

ADMINISTRATIVE PANEL DECISION

Corning Varioptic v. Gunawan Rudi, Enterprise
Case No. D2026-1633

1. The Parties

The Complainant is Corning Varioptic, France, represented by Gowling WLG (Canada) LLP, Canada.

The Respondent is Gunawan Rudi, Enterprise, Indonesia.

2. The Domain Name and Registrar

The disputed domain name <varioptic.com> (the “Disputed Domain Name”) is registered with NamePal.com #8014, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 16, 2026. On April 17, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On April 17, 2026, 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 (Perfect Privacy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 20, 2026, 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 April 20, 2026.

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 May 1, 2026. In accordance with the Rules, paragraph 5, the due date for Response was May 21, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on May 22, 2026.

The Center appointed Mariia Koval as the sole panelist in this matter on June 1, 2026. 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, founded in 2002, is a division of Corning Incorporated, a publicly traded company and innovator in materials science, with a longstanding track record of life-changing inventions. The Complainant applies its unparalleled expertise in glass science, ceramic science, and optical physics along with its deep manufacturing and engineering capabilities to develop category defining products that transform industries and enhance people's lives. In particular, the Complainant offers the VARIOPTIC products, which is an electrically adjustable liquid lens designed for industrial, medical, and machine vision applications.

The Complainant is the owner, among others, of the following VARIOPTIC trademark registrations (the "VARIOPTIC Trademark"):

- French Trademark Registration No. 3075956, registered on June 15, 2001, in classes 9, 10, and 11;
- International Trademark Registration No. 865518, registered on June 7, 2005, in classes 9, 10, 11, and 28; and
- European Union Trademark Registration No. 004462115, registered on November 10, 2006, in classes 9, 10, and 11.

The Disputed Domain Name was registered on January 8, 2026. At the date of this Decision, the Disputed Domain Name resolves to an inactive website. However, according to the evidence presented by the Complainant, the Disputed Domain Name previously redirected to a third party website, where the sale of bike cassettes was promoted.

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 that the Disputed Domain Name is identical to its VARIOPTIC Trademark since it incorporates the Complainant's VARIOPTIC Trademark in its entirety.

The Complainant further claims that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name in view of the following. 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 is not licensed, or otherwise authorized, be it directly or indirectly, to register or use, the VARIOPTIC Trademark in any manner whatsoever, including in the Disputed Domain Name. Furthermore, the Respondent has redirected the Disputed Domain Name to a website promoting the sale of bike cassettes. Moreover, 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 Complainant further contends that the Respondent registered and is using the Disputed Domain Name in bad faith based on the following:

- the Disputed Domain Name has been used to resolve to a website promoting the sale of bike cassettes;
- the use of the Disputed Domain Name is disruptive to the Complainant, as potential consumers were likely to be confused into believing that the Respondent's website is somehow affiliated with, or sponsored by the Complainant;

- the Disputed Domain Name is comprised of the VARIOPTIC Trademark thereby suggesting that it is connected to the Complainant. Accordingly, the Disputed Domain Name is likely to confuse consumers into believing that the Respondent is somehow affiliated with, or endorsed by, the Complainant;
- the use of the Disputed Domain Name puts the Respondent in a position to reap a financial benefit given its commercial use; and
- there can be no doubt that the Respondent had actual knowledge of the VARIOPTIC Trademark at the time of registration of the Disputed Domain Name. At the very least, the Respondent had constructive knowledge of the VARIOPTIC Trademark by virtue of the VARIOPTIC Trademark.

B. Respondent

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

6. Discussion and Findings

Under paragraph 4(a) of the Policy, a complainant to succeed must satisfy the panel that:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which complainant has rights;
- (ii) the respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) the disputed domain name was 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 of WIPO Panel Views on Select UDRP Questions ("[WIPO Overview 3.1](#)"), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.2.1.

The Disputed Domain Name reproduces the Complainant's VARIOPTIC Trademark in combination with the generic Top-Level Domain ("gTLD") ".com". Pursuant to [WIPO Overview 3.1](#), section 1.7, in cases where a domain name incorporates the entirety of a trademark, the domain name will normally be considered identical or confusingly similar to that mark for purposes of UDRP standing.

