s prima facie case. Furthermore, the Complainant has not authorized, licensed, or otherwise permitted the Respondent to use its CORNING Mark. Nor does the Complainant have any type of business relationship with the Respondent. There is also no evidence that the Respondent is commonly known by the Disputed Domain Name or by any similar name, nor any evidence that the Respondent is using or making demonstrable preparations to use the Disputed Domain Name in connection with a bona fide offering of goods or services. See Policy, paragraph 4(c).

Further, as noted above, the Disputed Domain Name resolves to a parking page displaying PPC links to various third-party sponsored services. The Panel finds that the Respondent has attempted to generate click-through revenue from Internet users drawn to the Respondent’s web page due to a perceived association between the Disputed Domain Name and the Complainant’s Mark.<sup>2</sup> Such conduct, where the Respondent is seeking to unfairly capitalize on the goodwill associated with the Complainant’s trademark, does not amount to use of the Disputed Domain Name in connection with a bona fide offering of goods or services. As such, the Respondent’s registration and use of the Disputed Domain Name may be deemed commercially motivated and does not amount to a legitimate noncommercial or fair use within the meaning of paragraph 4(c)(iii) of the Policy.

Finally, it is well settled that engaging in typosquatting, as has occurred here, undermines a claim of rights or legitimate interests. See *ESPN, Inc. v. XC2*, WIPO Case No. [D2005-0444](#).

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<sup>2</sup>The Complainant submitted a screenshot of the resolving landing page containing the PPC links as an Annex to the Complaint.

Based on the available record, the Panel finds that 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. 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 finds that the Respondent had actual knowledge of the Complainant and its rights in the CORNING Mark when registering the Disputed Domain Name, emblematic of bad faith registration and use. It strains credulity to believe that the Respondent did not know of the Complainant or its well-known CORNING Mark as evidenced by the Respondent's use of the CORNING Mark, although slightly misspelled, in the Disputed Domain Name. Thus, the Panel finds that in the present case, the Respondent had the Complainant's CORNING Mark in mind when registering and using the Disputed Domain Name.

Moreover, the Disputed Domain Name resolved to a parking page displaying PPC links to third-party services and the Panel infers that the Respondent derives a financial benefit in the form of click-through revenue from the presence of such links on the website to which the Disputed Domain Name resolves. Regardless of whether the Respondent is generating click-through revenue, it is well established that the use of a domain name to redirect Internet users to websites of competing services constitutes bad faith registration and use in and of itself. See *Volvo Trademark Holding AB v. Unasi, Inc.*, WIPO Case No. [D2005-0556](#). The Panel finds that by using the Disputed Domain Name in such a manner, the Respondent intentionally attempted to attract, for commercial gain, Internet users to its website, by creating a likelihood of confusion with the Complainant's CORNING Mark as to the source, sponsorship, affiliation, or endorsement of the Disputed Domain Name, in bad faith pursuant to paragraph 4(b)(iv) of the Policy.

Finally, the Disputed Domain Name contains a misspelling of the CORNING Mark, which further supports a finding of bad faith registration and use. See *Nutricia International BV v. Eric Starling*, WIPO Case No. [D2015-0773](#).

Based on the available record, 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 <cornning.com> be transferred to the Complainant.

/Lynda M. Braun/

**Lynda M. Braun**

Sole Panelist

Date: March 27, 2025