

ADMINISTRATIVE PANEL DECISION

Corning Incorporated v. 上海叁进新材料有限公司 (Shang Hai San Jin Xin Cai Liao You Xian Gong Si)

Case No. D2026-1998

1. The Parties

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

The Respondent is 上海叁进新材料有限公司 (Shang Hai San Jin Xin Cai Liao You Xian Gong Si), China.

2. The Domain Names and Registrar

The disputed domain names <corning-chem.com> and <corning-chem.site> are registered with DNSPod, Inc. (the "Registrar").

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the "Center") on May 8, 2026. On May 8, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On May 9, 2026, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names 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 May 14, 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 in English on May 15, 2026.

On May 14, 2026, the Center informed the Parties in Chinese and English, that the language of the Registration Agreement for the disputed domain names is Chinese. On May 15, 2026, the Complainant requested English to be the language of the proceeding. The Respondent did not submit any comment on the Complainant's language submission.

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 in Chinese and English of the Complaint, and the proceedings commenced on May 21, 2026. In accordance with the Rules, paragraph 5, the due date for Response was June 10, 2026.

The Respondent sent email communications in Chinese and/or English to the Center on June 10, 11, and 12, 2026, essentially stating that it agreed to cancel/give up the disputed domain names. On June 11, 2026, the Center sent an email communication to both Parties regarding a possible settlement. On June 15, 2026, the proceeding was suspended for settlement discussion following the Complainant's request, and the suspension was extended for another 30 days on July 15, 2026. On August 21, 2026, the proceeding was reinstituted at the Complainant's request, and the Center informed the Parties that it would proceed with the panel appointment.

The Center appointed Rachel Tan as the sole panelist in this matter on August 27, 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 is one of the global leaders in materials science with more than 165 years of innovation. The Complainant develops products by leveraging its expertise in glass, ceramic, and optical physics through its manufacturing and engineering capabilities. The Complainant generated over USD 30 billion in revenue from 2016 to 2018.

The Complainant owns numerous trademark registrations for the CORNING trademark, including:

- United States Trademark CORNING Registration No. 545056, registered on July 17, 1951, in classes 19 and 21;
- Chinese Trademark CORNING Registration No. 258704, registered on August 10, 1986, in class 9; and
- European Union Trademark CORNING Registration No. 016966822, registered on November 6, 2017, in classes 7, 9, 10, 11, 12, 19, and 21.

The Complainant owns the domain name <corning.com>, which incorporates its CORNING trademark and has been used as the Complainant's official website.

The Respondent is reportedly based in China. Both disputed domain names were registered on April 28, 2026, and resolve to inactive websites.

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 names.

Notably, the Complainant contends that the disputed domain names incorporate the Complainant's CORNING trademark in its entirety. The inclusion of "-chem" does nothing to diminish confusion, and the disputed domain names remain similar to the CORNING trademark. On the contrary, the addition of "-chem" further increases the likelihood of confusion because the Complainant is active in the chemistry and life sciences sector. As a result, Internet users are likely to be misled into believing that the disputed domain names are affiliated with or connected to the Complainant. Therefore, the disputed domain names are confusingly similar to the Complainant's CORNING trademark.

The Complainant further contends that the Respondent has not been authorized by the Complainant to use its trademark and cannot claim rights or legitimate interests in the disputed domain names that incorporate the Complainant's CORNING trademark. There is no evidence to suggest that the Respondent has used or made demonstrable preparations to use the disputed domain names in connection with a bona fide offering of goods or services. The Respondent is seeking to mislead Internet users into believing that the disputed domain names are affiliated with or otherwise connected to the Complainant. Furthermore, there is no evidence to suggest that the Respondent has been commonly known by the disputed domain names. Therefore, the Respondent has no rights or legitimate interests in the disputed domain names.

The Complainant finally contends that the disputed domain names contain the Complainant's CORNING trademark. Given the nature of the disputed domain names, it is reasonable to infer that the Respondent had actual knowledge or at least constructive knowledge of the Complainant's CORNING trademark at the time of registering the disputed domain names. The fact that the disputed domain names resolve to inactive websites does not prevent a finding of bad faith. In addition, the disputed domain names are inherently likely to confuse Internet users into believing that the disputed domain names are affiliated with or connected to the Complainant. Therefore, the disputed domain names were registered and are being used in bad faith.

B. Respondent

The Respondent did not formally reply to the Complainant's contentions. In its email communication of June 10, 2026, the Respondent denied any bad faith registration or misleading use and stated that the disputed domain names were used only as portal websites. The Respondent further indicated that if there were any potential impact, it would cancel the disputed domain names within five working days from the date of its email. On the same day, the Complainant informed the Respondent that it also owns another .CN domain name incorporating the Complainant's mark. On June 11, 2026, the Respondent indicated that it would cancel all three domain names and it does not own any other domain names related to CORNING. On June 12, 2026, the Respondent reiterated its willingness to give up the domain names and offered to provide the transfer codes, asking when and how to obtain them.