Also, in accordance with [WIPO Overview 3.1](#), section 1.11.1, the applicable gTLD in a domain name (such as, ".com", ".club", ".nyc") is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test.

Accordingly, the Panel finds that the Disputed Domain Name is identical to the Complainant's VARIOPTIC Trademark pursuant to paragraph 4(a)(i) of the Policy.

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 that 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 3.1](#), 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 Panel concludes that there is no relation, disclosed to the Panel or otherwise apparent from the record, between the Respondent and the Complainant. The Respondent is not a licensee of the Complainant, nor has the Respondent otherwise obtained an authorization to use the Complainant's VARIOPTIC Trademark. Moreover, there is no element from which the Panel could infer the Respondent's rights over the Disputed Domain Name, or that the Respondent might be commonly known by the Disputed Domain Name.

The composition of the Disputed Domain Name – being identical to the mark – carries a high risk of implied affiliation with the Complainant (see [WIPO Overview 3.1](#), section 2.5.1). The Respondent is not making a legitimate noncommercial or fair use of the Disputed Domain Name without intent for commercial gain to misleadingly divert consumers or to tarnish the VARIOPTIC Trademark of the Complainant. As of the date of filing the Complaint, the Disputed Domain Name was redirected to another website where the sale of bicycle cassettes was promoted. Such use of the identical Disputed Domain Name would not support a claim to any rights or legitimate interests. Therefore, the Panel cannot consider such use of the Disputed Domain Name as a bona fide offering of goods or services, nor a legitimate noncommercial or fair use.

The Panel also finds that the Respondent has not been commonly known by the Disputed Domain Name or a name corresponding to the Disputed Domain Name. [WIPO Overview 3.1](#), section 2.3.

The fact that the Disputed Domain Name currently resolves to inactive website does not change the Panel's finding that the Respondent lacks rights or legitimate interests.

The Respondent neither responded to the Complaint nor participated in this proceeding, and did not present any evidence for supporting any rights or legitimate interests in the Disputed Domain Name.

Based on the available record, 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 the Disputed Domain Name was registered long after the Complainant registered its VARIOPTIC Trademark. The Disputed Domain Name incorporates the Complainant's VARIOPTIC Trademark in its entirety and previously redirected to a third party website where the sale of bicycle cassettes was promoted. The evidence in the case file as presented indicates that the Respondent's aim in registering the Disputed Domain Name was most likely to profit from or exploit the Complainant's VARIOPTIC Trademark. The Panel therefore finds that by using the Disputed Domain Name, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's VARIOPTIC 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 is also of the opinion that it is clear that the Respondent, having registered and used the Disputed Domain Name, which is identical to the Complainant's VARIOPTIC Trademark, intended to disrupt the Complainant's business and confuse Internet users seeking for or expecting the Complainant. In view of the absence of any evidence to the contrary and that the Respondent did not file any response to claim otherwise, the Panel concludes that the Respondent has registered and is using the Disputed Domain Name in bad faith.

As at the date of this Decision, the Disputed Domain Name resolves to an inactive website. 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. Having reviewed the available record, the Panel finds the non-use of the Disputed Domain Name does not prevent a finding of bad faith in the circumstances of this proceeding. Although panelists will look at the totality of the circumstances in each case, factors that have been considered relevant in applying the passive holding doctrine include: (i) the degree of distinctiveness or reputation of the complainant's mark; (ii) the failure of the respondent to submit a response or to provide any evidence of actual or contemplated good-faith use; (iii) the respondent's concealing its identity; or (iv) the use of false or inaccurate contact details (noted to be in breach of its registration agreement). [WIPO Overview 3.1](#), section 3.3. Having reviewed the available record, the Panel notes the distinctiveness and reputation of the Complainant's VARIOPTIC Trademark, the composition of the Disputed Domain Name, and the failure of the Respondent to provide any evidence of actual or contemplated good-faith use 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 the third element of the Policy has been established.

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 <varioptic.com> be transferred to the Complainant

/Mariia Koval/

Mariia Koval

Sole Panelist

Date: June 15, 2026