

ADMINISTRATIVE PANEL DECISION

Corning Incorporated v. Paul Level
Case No. D2025-0491

1. The Parties

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

The Respondent is Paul Level, Ukraine.

2. The Domain Name and Registrar

The disputed domain name <corningware.org> is registered with Spaceship, Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on February 6, 2025. On February 7, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 10, 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 12, 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. On February 12, 2025, the Respondent sent several emails to the Center. On February 12, 2025, the Center sent an email to the Parties regarding possible settlement. On February 12, 2025, the Complainant sent an email confirming that it wishes to proceed with the proceedings.

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 sent an email to the Center

on February 13, 2025. However, the Respondent did not file any formal response. Accordingly, the Center notified the commencement of panel appointment process on March 6, 2025.

The Center appointed Willem J. H. Leppink as the sole panelist in this matter on March 14, 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 following facts are undisputed.

The Complainant is a publicly traded company and a leading global innovators in materials science. It has a 165-year track record of inventions. The Complainant has expertise in glass science, ceramic science, and optical physics along with manufacturing and engineering capabilities. The Complainant generated in 2018 USD 11.29 billion in revenue, and over USD 30 billion between 2016 and 2018.

The Complainant operates a website at the domain name <corning.com>.

The Complainant conducts its operations under the CORNING and CORNING WARE trademarks, which has been registered worldwide, including the United States Patent and Trademark Office ("USPTO"): e.g., the registration for CORNING WARE No. 1144221 with a registration date of December 23, 1980; and Canadian trademark registration no. TMA215353, registered on August 13, 1976 . The two trademark registrations will in singular also be referred to as the CORNING WARE Trademark. The Complainant has used the CORNING WARE Trademark since at least as early as 1961.

The disputed domain name was registered on February 3, 2025, and does not resolve to an active page.

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 the following

The CORNING WARE Trademark enjoys widespread recognition, has generated significant goodwill and has become famous.

The disputed domain name is identical to the CORNING WARE Trademark.

There is no evidence to suggest that the Respondent has ever used, or demonstrated preparations to use, the disputed domain name or a name corresponding to same, in connection with a bona fide offering of goods or services. Further undermining a claim of rights is that the Respondent is seeking to mislead end users into believing that the disputed domain name is affiliated with, or otherwise connected to, the Complainant.

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 disputed domain name is identical to the famous CORNING WARE Trademark and very similar to the famous CORNING trademark. 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. Furthermore, the disputed domain name, if ever put to use, would result in Internet traffic being diverted from the Complainant to the Respondent, thereby putting the Respondent in a position to reap a financial benefit. Therefore, the Complainant contends that the disputed domain name was registered and is being used in bad faith.

B. Respondent

After receiving the communications from the Center, the Respondent stated that the Respondent, after careful consideration, decided that the Respondent no longer wishes to retain ownership of the disputed domain name. The Respondent would like to discontinue any further involvement with this disputed domain name.

The Respondent later informed the Center he had already deleted the disputed domain name, and no longer has any ownership or control over it, but that the disputed domain name was subject to the registrar lock. Finally, the Respondent confirmed that he does not object to the transfer of the disputed domain name to the Complainant.

6. Discussion and Findings

6.1. Preliminary Issue

Since the Respondent's mailing physical address is stated to be in Ukraine, which is subject to an international conflict at the date of this Decision that may impact case notification, it is appropriate for the Panel to consider, in accordance with its discretion under paragraph 10 of the Rules, whether the proceeding should continue.

Having considered all the circumstances of the case, the Panel is of the view that it should. The Panel notes that the case notification through the Respondent's email address was successfully delivered, and the Respondent's communications have been received.

The Panel concludes that the Parties have been given a fair opportunity to present their case, and so that the administrative proceeding takes place with due expedition the Panel will proceed to a Decision accordingly.

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 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 identical to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

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 even agrees to the transfer of the disputed domain name.

The Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

The Panel refers to its considerations under 6.2.B.

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 CORNING WARE Trademark is well-known before registration of the disputed domain name, and that this is also not rebutted by the Respondent. Considering the Complainant’s reputation and the composition of the disputed domain name, the Panel considers that the disputed domain name was registered in bad faith.

The Panel agrees with the Complainant that the disputed domain name, if put to use, would likely confuse potential consumers into believing that the Respondent is somehow affiliated with, or endorsed by, the Complainant. As such it was not rebutted by the Respondent that the Respondent intentionally attempted to attract, for commercial gain, Internet users by creating a likelihood of confusion with the CORNING WARE trademark.

Panels have found that the non-use of a domain name 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 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.

The Panel finds that the disputed domain name was registered and is being used in bad faith, and 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 <corningware.org> be transferred to the Complainant.

/Willem J. H. Leppink/

Willem J. H. Leppink

Sole Panelist

Date: March 18, 2025