

ADMINISTRATIVE PANEL DECISION

Corning Incorporated v. John Hinshaw
Case No. DCO2024-0021

1. The Parties

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

Respondent is John Hinshaw, United States of America.

2. The Domain Name and Registrar

The Disputed Domain Name <cornings.co> is registered with NameCheap, Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on March 18, 2024. On March 19, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On March 19, 2024, 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 Complainant on March 20, 2024, 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 March 20, 2024.

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 March 22, 2024. In accordance with the Rules, paragraph 5, the due date for Response was April 11, 2024. Respondent did not submit any response. Accordingly, the Center notified Respondent's default on April 19, 2024.

The Center appointed Richard W. Page as the sole panelist in this matter on April 25, 2024. 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 publicly traded company (NYSE: GLW) and is one of the world's leading innovators in materials science, with more than a 165-year track record of life-changing inventions. 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. Complainant has enjoyed tremendous success. In 2018 alone, Complainant generated USD 11.29 billion in revenues, and over USD 30 billion between 2016 and 2018.

Complainant is the owner of over 325 registrations worldwide for the CORNING Mark, including without limitation the following:

- United States Registration No. 618649 for CORNING dated January 3, 1956;
- United States Registration No. 918421 for CORNING dated August 17, 1971; and
- United States Registration No. 1682729 for CORNING dated April 14, 1992.

Complainant operates a website at <corning.com>.

Respondent registered the Disputed Domain Name on March 15, 2024, which resolves to a pay-per-click website displaying links to competitors of Complainant as well as links to sites selling goods and services that compete with, or rival, those offered by Complainant.

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.

Complainant further contends that the CORNING Mark enjoys widespread recognition, has generated significant goodwill, and has become famous.

Complainant further contends that the Disputed Domain Name constitutes a clear case of typosquatting as Respondent has added the letter "s" to the end of the famous CORNING Mark.

Complainant further contends that, without permission from Complainant, Respondent registered the Disputed Domain Name on March 15, 2024. The Disputed Domain Name resolves to a pay-per-click website displaying links to competitors of Complainant as well as links to sites selling goods and services that compete with, or rival, those offered by Complainant. The website also provides a means by which end users can search for links to competitor sites of Complainant. This use of the Disputed Domain Name puts Respondent in a position to reap a financial benefit.

Complainant submits that Respondent has not engaged in a bona fide offering of goods and services because he has made unauthorized use of the CORNING Mark and is engaged in typosquatting.

Complainant further submits that there is no evidence to suggest that Respondent has ever been commonly known by the Disputed Domain Name or that Respondent is making, or intends to make, a legitimate non-commercial or fair use of the Disputed Domain Name

Complainant alleges that typosquatting is by itself evidence of bad faith use of the Disputed Domain Name.

Complainant further alleges that Respondent registered the Disputed Domain Name in an attempt to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with Complainant as to the source or sponsorship of Respondent's website.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

Paragraph 15(a) of the Rules instructs the Panel as to the principles the Panel is to use in determining the dispute: "A Panel shall decide a complaint on the basis of the statements and documents submitted in accordance with the Policy, these Rules, and any rules and principles of law that it deems applicable."

Even though Respondent has failed to file a Response or to contest Complainant's assertions, the Panel will review the evidence proffered by Complainant to verify that the three essential elements of the claims are met. See section 4.3 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)").

Paragraph 4(a) of the Policy directs that Complainant must prove each of the following three essential elements:

- (i) that the Disputed Domain Name registered by Respondent is identical or confusingly similar to the CORNING Mark in which Complainant has rights; and
- (ii) that 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.

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 CORNING Mark and the Disputed Domain Name. [WIPO Overview 3.0](#), section 1.7.

[WIPO Overview 3.0](#), section 1.2.1 states that registration of a trademark is prima facie evidence of Complainant having enforceable rights in the CORNING Mark.

Complainant has shown rights in respect of the CORNING Mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the CORNING Mark is reproduced within the Disputed Domain Name. Accordingly, the Disputed Domain Name is confusingly similar to the CORNING Mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

The Panel finds the addition of the additional letter "s" does not prevent a finding of confusing similarity between the Disputed Domain Name and the CORNING 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.

Paragraph 4(c) of the Policy allows three nonexclusive methods for the Panel to conclude that Respondent has rights or a legitimate interest in the Disputed Domain Name:

- (i) before any notice to you [Respondent] of the dispute, your use of, or demonstrable preparations to use, the Disputed Domain Name or a name corresponding to the Disputed Domain Name in connection with a bona fide offering of goods or services; or
- (ii) you [Respondent] (as an individual, business, or other organization) have been commonly known by the Disputed Domain Name, even if you have acquired no trademark or service mark rights; or
- (iii) you [Respondent] are 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 CORNING Mark.

Although the overall burden of proof in UDRP proceedings is on Complainant, panels have recognized that proving 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 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 Disputed Domain Name (although the burden of proof always remains on Complainant). If Respondent fails to come forward with such relevant evidence, Complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), 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.

The Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

Paragraph 4(b) of the Policy sets forth four nonexclusive criteria for Complainant to show bad faith registration and use of the Disputed Domain Name:

- (i) circumstances indicating that you [Respondent] have registered or you have acquired the Disputed Domain Name primarily for the purpose of selling, renting, or otherwise transferring the Disputed Domain Name registration to Complainant who is the owner of the CORNING Mark or to a competitor of Complainant, for valuable consideration in excess of your documented out-of-pocket costs directly related to the Disputed Domain Name; or
- (ii) you [Respondent] have registered the Disputed Domain Name in order to prevent Complainant from reflecting the CORNING Mark in a corresponding domain name, provided that you have engaged in a pattern of such conduct; or
- (iii) you [Respondent] have registered the Disputed Domain Name primarily for the purpose of disrupting the business of a competitor; or

(iv) by using the Disputed Domain Name, you [Respondent] have intentionally attempted to attract, for commercial gain, Internet users to your website or other online location, by creating a likelihood of confusion with the CORNING Mark as to the source, sponsorship, affiliation, or endorsement of your website or location or of a product on your website or location.

In the present case, the Panel notes that the Respondent has intentionally attempted to attract, for commercial gain, Internet users by creating a likelihood of confusion with the CORNING Mark. Therefore, Complainant has satisfied 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 the Disputed 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 3.0](#), section 3.2.1.

In addition, the nature of the Disputed Domain Name, containing a typo of Complainant's widely-known trademark, supports a finding of bad faith. See, section 3.2.1 of the [WIPO Overview 3.0](#).

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 <cornings.co> be transferred to the Complainant.

/Richard W. Page/

Richard W. Page

Sole Panelist

Date: May 8, 2024