

## **ADMINISTRATIVE PANEL DECISION**

Corning Incorporated v. Michael Nava, Domain Nerdz LLC

Case No. DIO2025-0002

### **1. The Parties**

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

Respondent is Michael Nava, Domain Nerdz LLC, United States.

### **2. The Domain Name and Registrar**

The disputed domain name <corning.io> (hereinafter “Disputed Domain Name”) is registered with Sav.com, LLC (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 4, 2025. On February 5, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On the same day, 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 the same day, 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 February 12, 2025.

The Center verified that the Complaint together with the amendment to the Complaint satisfied the formal requirements of the .IO Domain Name Dispute Resolution Policy (the “.IO Policy”), the Rules for .IO Domain Name Dispute Resolution Policy (the “.IO Rules”), and the WIPO Supplemental Rules for .IO 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 February 13, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 5, 2025. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on March 6, 2025.

The Center appointed Lawrence K. Nodine as the sole panelist in this matter on March 12, 2025. 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**

A publicly traded company (NYSE: GLW) founded in 1851, Complainant is a multinational technology company that manufactures and distributes a wide variety of materials, including glass, ceramics, and advanced optics. Its worldwide sales are substantial. In 2018, for example, Complainant generated USD 11.29 billion and over USD 30 billion between 2016 and 2018.

Complainant operates a website at “www.corning.com”.

Complainant uses the CORNING trademark (hereinafter the “Mark”) worldwide, and, not surprisingly, owns trademark registrations for the Mark in numerous jurisdictions, including:

- United States trademark registration No. 618,649 (registered January 3, 1956);
- United States trademark registration No. 918,421 (registered August 17, 1971);
- European Union trademark registration No. 16966822 (registered June 11, 2017).

The Disputed Domain Name was registered on July 15, 2021. There is no active website associated with the Disputed Domain Name, which resolves to GoDaddy’s website listing the Disputed Domain Name for sale for USD 9,988.00.

#### **5. Parties’ Contentions**

##### **A. Complainant**

Complainant contends that it has satisfied all elements of the .IO Policy. In particular, Complainant contends that the Mark is well-known and famous.

Complainant also contends that Respondent has engaged in a pattern of registering domain names that incorporate the trademarks of third parties.

##### **B. Respondent**

Respondent did not submit a response to the Complaint.

#### **6. Discussion and Findings**

As the criteria under the .IO Policy are similar to the criteria under the Uniform Domain Name Dispute Resolution Policy (UDRP), the Panel considers that the principles which have been developed under the UDRP (notably including the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, (“[WIPO Overview 3.0](#)”)) may be applied where appropriate under the .IO Policy. See *LINBIT HA-Solutions GmbH v. Xvz William*, WIPO Case No. [DIO2024-0040](#).

##### **A. Identical or Confusingly Similar**

Complainant has shown rights in respect of a trademark or service mark for the purposes of the .IO Policy.

The Disputed Domain Name is identical to the Mark for the purposes of the .IO Policy paragraph 4(a)(i). Compare [WIPO Overview 3.0](#), section 1.7.

The Panel finds the first element of the .IO Policy has been established.

## **B. Rights or Legitimate Interests**

Although the overall burden of proof in these proceedings, as under ioDRP proceedings, is on the complainant, panels have recognized that proving 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 3.0](#), 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 or Used in Bad Faith**

Unlike the UDRP, which requires that Complainant prove both bad faith registration and use, under the .IO Policy, it is sufficient for Complainant to prove either registration or use of the Disputed Domain Name is in bad faith.

The Panel finds that the Disputed Domain Name was registered in bad faith. The Panel finds that Complainant’s trademark is famous worldwide and that Respondent likely knew of and targeted Complainant when he registered the Disputed Domain Name. Respondent has not offered any good faith justification for the registration of the Disputed Domain Name. Moreover, Complainant has offered evidence that Respondent has engaged in a pattern of bad faith registrations of domain names that incorporate third party trademarks. Respondent has been the respondent in at least seventeen prior cases. See e.g., *Peter Millar LLC v. Michael Nava, Domain Nerdz LLC*, WIPO Case No. [D2023-4766](#). Respondent did not submit a response in any of these cases (or here) and lost them all. Based on this evidence, the Panel finds that Respondent registered the Disputed Domain Name in bad faith.

Even though not required by the .IO Policy, the Panel also finds bad faith use based on the fame and distinctiveness of the Mark, the implausibility of any good faith use, Respondent’s failure to respond, and the pattern bad faith registration and use reflected in many prior cases. Compare [WIPO Overview 3.0](#), section 3.3.

## **7. Decision**

For the foregoing reasons, in accordance with paragraphs 4(i) of the .IO Policy and 15 of the .IO Rules, the Panel orders that the Disputed Domain Name <corning.io> be transferred to Complainant.

/Lawrence K. Nodine/

**Lawrence K. Nodine**

Sole Panelist

Date: March 26, 2025