6. Discussion and Findings

6.1. Procedural Issue – Language of the Proceeding

The language of the Registration Agreement for the disputed domain names is Chinese. Pursuant to the Rules, paragraph 11(a), in the absence of an agreement between the parties, or unless specified otherwise in the registration agreement, the language of the administrative proceeding shall be the language of the registration agreement.

The Complaint was filed in English. The Complainant requested that the language of the proceeding be English for several reasons, including the fact that: 1) the disputed domain names consist of English terms, and it is unlikely that the Respondent would be prejudiced by the proceedings being conducted in English; 2) using Chinese as language of the proceeding would unfairly disadvantage and burden the Complainant and delay the proceedings and adjudication of this matter.

The Respondent did not make any specific submissions with respect to the language of the proceeding. Further, the Respondent sent several email communications to the Center in English.

In exercising its discretion to use a language other than that of the registration agreement, the Panel has to exercise such discretion judicially in the spirit of fairness and justice to both parties, taking into account all relevant circumstances of the case, including matters such as the parties' ability to understand and use the proposed language, time and costs (see [WIPO Overview 3.1](#)), section 4.5.1).

Having considered all the matters above, the Panel determines under paragraph 11(a) of the Rules that the language of the proceeding shall be English.

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 names. [WIPO Overview 3.1](#), section 1.7.

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

The generic Top-Level Domains ("gTLDs") ".com" and ".site", as standard registration requirements, should be disregarded in the assessment of confusing similarity under the Policy. [WIPO Overview 3.1](#), section 1.11.1.

The disputed domain names incorporate the Complainant's CORNING trademark in its entirety. Although a hyphen "-" and the term "chem" are included in the disputed domain names, the Complainant's CORNING trademark remains clearly recognizable in both of them. The Panel finds that the additional hyphen and term does not prevent a finding of confusing similarity between the disputed domain names and the CORNING trademark.

Accordingly, the disputed domain names are confusingly similar to the Complainant's CORNING trademark for the purposes of the Policy. [WIPO Overview 3.1](#), sections 1.7 and 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 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.

The information in the case file shows that:

- through the Complainant's continuous use and advertising of the CORNING trademark, the Complainant and its CORNING trademark have gained a certain degree of reputation and distinctiveness;
- the Respondent is not affiliated with the Complainant and has not been authorized to use the Complainant's CORNING trademark in any form;
- there is no evidence proving that the Respondent has been commonly known by the disputed domain names;

- the disputed domain names resolve to inactive websites, without any actual use or demonstrable plan to use the disputed domain names by the Respondent. This cannot be deemed as a bona fide offering of goods or services or a legitimate noncommercial or fair use under the circumstances of this case;
- the nature of the disputed domain names, wholly encompassing the Complainant's CORNING trademark, together with the term "chem", a commonly used abbreviation for "chemistry", which closely relates to the Complainant's industry, carries a risk of implied affiliation with the Complainant; and
- no other factors demonstrate any rights or legitimate interests of the Respondent in the disputed domain names.

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 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 names 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 the Complainant obtained the trademark registration for CORNING as early as July 17, 1951, which significantly predates the registration date of the disputed domain names (April 28, 2026). According to the Complainant's evidence, the Panel accepts that the CORNING trademark has gained a certain degree of reputation and distinctiveness through the Complainant's continuous and extensive use and advertising. The disputed domain names incorporate the Complainant's CORNING trademark in its entirety, together with the term "chem", a commonly used abbreviation for "chemistry", which closely relates to the Complainant's industry. Bearing in mind that the Complainant also obtained trademark registration for CORNING in China as early as 1986, where the Respondent reportedly resides, and considering that the Respondent's name suggests it operates in the same industry as the Complainant, the Panel determines that the Respondent knew or should have known the Complainant's rights to the CORNING trademark at the time of registering the disputed domain names, and bad faith is found.

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 3.1](#), section 3.2.1.

The disputed domain names resolve to inactive websites, without evidence of any actual use or demonstrable preparations to use them. Panels have found that the non-use of a domain name would not by itself prevent a finding of bad faith under the doctrine of passive holding. On the contrary, in looking at the totality of circumstances in each case, panels have found that the registration and non-use of a domain name can still constitute bad faith for purposes of the Policy. [WIPO Overview 3.1](#), section 3.3. Having reviewed the available record, the Panel notes the reputation and distinctiveness of the Complainant's CORNING trademark, the composition of the disputed domain names being confusingly similar to the Complainant's CORNING trademark, and the Respondent's failure to formally respond to the Complainant's contentions and finds that in the circumstances of this case the Respondent's passive holding of the disputed domain names does not prevent a finding of bad faith under the Policy. See *Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#).

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 names <corning-chem.com> and <corning-chem.site> be transferred to the Complainant.

/Rachel Tan/

Rachel Tan

Sole Panelist

Date: September 10, 2026