

## **ADMINISTRATIVE PANEL DECISION**

Corning Incorporated v. admin  
Case No. D2025-0426

### **1. The Parties**

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

The Respondent is admin, Republic of Korea.

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

The disputed domain name <corning.net> is registered with Gabia, Inc. (the "Registrar").

### **3. Procedural History**

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the "Center") on February 3, 2025. On February 4, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 13, 2025, the Registrar transmitted by email to the Center its verification response, confirming that the Respondent is listed as the registrant and its contact details.

On February 18, 2025, the Center informed the Parties in Korean and English, that the language of the registration agreement for the disputed domain name is Korean. On February 18, 2025, the Complainant requested English to be the language of the proceedings. The Respondent did not submit any comment on the Complainant's submission.

The Center verified that 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 in Korean and English of the Complaint, and the proceedings commenced on February 20, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 12, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on March 13, 2025.

The Center appointed Moonchul Chang as the sole panelist in this matter on March 20, 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 the New York Stock Exchange. The Complainant has been doing business, among others, in glass science, ceramic science, optical physics for more than 165 years. The Complainant is the owner of over 300 trademark registrations worldwide for trademarks comprised of, or containing, CORNING, for instance, as follows:

- The United States Registration for CORNING, No. 618649, registered on January 3, 1956;
- Canadian Registration for CORNING, No. TMA186211, registered on October 20, 1972;
- Australian Registration for CORNING No. 130807, registered on January 29, 1957.

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

The disputed domain name was registered on December 21, 2013, and resolves to a website displaying pay-per-click links to third-party sites, some of which are selling goods and services that compete with, or rival, those offered by the Complainant. The Complainant has also submitted evidence showing that the disputed domain name is offered for sale on a domain names aftermarket platform.

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

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

The Complainant contends that: (a) the disputed domain name is confusingly similar with the CORNING trademarks in which the Complainant has rights; (b) the Respondent has no rights or legitimate interests in the disputed domain name as contemplated by paragraph 4(c) of the Policy; and (c) the disputed domain name was registered and is used in bad faith. There is no evidence 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 Respondent acquired the disputed domain name for the purpose of selling to the Complainant in excess of his actual costs in registering the disputed domain name. In addition, the Respondent has used the disputed domain name to intentionally attempt to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the CORNING trademarks as to source, sponsorship, affiliation, or endorsement.

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

##### **B. Respondent**

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

#### **6. Discussion and Findings**

Under paragraph 4(a) of the Policy, the Complainant must demonstrate that the three elements enumerated in paragraph 4(a) of the Policy have been satisfied. These elements are that: (i) the disputed domain name is identical or confusingly similar to the Complainant's trademark or service mark; (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and (iii) the disputed domain name has been registered and is being used in bad faith.

## 6.1 Language of the Proceedings

The language of the Registration Agreement for the disputed domain name is Korean. Pursuant to the Rules, paragraph 11(a), in the absence of an agreement between the parties, or unless specified otherwise in the registration agreement, the language of the administrative proceedings shall be the language of the registration agreement.

The Complaint was filed in English. The Complainant requested that the language of the proceedings be English for following reasons: (i) the disputed domain name is expressed in English (and not in Korean). As a result, the Respondent is unlikely to be prejudiced by the proceedings proceeding in English; (ii) the selection of Korean as the language of the proceedings would cause an undue burden on the Complainant in terms of translation expenses; and (iii) The selection of Korean as the language of the proceedings would cause unduly delay.

In exercising its discretion to use a language other than that of the registration agreement, the Panel has to exercise such discretion judicially in the spirit of fairness and justice to both parties, taking into account all relevant circumstances of the case, including matters such as the parties' ability to understand and use the proposed language, time and costs (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.5.1).

Having considered all the matters above, the Panel determines under paragraph 11(a) of the Rules that the language of the proceedings shall be English.

## 6.2. Substantive Issues

### 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 3.0](#), section 1.7).

Where the Complainant owns registered trademarks, this prima facie satisfies the threshold requirement of having trademark rights for purposes of standing to file a UDRP case. 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 disputed domain name includes the Complainant's trademark CORNING in its entirety together with the generic Top-Level Domain ("gTLD") ".net". Accordingly, the disputed domain name is identical to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7. In addition, the gTLD ".net" is disregarded under the first element test. ([WIPO Overview 3.0](#), section 1.11.1).

Accordingly, the Panel finds the first element of the Policy has been established.

### B. Rights or Legitimate Interests

Under paragraph 4(a)(ii) of the Policy, the overall burden of proof is on the Complainant. However, once the Complainant presents a prima facie case that the Respondent has no rights or legitimate interests in the disputed domain name, the burden of production shifts to the Respondent. ([WIPO Overview 3.0](#), section 2.1)

Firstly, the Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the Complainant's contention 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. 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.

Secondly, the Complainant contends that the Respondent has not used the disputed domain name in connection with a bona fide offering of goods or services or a legitimate noncommercial or fair use. In this case the Respondent has used the disputed domain name identical to the Complainant's trademark to operate a pay-per-click website displaying links to competitors of the Complainant. Panels have found that the use of a domain name to host a parking page comprising pay-per-click links does not present a bona fide offering where such links compete with or capitalize on the reputation and goodwill of the complaint's mark or otherwise mislead Internet users. ([WIPO Overview 3.0](#), section 2.9)

Thirdly, there is no evidence to suggest that the Respondent has been commonly known by the disputed domain name. In the consideration of the above circumstances the Panel finds that the Complainant has made out a prima facie case and the Respondent failed to come forward with any appropriate evidence that might rebut the Complainant's prima facie case.

Accordingly, the Panel finds the second element of the Policy has been established.

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

Paragraph 4(a)(iii) of the Policy requires that the disputed domain name "has been registered and is being used in bad faith". Thus, for the Complainant to succeed, a UDRP panel must be satisfied that a domain name has been registered and is being used in bad faith. These requirements are conjunctive; each must be proven or the Complaint fails. In addition, 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)

Firstly, the Complainant obtained the registration of trademark earlier than the Respondent registered the disputed domain name. Having noted the composition of the disputed domain name which includes the Complainant's well-known trademark CORNING in its entirety, is identical to the said trademark which enjoys long-standing prior use by the Complainant and nearly identical to the Complainant's own domain name <corning.com>, it is highly likely that the Respondent has been aware of the CORNING mark. Thus, the Panel considers that the Respondent deliberately chose the disputed domain name to create a likelihood of confusion with the Complainant's trademark, which is evidence of bad faith registration ([WIPO Overview 3.0](#), section 3.1.4).

Secondly, with regard to the requirement that the Respondent is using the disputed domain name in bad faith, the Panel considers that, in the circumstances of this case, the fact that the disputed domain name resolves to a pay-per-click website displaying links to third-party sites, including sites selling goods and services that compete with, or rival, those offered by the Complainant, constitutes bad faith use. In addition, the for sale nature of the disputed domain name reinforces the Panel's bad faith finding ([WIPO Overview 3.0](#), section 3.1.1).

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

Accordingly, concludes that the Complainant has satisfied 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.net> be transferred to the Complainant.

*/Moonchul Chang/*

**Moonchul Chang**

Sole Panelist

Date: April 3, 2025