

ADMINISTRATIVE PANEL DECISION

Corning Incorporated v. luyang
Case No. D2025-2642

1. The Parties

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

The Respondent is luyang, China.

2. The Domain Name and Registrar

The disputed domain name <corningcellgro.com> is registered with Jiangsu Bangning Science & technology Co. Ltd. (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) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 18, 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 August 21, 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 22, 2025. In accordance with the Rules, paragraph 5, the due date for Response was August 11, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on August 14, 2025.

The Center appointed Alissia Shchichka as the sole panelist in this matter on August 22, 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 engaged in the field of materials science. The Complainant has been operating for more than 165 years and conducts operations worldwide, leveraging its expertise in glass, ceramics, and optical sciences across a wide range of industries. According to the Complainant, it also operates in the field of cell culture.

The Complainant has provided evidence that it is the registered owner of numerous CORNING trademarks, including, but not limited to the following

- United States trademark registration No. 618649, registered on January 3, 1956 for a word mark CORNING in classes 9, 19, and 21;
- European Union trademark registration No. 16966822, registered on November 6, 2017 for a word mark CORNING in classes 7, 9, 10, 11, 12, 19, and 21; and
- Chinese trademark registration No. 576489, registered on December 20, 1991 for a word mark CORNING in class 9;

The Complainant is also the owner of the domain name <corning.com>, which resolves to its official website.

The above-mentioned trademarks and domain name predate the registration of the disputed domain name, which was registered on February 14, 2025.

At the time of this Decision, the disputed domain name resolves to an inactive webpage. However, the evidence submitted by the Complainant, indicates that the disputed domain name previously redirected to a gambling website.

The Respondent, according to the disclosed Whois information for the disputed domain name, is located in China.

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.

According to the Complainant, the disputed domain name is confusingly similar to its CORNING trademark, as it wholly incorporates the trademark. The addition of the term "cellgro," which refers to cell culture – one of the Complainant's areas of activity – does not prevent a finding of confusing similarity, since the Complainant's trademark remains clearly recognizable within the disputed domain name. The Complainant further notes that the generic Top-Level Domain (".com") should be disregarded for the purposes of the first element, as it is a standard registration requirement and does not affect the assessment of confusing similarity.

The Complainant also asserts that the Respondent lacks rights or legitimate interests in the disputed domain name for the following reasons: (i) the Respondent is not affiliated with, licensed by, or otherwise authorized to use the CORNING trademark in connection with the disputed domain name; (ii) the Respondent has neither used nor demonstrated any preparations to use the disputed domain name in connection with a bona

fide offering of goods or services. On the contrary, the disputed domain name has been used to resolve to a gambling website, which does not constitute legitimate use.

Finally, the Complainant argues that the Respondent registered and used the disputed domain name in bad faith. In particular, (i) the Respondent had knowledge of the Complainant's trademark at the time of registering and using the disputed domain name, given that the Complainant's CORNING trademarks significantly predate the registration of disputed domain name; and (ii) by using the disputed domain name for a gambling website, the Respondent clearly intended to mislead and attract Internet users for commercial gain by creating a likelihood of confusion with the Complainant's trademarks as to source, sponsorship, affiliation or endorsement, thereby constituting further evidence of bad faith under the Policy.

The Complainant requests that the disputed domain name be transferred to the Complainant.

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 carries the burden of proving:

- (i) that the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (ii) that the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) that the disputed domain name has been registered and is being used in bad faith.

The Respondent's default in the case at hand does not automatically result in a decision in favor of the Complainant, however, paragraph 5(f) of the Rules provides that if the Respondent does not submit a response, in the absence of exceptional circumstances, the Panel shall decide the dispute solely based upon the Complaint.

Further, according to paragraph 14(b) of the Rules, the Panel may draw such inferences from the Respondent's failure to submit a response as it considers appropriate.

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 Panel finds the mark is recognizable 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, "cellgro", 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 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.

Indeed, the Complainant has confirmed that the Respondent is not affiliated with the Complainant or otherwise authorized or licensed to use the CORNING trademarks or to seek registration of any domain name incorporating the trademarks. The Respondent is also not known to be associated with the CORNING trademarks, and there is no evidence that the Respondent has been commonly known by the disputed domain name. [WIPO Overview 3.0](#), section 2.3.

In addition, the prior use of the disputed domain name in connection with a gambling website demonstrates that the Respondent has not made a legitimate noncommercial or fair use of the disputed domain name, but instead reflects an intent to misleadingly divert consumers for commercial gain. See [WIPO Overview 3.0](#), section 2.4.

Furthermore, the composition of the disputed domain name creates a risk of implied affiliation with the Complainant, suggesting sponsorship or endorsement. The inclusion of the term “cellgro”, which is used in the Complainant’s field of activity, reinforces this misleading impression and increases the likelihood of confusion. [WIPO Overview 3.0](#), section 2.5.1.

Accordingly, the Complainant has provided evidence supporting its prima facie claim that the Respondent lacks any rights or legitimate interests in the disputed domain names. 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.

Therefore, the Panel concludes that the Respondent does not have any rights or legitimate interests in the disputed domain name and the Complainant has met its burden under paragraph 4(a)(ii) of the Policy.

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 or use of a domain name in bad faith.

In the present case, the Panel observes that the Complainant’s CORNING trademarks predate the registration of the disputed domain name. The Respondent’s adoption of a disputed domain name

incorporating the Complainant's trademark, combined with the addition of a term directly related to the Complainant's field of activity, indicates that the Respondent was aware of the Complainant's business and trademark rights at the time of registration of the disputed domain name. [WIPO Overview 3.0](#), section 3.2.2.

In the Panel's view, the Respondent has intentionally attempted to attract Internet users to its website, for commercial gain, by creating a likelihood of confusion with the Complainant's trademarks regarding the source, sponsorship, affiliation, or endorsement of its website or the products offered on it. Pursuant to paragraph 4(b)(iv) of the Policy, this constitutes evidence of the registration and use of a domain name in bad faith. [WIPO Overview 3.0](#), section 3.1.4.

In addition, as reflected in section 3.2 of the [WIPO Overview 3.0](#), panels may take into account a range of further circumstances in assessing whether a domain name was registered in bad faith. Relevant considerations include: (i) the nature of the domain name, in this case consisting of the Complainant's well-known trademark combined with an additional term corresponding to the Complainant's area of business activity; and (iii) the content of the website to which the domain name has resolved, including any changes over time. See [WIPO Overview 3.0](#), section 3.2.1.

The Panel notes that the disputed domain name currently resolves to an inactive website, and this does not prevent a finding of bad faith. See [WIPO Overview 3.0](#), section 3.3.

In this context, the Panel also attaches significance to the fact that the Respondent has failed to file any response in these proceedings.

Based on the available record, 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 <corningcellgro.com> be transferred to the Complainant.

/Alissia Shchichka/

Alissia Shchichka

Sole Panelist

Date: September 5, 2025