

## **ADMINISTRATIVE PANEL DECISION**

Corning Incorporated v. Aidan Toner-Rodgers  
Case No. D2025-0410

### **1. The Parties**

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

The Respondent is Aidan Toner-Rodgers, United States.

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

The disputed domain name <corningresearch.com> is registered with Squarespace Domains II LLC (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) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 13, 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 13, 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 14, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 6, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on March 7, 2025.

The Center appointed Martin Schwimmer as the sole panelist in this matter on March 12, 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 materials science, with a more than 165-year track record of inventions, including in glass science, ceramic science, and optical physics. The Complainant submitted evidence that in 2018 alone, the Complainant generated USD 11.29 billion in revenue, and over USD 30 billion between 2016 and 2018.

The Complainant is the owner of over 325 trademark registrations worldwide for trademarks comprised of, or containing CORNING, dating back to at least 1956, including the following marks:

- CORNING, United States Registration No. 618649, registered January 3, 1956, first used in commerce, October 1878, for goods including glass laboratory equipment, tableware, and kitchenware;

CORNING, United States Registration No. 1682729, registered April 14, 1992, first used in commerce, May 25, 1990, for goods including glass optical fiber in filament or cable form and fiber optic couplers; and

CORNING, United States Registration No. 1748228, registered January 26, 1993, first used in commerce, 1975, for goods including plastic labware.

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

The domain name was registered on January 12, 2025. The disputed domain name resolved to a website featuring a statement that “We’re under construction. Please check back for an update soon.” at the time the Complaint was filed. Currently, the disputed domain name does not resolve to an active website.

#### **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 CORNING trademark because it incorporates the whole of the famous CORNING trademark. The word “research” does nothing to diminish confusion, and in fact enhances confusion because the Complainant’s products utilize advanced technologies and therefore is associated with research.

- The Respondent has no rights or legitimate interests in respect of the disputed domain name because, inter alia, an unauthorized party cannot claim a legitimate interest in a domain name that contains, or is confusing with, a complainant’s mark, as the activities of such a party cannot be said to constitute a bona fide offering of goods or services. There is no evidence to suggest that the Respondent has ever used, or demonstrated preparations to use, the disputed domain name in connection with a bona fide offering of goods or services; or to suggest that the Respondent has been commonly known by the Domain Name; or that the Respondent is making, or intends to make, a legitimate noncommercial or fair use of the Domain Name.

- The disputed domain name was registered and is being used in bad faith because, inter alia, it is a well-established principle that it is not necessary for a disputed domain name to be associated with an active website for a finding of bad faith to be made under paragraph 4(b)(iv). UDRP panels have held that this bad faith requirement is met by a domain name that, if ever put to use, would ultimately result in consumer confusion because the disputed domain name suggests that it resolves to a website featuring the Complainant's management or leadership team. Accordingly, the disputed domain name, if ever put to use, would likely confuse potential consumers into believing that the Respondent is somehow affiliated with, or endorsed by, the Complainant.

## **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 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 another term, here, "research," may bear on assessment of the second and third elements, the Panel finds the addition of such 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 Panel finds the second element of the Policy has been established.

### **C. Registered and Used in Bad Faith**

The Complainant's website at "www.corning.com" estimates that its laptop and smartphone cover glass product has been utilized in 4.5 billion devices. The Panel finds that the CORNING trademark is famous.

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.

Panels have found that the non-use of a domain name (including a blank or "coming soon" page) would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3. Having reviewed the available record, the Panel notes the reputation of the Complainant's trademark, and the composition of the disputed domain name, and finds that in the circumstances of this case the passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy. In this regard, the Panel notes that the descriptive term "research" added to the Complainant's trademark in the dispute domain name is related to the Complainant's activities as an advanced technology company, and thus the relevant public is likely to be confused and falsely perceive an affiliation between the disputed domain name and the Complainant.

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 <corningresearch.com> be transferred to the Complainant.

*/Martin Schwimmer/*

**Martin Schwimmer**

Sole Panelist

Date: March 19, 2025