

ADMINISTRATIVE PANEL DECISION

Corning Incorporated v. gart hernan
Case No. D2025-0413

1. The Parties

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

The Respondent is gart hernan, U.S.

2. The Domain Name and Registrar

The disputed domain name <corninghrmgtscrgroup.com> is registered with NameSilo, 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 (Domain Administrator, PrivacyGuardian.org) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 3, 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 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 17, 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 Corning Incorporated is a publicly traded company and one of the world's leading innovators 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, U.S. Registration No. 618649, registered January 3, 1956, first used in commerce, October 1878, for goods including glass laboratory equipment, and tableware and kitchenware;
- CORNING, U.S. Registration No. 1682729, registered April 14, 1992, first used in commerce, May 1990, for goods including glass optical fiber in filament or cable form, and fiber optic couplers; and
- CORNING, U.S. 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".

Without the permission of the Complainant, the Respondent registered the disputed domain name on January 16, 2025. The disputed domain name resolves to a page displaying links to keyword advertisements, and has also been used for sending fraudulent emails.

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 letter string "hrmgtscrgroup" does nothing to diminish confusion, and in fact enhances confusion because the string can be understood as an abbreviation for a human resources management group.
- 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 disputed domain name; or that the Respondent is making, or intends to make, a legitimate noncommercial or fair use of the disputed domain name.
- The disputed domain name was registered and is being used in bad faith for at least two reasons. First, it directs to a page displaying pay-per-click advertisements, and in this way the Respondent is diverting traffic

generated by the Complainant's famous trademark. Second, the Complainant proffers evidence that the Respondent is impersonating the Complainant, and is sending emails to job seekers for the purpose of defrauding those job seekers in some way.

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 other terms, here, "hrmgtsrgrroup" may bear on assessment of the second and third elements, the Panel finds the addition of such terms 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.

Here, it is possible that, in view of the assertions discussed below in Part C., namely that the Respondent utilizes the disputed domain name to send fraudulent emails to job seekers, it is probable that the string is intended to be understood as an abbreviation for "human resources management screening group". In any event, the additional terms do not change the Panel's finding of confusing similarity between the disputed domain name and the Complainant's 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.

Panels have held that the use of a domain name for illegal activity, here, claimed impersonation/passing off by using the disputed domain name for sending fraudulent emails to job seekers, 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 Complainant has proffered un rebutted evidence that: (1) the Respondent has been using the disputed domain name to direct to a page displaying pay-per-click advertisements; and (2) the Respondent has been using the disputed domain name to send emails purportedly originating with the Complainant, to job seekers, allegedly as part of some fraudulent scheme.

Because the Respondent has impersonated the Complainant, the Panel holds that the Respondent clearly was aware of the Complainant's famous trademark prior to registering and using the disputed domain name.

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 held that the use of a domain name for illegal activity, here, claimed, impersonation/passing off 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 also notes that the Complainant alleges that the Respondent utilizes the disputed domain name to display pay-per-click advertisements. This activity too would rise to the level of bad faith use of the disputed domain name, in view of the Complainant's reputation in its famous trademark.

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 <corninghrmgtscrgroup.com> be transferred to the Complainant.

/Martin Schwimmer/
Martin Schwimmer
Sole Panelist
Date: April 14, 2025