ADMINISTRATIVE PANEL DECISION

Corning Incorporated v. geral Heike Garstka, corning-gmbh
Case No. D2026-2756

1. The Parties

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

Respondent is geral Heike Garstka, corning-gmbh, United States.

2. The Domain Name and Registrar

The disputed domain name <corning-gmbh.net> is registered with Tucows Domains Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on June 24, 2026. On June 25, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 25, 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 (Contact Privacy Inc. Customer 0178615412) and contact information in the Complaint. The Center sent an email communication to Complainant on June 30, 2026, 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 June 30, 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 Respondent of the Complaint, and the proceedings commenced on July 14, 2026. In accordance with the Rules, paragraph 5, the due date for Response was August 3, 2026. Respondent did not submit any response. Accordingly, the Center notified Respondent's default on August 9, 2026.

The Center appointed Frederick M. Abbott as the sole panelist in this matter on August 19, 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

Complainant is a corporation organized in the State of New York, United States. Complainant is a publicly traded company with shares listed on the New York Stock Exchange (NYSE) under the ticker symbol GLW. Complainant is one of the leading innovators in the field of materials science and develops and manufactures a range of products, including various glass products, ceramics and optical fiber. Complainant had revenues of approximately USD 30 billion between 2016 and 2018. Complainant operates a commercial website at operates a website at the domain name <corning.com>.

Complainant is the owner of registrations for the word trademark CORNING on the Principal Register of the United States Patent and Trademark Office ("USPTO"), including registration number 1,682,729, registration dated April 14, 1992, in international class ("IC") 9, covering glass optical fiber, as further specified; registration number 918,421, registration dated August 17, 1971, in IC 11, covering, inter alia, electric ranges and cooktops, and; registration number 618,649, registration dated January 3, 1956, in ICs 9 and 21, covering glass laboratory equipment and various molded material products, and; registration number 1,748,228, registration dated January 26, 1993, in IC 9, covering plastic labware as further specified. Complainant is owner of a substantial number of additional registrations for the trademark CORNING worldwide.

According to the registrar's verification, Respondent is registrant of the disputed domain name. According to the WhoIs report, the disputed domain name was registered on June 16, 2026.

Respondent used the disputed domain name as the sender domain in emails falsely and deceptively employing the name of an actual employee of Complainant, along with address information of one of Complainant's European offices and including a hyperlink to Complainant's website address. The disputed domain name includes the German abbreviation "GmbH", indicating association with an affiliated entity of Complainant. These emails generated by Respondent were designed to solicit billing information from customers of Complainant, with the objective of securing fraudulent payment to Respondent of invoices from those customers.

There is no evidence of any affiliation or business dealings, commercial or otherwise, between Complainant and Respondent.

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 owns rights in the trademark CORNING and that the disputed domain name is confusingly similar to that trademark.

Complainant argues that Respondent lacks rights or legitimate interests in the disputed domain name because: (1) Respondent is not authorized to use Complainant's trademark and is not engaged in a bona fide offering of goods or services; (2) Respondent is trading on the notoriety of Complainant's trademark; (3) typosquatting activities undermine the claim of legitimate rights or interests; (4) impersonating Complainant as part of an email address in furtherance of a fraudulent scheme constitutes prima facie evidence of a lack of rights or legitimate interests; (5) there is no evidence that Respondent used or prepared to use the disputed domain name in connection with a bona fide offering of goods or services; (6) Respondent registered and used the disputed domain name in furtherance of a fraudulent scheme which undermines any claim of rights, and; (7) there is no evidence that Respondent has been commonly known by the disputed domain name or that Respondent is making or intends to make a legitimate noncommercial or fair use of the disputed domain name.

Complainant alleges that Respondent registered and used the disputed domain name in bad faith because: (1) Respondent is using the disputed domain name to intentionally attract for commercial gain Internet users to a website by creating a likelihood of confusion with Complainant's mark as to source, sponsorship, affiliation or endorsement; (2) the absence of an active website of Respondent does not preclude a finding of bad faith; (3) use of the disputed domain name in an email address in furtherance of a fraudulent scheme constitutes use; and (4) Respondent had actual or constructive knowledge of Complainant's trademark when it registered the disputed domain name, given that Respondent has impersonated Complainant.

Complainant requests the Panel to direct the Registrar to transfer the disputed domain name to Complainant.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

Paragraph 4(a) of the Policy sets forth three elements that must be established by a complainant to merit a finding that a respondent has engaged in abusive domain name registration and use and to obtain relief.

These elements are that:

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

(ii) 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 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.

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 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 3.1, section 1.7.

Although the addition of another term, here "-gmbh", 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 3.1, section 1.8.

The use by Respondent of the generic Top-Level-Domain ".net" is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test. WIPO Overview 3.1, section 1.11.1.

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 Complainant, panels have recognized that proving that Respondent lacks rights or legitimate interests in the disputed domain name may result in the difficult task of "proving a negative", requiring information that is often primarily within the knowledge or control of Respondent. As such, where Complainant, as here, makes out a prima facie case that Respondent lacks rights or legitimate interests, the burden of production on this element shifts to Respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name (although the burden of proof always remains on Complainant). If Respondent, as here, fails to come forward with such relevant evidence, Complainant is deemed to have satisfied the second element. WIPO Overview 3.1, 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.

Respondent's use of the disputed domain name on the record of this proceeding is as the sender domain in emails that impersonate an employee of Complainant and seek to obtain valuable commercial information from customers of Complainant with the intention to fraudulently induce them to pay false invoices. This does not involve use of the disputed domain name, or preparations to use in connection with a bona fide offering of goods or services. There is no evidence that Respondent has been commonly known by the disputed domain name. There is no evidence to support a finding that Respondent's registration and use of the disputed domain name constitute legitimate noncommercial or fair use.

Panels have held that the use of a domain name for illegitimate or illegal activity, here claimed as phishing/identity theft with intention to defraud can never confer rights or legitimate interests on Respondent. WIPO Overview 3.1, section 2.13.1.

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 was manifestly familiar with Complainant and its trademark when it registered and used the disputed domain name as it deliberately impersonated Complainant and its employee to Complainant's customers.

Respondent's use of the disputed domain name as the sender domain in fraudulent and deceptive email correspondence constitutes use of the disputed domain name in bad faith from the standpoint of the Policy.

Respondent, for commercial gain, registered and used the disputed domain name that is confusingly similar to Complainant's trademark to create confusion among Complainant's customers as to whether Complainant was the source, sponsor, affiliate or endorser of Respondent's online (i.e. email) activities. Such activity constitutes bad faith within the meaning of paragraph 4(b)(iv) of the Policy.

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 Respondent's registration and use of the disputed domain name is in bad faith. WIPO Overview 3.1, section 3.2.1.

Panels have held that the use of a domain name for illegitimate or illegal activity, here claimed as phishing/identity theft with intention to defraud constitutes bad faith. WIPO Overview 3.1, section 3.4.

Having reviewed the record, the Panel finds Respondent's registration and use of the disputed domain name constitutes 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 <corning-gmbh.net> be transferred to Complainant.

/Frederick M. Abbott/
Frederick M. Abbott
Sole Panelist
Date: August 31, 2026