ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
Corning Incorporated v. E-Marketplace Pty Ltd
Case No. DAU2026-0006

1. The Parties

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

The Respondent is E-Marketplace Pty Ltd, E-MARKETPLACE PTY LTD, of Australia.

2. The Domain Name and Registrar

The disputed domain name <corning.com.au> is registered with GoDaddy.com, LLC.

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on February 9, 2026. On February 9, 2026, the Center transmitted by email to GoDaddy.com, LLC a request for registrar verification in connection with the disputed domain name. On February 10, 2026, GoDaddy.com, LLC transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name. The Center sent an email communication to the Complainant on February 13, 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 February 14, 2026.

The Center verified that the Complaint together with the amendment to the Complaint satisfied the formal requirements of the .au Dispute Resolution Policy (the "Policy"), the Rules for .au Dispute Resolution Policy (the "Rules"), and the WIPO Supplemental Rules for .au Domain Name Dispute Resolution Policy (the "Supplemental Rules").

In accordance with the Rules, paragraphs 2(a) and 4(a), the Center formally notified the Respondent of the Complaint, and the proceedings commenced on February 18, 2026. In accordance with the Rules, paragraph 5(a), the due date for Response was March 10, 2026. The Center received numerous email communications from the Respondent between February 18, 2026, and March 24, 2026. The substance of some of these emails is discussed below.

On March 24, 2026, the date for the Respondent to Respond was extended to March 29, 2026.

The Center appointed Douglas Clark as the sole panelist in this matter on April 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 is a leading materials sciences multinational that is more than 165-years old. It is listed on the New York Stock Exchange. Its principal areas of business are glass science, ceramic science, and optical physics. It has extensive manufacturing and engineering capabilities.

The Complainant is the owner of the trademark CORNING in multiple classes in multiple classes worldwide. Its Australian registered trademarks include:

Trademark	Reg. No.	Class	Reg. Date
CORNING	130807	21	January 29, 1957
CORNING	130805	9	January 29, 1957

The Respondent is a company incorporated in Australia.

The date of registration of the disputed domain name is not shown on the WhoIs record, but the Registry has clarified a "Create Date: 8/3/2025 10:21:10 AM" and the Panel notes that the WhoIs record was last modified on August 8, 2025. The disputed domain name resolved to a website promoting the disputed domain name for sale for USD 2000. At the date of this decision, it resolves to a landing page offering it for sale but without naming a price.

In five other domain name disputes, the Respondent had been found to have registered domain names in bad faith.

5. Parties' Contentions

A. Complainant

The Complainant contends that (i) the disputed domain name is identical to the Complainant's trademark; (ii) the Respondent has no rights or legitimate interests in the disputed domain name; and (iii) the Respondent registered and is using the disputed domain name in bad faith.

The Complainant submits that it has no affiliation with the Respondent, nor has it authorized the Respondent to register or use a domain name, which includes Complainant's marks, and that the Respondent has no rights or legitimate interests in the registration of the domain name.

The Complainant contends that the Respondent has acted in bad faith in acquiring and setting up the disputed domain name, when the Respondent clearly knew of the Complainant's rights. In particular, the Complainant contends that the Respondent registered and is using the disputed domain name in bad faith by attempting to sell it. The Respondent had also engaged in a pattern of conduct of registering domain names to which it was not entitled.

B. Respondent

The Respondent initially responded that due to the generic nature of the word it would be disputing the case.

After the Center informed the parties that it would proceed to appoint a panel, the Respondent sent an email stating it would no longer dispute the case and provided an authorization code for transfer. The Complainant appears to have asked for a payment for its fees and the same day the Respondent withdrew its consent to transfer.

A formal response was not filed within the extended deadline to file a response. An email was sent on March 24, 2026, stating a Response would be filed. No response was received by the Center.

6. Discussion and Findings

A. Identical or Confusingly Similar

The disputed domain name is made up of "corning" and the country code Top Level Domain ("ccTLD") ".com.au". The disputed domain name incorporates the Complainant's trade mark CORNING in its entirety with the addition of the ccTLD. The ccTLD is generally not taken into account when considering identity or similarity. The disputed domain name is identical to the Complainant's trade mark.

The first element of paragraph 4(a) of the Policy is therefore satisfied.

B. Rights or Legitimate Interests

Paragraph 2.1 of the auDRP 2.0 overview provides:

"The general position is somewhat different from that under the UDRP.

Unlike the position with respect to the open gTLDs (e.g., '.com', '.net', '.org') to which the UDRP applies, there are eligibility and allocation requirements for registration of a domain name at the third level in the open 2LDs, and at the second level, of the .au ccTLD, and a failure to satisfy these requirements can mean that a respondent is unable to establish it has rights or legitimate interests in the domain name.

A complainant is required to make out a prima facie case that the respondent lacks rights or legitimate interests. The complainant will usually make out a prima facie case by establishing that none of the paragraph 4(c) circumstances are present. Once such a prima facie case is made, the burden of production shifts to the respondent, requiring it to provide evidence or plausible assertions demonstrating rights or legitimate interests in the domain name. If the respondent fails to provide such evidence or assertions, a complainant is generally deemed to have satisfied paragraph 4(a)(ii) of the Policy …. If the respondent does provide some evidence or plausible assertions of rights or legitimate interests in the domain name, the panel then weighs all the evidence – with the burden of proof always remaining on the complainant."

The Complainant has established trade mark rights to CORNING in Australia.

The only legitimate interest relied upon by the Respondent is that the disputed domain name is generic. There is no evidence provided to support this. The Panel is not aware of "corning" having any generic meaning. There is also no evidence on record that shows that the Respondent has ever been known by the disputed domain name.

The Panel finds the Respondent has failed to demonstrate any rights or legitimate interests in the disputed domain name.

The second element of paragraph 4(a) of the Policy is therefore satisfied.

C. Registered or Subsequently Used in Bad Faith

The offer for sale by the Respondent of the disputed domain name for USD 2,000 is clear evidence the Respondent acquired the disputed domain name for the purpose of selling, renting, licensing or otherwise transferring the domain name for valuable consideration in excess of his actual costs in registering the disputed domain name in breach of paragraph 4(b)(i) of the Policy.

The five other prior decisions finding that the Respondent has acted in bad faith demonstrate a pattern of conduct for registering the domain names of others, supporting a finding of bad faith under paragraph 4(b)(i) of the Policy.

The Panel finds that the disputed domain name <corning.com.au> was registered and is being used in bad faith within the meaning of the Policy.

The third element of paragraph 4(a) of the Policy is therefore satisfied.

7. Decision

For all the foregoing reasons, in accordance with Paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the domain name <corning.com.au> be transferred to the Complainant.

/Douglas Clark/
Douglas Clark
Sole Panelist
Date: April 19, 2026