

## **ADMINISTRATIVE PANEL DECISION**

TMII Enterprises, LLC (doing business as A1 Garage Door Service) v.  
Muhammad Saleem  
Case No. D2025-4314

### **1. The Parties**

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

Respondent is Muhammad Saleem, Pakistan, self-represented.

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

The disputed domain name <a1garagedoorrepairscootsdaleaz.com> is registered with NameCheap, Inc. (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on October 21, 2025. On October 22, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 23, 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 October 24, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on October 28, 2025.

The Center verified that the Complaint together with the amended 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 October 31, 2025. In accordance with the Rules, paragraph 5, the due date for Response was November 20, 2025. Respondent sent an email communication to the Center on November 4, 2025. Complainant submitted unsolicited supplemental filing on November 6, 2025. The Center notified the Parties of the commencement of panel appointment process on November 27, 2025.

The Center appointed Marina Perraki as the sole panelist in this matter on December 6, 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. Procedural Issue: Supplemental Filing**

Complainant filed on November 6, 2025, a Supplemental Filing, in reply to Respondent's email to the Center of November 4, 2025.

Neither the Rules nor the Supplemental Rules make provision for supplemental filings, except at the request of the UDRP panel (see Rules, paragraph 12). Paragraph 10 of the Rules enjoins the UDRP panel to conduct the proceeding "with due expedition". Therefore, UDRP panels are typically reluctant to countenance delay through additional rounds of pleading and normally accept supplemental filings only to consider material new evidence or provide a fair opportunity to respond to arguments that could not reasonably have been anticipated (WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.6).

The Panel notes that Complainant's supplemental filing replies to Respondent's email to the Center and to facts and claims mentioned therein. In this case, after consideration of Complainant's supplemental submission the Panel has decided to accept it for the sake of completeness, also noting that it does not address topics that Complainant could reasonably have addressed in its Complaint given that such facts and claims were made by Respondent in reply to the Complaint (*Delikommat Betriebsverpflegung Gesellschaft m.b.H. v. Alexander Lehner*, WIPO Case No. [D2001-1447](#); *AutoNation Holding Corp. v. Rabea Alawneh*, WIPO Case No. [D2002-0058](#); and *Avaya Inc. v. Ali Parsa / Ali Parsa, AVAYeRASA / Ali Parsa Koosha*, WIPO Case No. [D2018-1472](#)).

#### **5. Factual Background**

Complainant is based in the United States of America and is active in the business of garage door repair and installation services. Complainant has continuously operated its website under the domain name <a1garage.com> since at least as early as 2006. Complainant has advertised its business in print, television, Internet, trade shows, and promotional campaigns at a cost in excess of USD 40 million. Complainant has also received industry awards. Over the three-year period from 2021 to 2024, Complainant's revenues exceeded USD 500 million.

Complainant owns trademark registrations for A1 and A1 GARAGE DOOR SERVICE including the United States of America Trademark Registration No. 7746740, A1 GARAGE DOOR SERVICE (figurative), filed on June 12, 2020 and registered on April 1, 2025 for services in international class 37.

The disputed domain name was registered on May 11, 2025 and leads to a website prominently displaying the phrase "A1 Garage Door Repair", offering garage door services, per the website, namely garage door repair, commercial and installation services, with an address in Scottsdale, Arizona, United States of America.

#### **6. 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. In its supplemental filing, Complainant opposes the suspension for settlement

discussion, reports Respondent's USD 10,000 sale offer as evidence of bad faith under Policy paragraph 4(b)(i), and rebuts Respondent's good faith defense by noting Respondent's website clearly targets Arizona, United States of America.

## **B. Respondent**

Respondent did not formally reply to Complainant's contentions. On November 4, 2025, Respondent sent an email to the Center. The email communication contained a reply to the Complaint and a "Conditional Transfer Offer". Respondent claimed that he registered the disputed domain name in good faith and that he has legitimate interests in the disputed domain name. He also claimed that he did not intend to impersonate or exploit any other business stressing that his business "is located and registered in another country altogether". Without prejudice, he offered to sell the disputed domain name to Complainant for USD 10,000.

