

ADMINISTRATIVE PANEL DECISION

Corning Incorporated v. Dan Hammel, Corning Inc
Case No. D2025-1118

1. The Parties

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

Respondent is Dan Hammel, Corning Inc, United States.

2. The Domain Name and Registrar

The disputed domain name <corninginc.net> 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 March 18, 2025. On March 19, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 19, 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, Corning Inc) and contact information in the Complaint. The Center sent an email communication to Complainant on March 20, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amendment to the Complaint on March 31, 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 Respondent of the Complaint, and the proceedings commenced on April 2, 2025. In accordance with the Rules, paragraph 5, the due date for Response was April 22, 2025. Respondent did not submit any response. Accordingly, the Center notified Respondent's default on April 24, 2025.

The Center appointed Timothy D. Casey as the sole panelist in this matter on May 1, 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

Complainant is a New York Stock Exchange listed materials science company with 165-year history and over USD 11 billion in revenue in 2018. Complainant has used the mark and trade name CORNING since at least 1878 and owns various trademark registrations in different jurisdictions that consist of the mark CORNING or contain CORNING as part of the mark (the “CORNING Marks”), including:

Mark	Jurisdiction	Class(es)	Registration No.	Registration Date
CORNING	United States	9, 21	618649	January 3, 1956
CORNING	United States	7, 11	918421	August 17, 1971
CORNING	United States	9	1682729	April 14, 1992

Complaint owns and operates a website at the domain name <corning.com>.

The disputed domain name was registered on March 8, 2025. At the time of filing the Complaint, the disputed domain name resolved to a page under construction.

5. Parties’ Contentions

A. Complainant

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

Notably, Complainant contends that it has rights in the CORNING Marks, and that the disputed domain name is confusingly similar to the CORNING Marks because the disputed domain name incorporates the CORNING Marks in their entirety, and the addition of the generic Top-Level Domain (“gTLD”) and the generic term “inc,” which is an acronym for the word “incorporated” in Complainant’s name, in the disputed domain name do not prevent the confusing similarity.

Complainant contends that Respondent has no rights to or legitimate interests in the disputed domain name because Respondent’s use of the CORNING Marks is unauthorized, and Respondent has not used or prepared to use the disputed domain name in connection with a bona fide offering of goods or services. Complainant contends Respondent’s indication that “Corning Inc” is the registrant organization is merely an ill-conceived and transparent attempt to legitimize the disputed domain name and to mislead users into believing that the disputed domain name is affiliated with or otherwise connected to Complainant.

Complainant contends that Respondent’s registration of the disputed domain name was in bad faith because Respondent is intentionally attempting to attract for commercial gain, Internet users to a website by creating a likelihood of confusion, and this remains the case even though the website is not active. Complainant also contends that Respondent had actual knowledge of the CORNING Marks at the time of registration of the disputed domain name.

B. Respondent

Respondent did not reply to 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 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.

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, "inc," 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 gTLD to be irrelevant to the analysis of similarity.

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 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 Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the disputed domain name. Respondent has not rebutted 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 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 Respondent had actual knowledge of Complainant's trademarks at the time of registration as evidenced by Complainant's long-established rights in the trademarks and Respondent's combination of the terms "corning" and "inc," which are clearly based on Complainant's name.

Such bad faith is further evidenced by Respondent's identification of its organization as "Corning Inc," which the evidence does not support as being the case.

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 an under-construction 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 distinctiveness or reputation of 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.

The Panel finds that 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 <corninginc.net> be transferred to Complainant.

/Timothy D. Casey/

Timothy D. Casey

Sole Panelist

Date: May 16, 2025