ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
TMII Enterprises, LLC, (dba A1 Garage Door Service) v. Roei Hasson
Case No. D2025-2615

1. The Parties

Complainant is TMII Enterprises, LLC, (dba A1 Garage Door Service), United States of America ("United States"), represented by Foley & Lardner, United States.

Respondent is Roei Hasson, United States.

2. The Domain Name and Registrar

The Disputed Domain Name <a1garagedoorsandgates.com> is registered with GoDaddy.com, LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on July 3, 2025. On July 4, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On July 7, 2025, 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 July 8, 2025, 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 July 9, 2025.

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, 2025. In accordance with the Rules, paragraph 5, the due date for Response was August 3, 2025. Respondent did not submit any response. Accordingly, the Center notified Respondent's default on August 5, 2025.

The Center appointed Richard W. Page as the sole panelist in this matter on August 11, 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

Since 2007, Complainant has been a provider of garage door repair and installation services in the United States, delivering a range of services, including emergency repairs, routine maintenance, and the sales and installation of new garage door and garage door controllers. Complainant operates in multiple locations across the Unted States, including the State of Nevada, and serves both residential and commercial customers.

Since 2007, Complainant has continuously used A1 and A1 GARAGE DOOR SERVICE, alone on in combination with other word and design elements, in providing garage door sales, repair, and installation services.

Complainant owns registrations for and applied to register the A1 Mark incorporating A1 and A1 GARAGE DOOR SERVICE (the “A1 Mark) in the United States. The U.S. registrations are currently valid and subsisting. The filing dates for these federal trademark registrations all predate the filing of the Disputed Domain Name, and some by almost a decade.

The Registrations include, without limitation:

United States Registration No. 5,071,380 for A1 (with design) dated November 1, 2016 in international class 35;

United States Registration No. 5,245,234 for A1 dated July 18, 2017 in international class 35; and

United States Registration No. 7,746,740for A1 GRAGE DOOR SERVICE (with design) dated April 1, 2025 in international class 37.

The Disputed Domain Name was registered on June 22, 2020 and resolves to a website which prominently displays the A1 Mark and advertises competing services with Complainant in Las Vegas, Nevada.

5. Parties’ Contentions

A. Complainant

Complainant contends that it has common law rights in the A1 Mark, in addition to its trademark registrations.

Complainant further contends that it is not required to have registered the marks at issue to pursue this action. All the Policy requires is “the fact that a certain combination of letters and/or numbers is recognizable as a trademark or service mark by a significant number of Internet users or consumers in general.”

Complainant further contends that the test for recognition of Complainant’s common law rights in the purported mark include: (i) the duration and nature of use of the mark, (ii) the number of sales under the mark, (iii) the nature and extent of advertising using the mark, and (iv) the degree of actual public (e.g., consumer, industry, media) recognition. Complainant further contends that it has spent a significant amount of time, money, and effort in promoting and advertising its services under the Service Marks, firmly establishing Complainant has had such rights since 2007.

Complainant further contends that it has continuously and exclusively owned and operated a website using the domain name <a1garage.com> since at least as early as 2006. This website promotes Complainant's garage door sales, repair, and installation services under A1 and A1 GARAGE DOOR SERVICE.

Complainant further contends that it has and continues to spend significant amounts of time, money, and effort in promoting the A1 Mark and its associated website in many markets and cities across the United States. Complainant further contends that the A1 Mark has been prominently promoted and featured across the United States in advertisements and promotions, including print, television, Internet, trade shows and promotional campaigns at a cost in excess of USD40 million. As a result, Complainant's A1 Mark has achieved great notoriety and fame around the United States as evidence by third-party media postings, news reports, and industry articles about the company and its services. Complainant further contends that it has also received many prestigious industry awards for superior garage door sales, repair, and installation services and for its customer service.

Complainant further contends that its extensive efforts to advertise and promote its services under the A1 Mark have generated significant sales and service revenues. Over the three-year period ending in 2024, revenues derived from Complainant's sales and services exceeded USD500 million. As a result, the A1 Mark has become well-known and is associated exclusively in the garage door sales, repair, and installation marketplace with Complainant, and no one else, thereby creating tremendous goodwill and value to Complainant.

Complainant further contends that Respondent is not a licensee or authorized user of the A1 Mark. Complainant only learned of the Disputed Domain Name when it received Respondent's business card listing the domain name to which the Disputed Domain Name resolves, which business card fraudulently listed Complainant's Las Vegas, Nevada address. Complainant further contends that, in 2024, Complainant sent a demand letter to Respondent in an attempt to resolve this dispute but received no response.

Complainant further contends that the entirety of the essential elements of the A1 Mark, "A1" and "A1 GARAGE DOOR," are each entirely incorporated in the Disputed Domain Name. The only differences are (i) the removal of the word "service," (ii) the addition of an "s" to "door" and (iii) the addition of the generic terms "and" plus "gates" – none of which is distinctive or prevents confusing similarity. Complainant further contends that the A1 Mark is clearly recognizable within the Disputed Domain Name.

Complainant further contends that the gTLD ".com" can be ignored in the analysis of confusing similarity.

Complainant submits that Respondent knew or should have known of Complainant's rights in the A1 Mark when he registered the Disputed Domain Name in an effort to trade off of Complainant's goodwill. Therefore, the activities of Respondent do not constitute a bona fide offering of goods and services nor a legitimate noncommercial use of the Disputed Domain Name.

Complainant further submits that Respondent is not commonly known by the Disputed Domain Name. Complainant further submits that Respondent is not licensed, or otherwise authorized by Complainant, to use the A1 Mark as a domain name or in any other way.

Complainant alleges that Respondent has attempted to attract, for commercial gain, Internet users to his website by creating a likelihood of confusion between the Disputed Domain Name and the A1 Mark in violation of paragraph 4(b)(iv) of the Policy.

Complainant concludes that he has satisfied each of the elements required under the Policy for a transfer of the Disputed Domain Name.

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. WIPO Overview 3.0, section 4.3.

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

i) that the Disputed Domain Name registered by Respondent is identical or confusingly similar to the A1 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

WIPO Overview 3.0, section 1.2.1 states that registration is prima facie evidence of Complainant having enforceable rights in the A1 Mark.

Complainant has shown rights in respect of the A1 Mark for the purposes of the Policy. WIPO Overview 3.0, section 1.2.1.

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 A1 Mark and the Disputed Domain Name. WIPO Overview 3.0, section 1.7.

The entirety of the A1 Mark is reproduced within the Disputed Domain Name. Accordingly, the Disputed Domain Name is confusingly similar to the A1 Mark for the purposes of the Policy. WIPO Overview 3.0, section 1.7.

Although the addition of other terms, here (i) the removal of the word "service," (ii) the addition of an "s" to "door" and (iii) the addition of the generic terms "and" plus "gates," may bear on assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the Disputed Domain Name and the A1 Mark for the purposes of the Policy. WIPO Overview 3.0, section 1.8.

The Panel finds the first essential 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 the 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 A1 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 essential 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 essential 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 the Disputed Domain Name 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 A1 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 A1 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 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 A1 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 engaged in activities violative of paragraph 4(b)(iv) of the Policy.

The Panel finds that Complainant has established the third essential 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 <a1garagedoorsandgates.com> be transferred to Complainant.

/Richard W. Page/
Richard W. Page
Sole Panelist
Date: August 19, 2025