

## **ADMINISTRATIVE PANEL DECISION**

Corning Incorporated v. sanping che  
Case No. D2025-2640

### **1. The Parties**

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

The Respondent is sanping che, China.

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

The disputed domain name <toolcorning.com> is registered with Dynadot Inc (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 4, 2025. On July 7, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 8, 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 (DT), Super Privacy Service Ltd c/o Dynadot) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 8, 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 July 8, 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 July 9, 2025. In accordance with the Rules, paragraph 5, the due date for Response was July 29, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on July 30, 2025.

The Center appointed Christian Gassauer-Fleissner as the sole panelist in this matter on August 5, 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 (NYSE: GLW) and leading innovator in materials science, with a history of over 165 years. The Complainant operates primarily in the fields of glass science, ceramic science, and optical physics. In 2018, the Complainant generated USD 11.29 billion in revenue, and over USD 30 billion between 2016 and 2018.

The Complainant is the owner of several trademarks for CORNING (“CORNING trademark”), including:

- United States Trademark Registration CORNING No. 618649, registered on January 3, 1956,
- European Union Trademark Registration CORNING No. 016966822, registered on November 6, 2017, and
- Canadian Trademark Registration CORNING No. TMA186211, registered on October 20, 1972.

The Complainant is also owner of domain names including the CORNING trademark, such as the domain name <corning.com>, registered on December 18, 1991.

The disputed domain name was registered on July 14, 2023. At the time of the decision, the disputed domain name resolves to a website with the error message “Invalid SSL certificate” (Error code 526). The Complainant has provided evidence showing that the disputed domain name previously resolved to a website offering discounted products, including connectors and fiber optic products, bearing the CORNING trademark.

#### **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.

On the first element of the Policy, the Complainant claims that the disputed domain name is confusingly similar to the CORNING trademark. The whole of the CORNING trademark is incorporated in the disputed domain name. The fact that the Respondent has added “tool” to the famous CORNING trademark does nothing to diminish confusion as the disputed domain name remains very similar to the CORNING trademark. The Complainant submits that it is quite the contrary: confusion is enhanced by the addition of the term “tool”. Consumers are likely to be misled into believing that the disputed domain name resolves to a website operated by, or otherwise connected to, the Complainant given that the Respondent is promoting the sale of Corning tools, such as fiber optic tools and connectors. Indeed, this is the intention of the Respondent’s fraudulent activities as it has gone to great lengths to impersonate the Complainant.

On the second element of the Policy, the Complainant contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name. 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. There has never been any relationship between the Complainant and the Respondent. The Respondent has not licensed, or otherwise authorized, be it directly or indirectly, to register or use, the CORNING trademark in any manner

whatsoever, including in, or as part of, a domain name. The Respondent registered the disputed domain name as part of a fraudulent scheme. The Respondent's activities may accurately be described as insidious, fraudulent and completely undermine any claim of rights. The Respondent is impersonating the Complainant, including by using the Complainant's product codes. The Complainant has established a prima facie case that the Respondent has no rights or legitimate interests in the disputed domain name. 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.

On the third element of the Policy, the Complainant asserts that the Respondent has registered and used the disputed domain name in bad faith. The disputed domain name is virtually identical to the CORNING trademark. Indeed, the addition of the word "tool" was intended to confuse and deceive end users as to source or sponsorship. Further, the Respondent's use of the disputed domain name in the furtherance of a fraudulent scheme constitutes evidence of bad faith. The Respondent has resolved the disputed domain name to a website impersonating the Complainant and is likely to confuse potential consumers into believing that the Respondent is somehow affiliated with, or endorsed by, the Complainant. The Respondent identifies itself as "orning" and is promoting the sale of CORNING branded counterfeit products, including connectors and fiber optic products. The products also include the Complainant's product codes. The contact address on the Respondent's website is for a car dealership in Houston, Texas. Goods that are purchased through the Respondent's website are, unsurprisingly, not delivered. Furthermore, the disputed domain name has put the Respondent in a position to reap a financial benefit. As the Respondent is engaged in a fraudulent scheme, it is reasonable to conclude that any active use of the disputed domain name would be for unlawful financial gain. Accordingly, the disputed domain name is being used in an attempt to intentionally attract, for commercial gain, Internet users to the Respondent's website by creating a likelihood of confusion with the Complainant's mark as to source, sponsorship, affiliation, or endorsement. Given that the Respondent is impersonating the Complainant, there can of course be no doubt that the Respondent had actual knowledge of the CORNING trademark at the time of registration, thereby supporting a finding of bad faith. The Respondent also had constructive knowledge of the CORNING trademark by virtue of the CORNING trademark.