## **7. Discussion and Findings**

Paragraph 4(a) of the Policy lists three elements, which Complainant must satisfy with respect to the disputed domain name:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which Complainant has rights; and
- (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 the Complainant's trademark and the disputed domain name. [WIPO Overview 3.0](#), section 1.7.

Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds the mark is recognizable within the disputed domain name as the latter incorporates the most distinctive terms "A1 Garage Door" of Complainant's mark A1 GARAGE DOOR SERVICE. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms, here, "repair", "scottsdale", and "az", may bear on assessment of the second and third elements, the Panel finds the addition of such terms and the omission of the term "service" does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

The generic Top-Level Domain ("gTLD") ".com" is disregarded, as gTLDs typically do not form part of the comparison on the grounds that they are required for technical reasons (*Rexel Developpements SAS v. Zhan Yequn*, WIPO Case No. [D2017-0275](#); and *Hay & Robertson International Licensing AG v. C. J. Lovik*, WIPO Case No. [D2002-0122](#)). [WIPO Overview 3.0](#), 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 the Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although the overall burden of proof in UDRP 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 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 has submitted an informal response and has claimed such legitimate interests with respect to the disputed domain name. Respondent claimed that the disputed domain name “is being used for a legitimate business purpose. Complainant’s business operates in a different country, while my business is located and registered in another country altogether. Therefore, there is no direct market conflict, competition, or brand confusion between the two entities”. However, Complainant submitted evidence, namely extracts from the website under the disputed domain name, with content and text suggesting provision of services taking place in Scottsdale, Arizona, United States of America.

Even though Respondent claimed and the Panel finds that Respondent did engage in actual commercial use of the disputed domain name prior to the notice of the dispute, the Panel finds that such use was not bona fide.

Complainant’s trademark is distinctive for the services at hand and, as Complainant demonstrated, has acquired recognition in the United States of America in its field of business, where Complainant is long and successfully active. Therefore, the Panel finds that Respondent was likely aware of Complainant’s rights for the same services as the ones provided under the disputed domain name and therefore its use was not bona fide. This is reinforced by the fact that Respondent did submit an informal reply claiming legitimate interests, however in his reply he based such legitimate interests on the allegation that he is providing the services in another country and therefore the services he provides are not in competition with those of Complainant. However, as Complainant argued and follows from the record, Respondent appears to provide his services in Scottsdale, Arizona, United States of America, while at least one user of the Internet, as Complainant demonstrated, has stated that Respondent’s business is not the original one.

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.

Because the A1 and A1 GARAGE DOOR SERVICE marks had been widely used and registered before the disputed domain name registration, and enjoyed reputation for the services at hand, the Panel finds it more likely than not that Respondent had Complainant’s mark in mind when registering the disputed domain name. Moreover, the reproduction of the most distinctive part of Complainant’s mark in the disputed domain name also suggests that Respondent was most likely aware of and targeted Complainant in an attempt to confuse Internet users who were expecting to find Complainant’s website. 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 a respondent’s registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

The Panel finds that the Respondent's use of the disputed domain name in connection with a website offering competing garage door services constitutes bad faith under paragraph 4(b)(iv) of the Policy. Having reviewed the record, the Panel finds Respondent's registration and use of the disputed domain name constitute bad faith under the Policy.

As regards the offer for sale made by Respondent, the Panel notes that this was made "without prejudice" however taking into account the lack of legitimate interest and the amount requested which exceeds out-of-pocket costs, such an offer is considered as further indication of bad faith.

The Panel finds that Complainant has established the third element of the Policy.

## **8. 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 <a1garagedoorrepairscootsdaleaz.com> be transferred to Complainant.

*/Marina Perraki/*

**Marina Perraki**

Sole Panelist

Date: December 20, 2025