## **B. Respondent**

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

## **6. Discussion and Findings**

Paragraph 15(a) of the Rules requires that the Panel's decision be made "on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable".

It has been a consensus view in previous UDRP decisions that a respondent's default (i.e., failure to submit a response) would not by itself mean that the complainant is deemed to have prevailed; a respondent's default is not necessarily an admission that the complainant's claims are true (see section 4.3 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)").

The Complainant must evidence each of the three elements required by paragraph 4(a) of the Policy in order to succeed on the Complaint, namely that:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- (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.

## **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.

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 applicable Top-Level Domain ("TLD") in a domain name (e.g., ".com", ".club", ".nyc") is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test. [WIPO Overview 3.0](#), section 1.11.1.

The disputed domain name contains the CORNING trademark in its entirety, with the only addition of the term "tool". The Panel finds the mark is recognizable within the disputed domain name. The addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) does not prevent a finding of confusing similarity under the first element. [WIPO Overview 3.0](#), section 1.8. The additional term "tool" is a descriptive term. Accordingly, the disputed domain name is confusingly similar 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.

The Complainant has not authorized, licensed, or permitted the Respondent to register or use the disputed domain name or to use the CORNING trademark. The Panel finds on record that there are no indications that the Respondent is commonly known by the disputed domain name or otherwise has any rights or legitimate interests in the disputed domain name. Further, the disputed domain name is not used for a bona fide offering of goods or services. Rather, the Complainant has provided evidence showing that the disputed domain name resolved to a website offering products, including connectors and fiber optic products, bearing the CORNING trademark.

Panels have held that the use of a domain name for illegitimate activity (here, claimed sale of counterfeit goods and impersonation/passing off) can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

The Complainant claims that the products bearing the CORNING trademark offered by the Respondent on the website under the disputed domain name are counterfeit, but also contends that goods ordered on the website are not delivered. In any case, there are indications that point to counterfeits, such as the greatly reduced prices and the appearance of the Respondent's website. However, it can be left open here whether those products were genuine.

For the assumption of lack of rights or legitimate interests, it is not decisive whether the products offered on the website under the disputed domain name were genuine. The Panel is of the opinion that even if the goods being sold at the Respondent's websites were genuine CORNING trademark, the Respondent's use of the disputed domain name would still not be bona fide as the Respondent cannot be assessed as a legitimate dealer for the Complainant's products in light of *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#). The website linked to the disputed domain name does not accurately and prominently disclose the relationship, or rather the lack thereof, between the Respondent and the Complainant, thus creating the false impression that the Respondent might be an official and/or authorized reseller/distributor for the Complainant's products. This assessment is further supported by the nature of the disputed domain name, which in view of the Panel carries a risk of implied affiliation or association, as stated in section 2.5.1 of the [WIPO Overview 3.0](#).

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 fact that, at the time of the decision, the disputed domain name resolves to a website with an error message, does not change the Panel's findings due to the misleading nature 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 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 held that the use of a domain name for illegitimate activity (here, claimed sale of counterfeit goods and impersonation/passing off) can never confer rights or legitimate interests on a respondent, such behavior is manifestly considered evidence of bad faith. [WIPO Overview 3.0](#), section 3.4. However, as stated above, it can be left open here whether the products offered on the website under the disputed domain name were genuine.

In the present case, the disputed domain name incorporates the CORNING trademark in its entirety and the CORNING trademark was registered decades before the registration of the disputed domain name. Internet users may think the disputed domain name is connected to the Complainant and would resolve to a website related to the Complainant because the additional term "tool" in the disputed domain name may be seen as referring to the Complainant's field of business. Further, the Complainant has provided evidence showing that the disputed domain name resolved to a website offering products, including connectors and fiber optic products, bearing the CORNING trademark. The Panel finds that the Respondent has intentionally tried to impersonate the Complainant or, at least, to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant and its CORNING trademark as to the source, sponsorship, affiliation or endorsement of the Respondent's website. 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 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 <toolcorning.com> be transferred to the Complainant.

*/Christian Gassauer-Fleissner/*

**Christian Gassauer-Fleissner**

Sole Panelist

Date: August 19, 2025