ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION

TMII Enterprises, LLC (dba A1 Garage Door Service) v. Yeshi Kohn, Chameleon Media Solutions
Case No. D2025-4331

1. The Parties

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

The Respondent is Yeshi Kohn, Chameleon Media Solutions, United States.

2. The Domain Name and Registrar

The disputed domain name <a1garagedoorrepairfl.com> is registered with Tucows Domains Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on October 22, 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 22, 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 the Complainant October 24, 2025, 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 October 27, 2025, updating the Respondent's information as disclosed by the Registrar for the case caption but not including any new argumentation or evidence concerning the registrant contact information disclosed by the Registrar.

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 the Respondent of the Complaint, and the proceedings commenced on October 30, 2025. In accordance with the Rules, paragraph 5, the due date for Response was November 19, 2025. The Respondent sent email communications to the Center on October 30 and November 12, 2025.

The Center appointed Phillip V. Marano as the sole panelist in this matter on December 2, 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

The Complainant has been in the business of providing garage door repair and installation services in the US, including in Orlando, Florida and the surrounding areas, since 2007. The Complainant offers information about its goods and services on its official <a1garage.com> website. The Complainant owns valid and subsisting registrations for A1 GARAGE DOOR SERVICE and A1 trademarks (collectively "the Complainant's Trademarks", the most relevant to this proceeding is depicted below) in the US, including Reg. Nos. 7,746,740, and 5,071,380 that were registered on April 1, 2025 and November 1, 2016, with earliest first use priority dates of June 1, 2015 and March 7, 2007, respectively. The words "GARAGE DOOR SERVICE" are disclaimed in the Complainant's Reg. No. 7,746,740.

The identification of the Respondent, as disclosed by the Registrar, appears to correspond with an individual named Yeshi Kohn, who according to LinkedIn serves as the CEO of a "full-service digital marketing agency in New York" with "expertise" in "Search Engine Optimization", "Website Design", "Logo Design", and "Ongoing Data Tracking". The Respondent registered the disputed domain name on January 23, 2024. At the time of this Complaint, the disputed domain name resolves to a website titled "A1 Garage Door Repair", which prominently features a logo similar to the Complainant's Trademarks (also depicted side-by-side below for comparison), advertises "Available 24/7. Fast, Reliable & Affordable Garage Door Repair Services." There is no contact or identifying information on the Respondent's website, apart from a single phone number and a webform to "get started now."

5. Parties' Contentions

A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, the Complainant asserts ownership of the Complainant's Trademarks and has adduced evidence of trademark registrations dated as early as November 1, 2016, with earliest first use priority of March 7, 2007. The Complainant further asserts ownership of extensive unregistered, common-law rights to the standard character and stylized formats of the Complainant's Trademarks. In support of that assertion, the Complainant has submitted the following evidence: (i) a sworn declaration from the CFO of the Complainant, asserting inter alia continuous use of the Complainant's Trademarks since 2007 and asserting the recent sales revenues derived therefrom; (ii) excerpts from unsolicited third-party media postings, news reports, and industry articles about the Complainant and its services; and (iii) a sworn declaration from a paralegal working with the Complainant's counsel, which avers to the accuracy of the materials submitted by the Complainant.

The disputed domain name is confusingly similar to the Complainant's Trademarks, according to the Complainant, because it (i) incorporates the distinctive terms "A1 GARAGE DOOR" of the Complainant's Trademarks, (ii) "merely omits the word 'SERVICE'", (iii) "merely adds the descriptive and generic word 'repair', and [(iv) merely adds] the geographically descriptive abbreviation 'FL'" for Florida.

The Complainant further asserts that the Respondent lacks any rights or legitimate interests in the disputed domain name based on: (i) the Complainant's longstanding rights in the Complainant's Trademarks, which long predate the Respondent's registration of the disputed domain name; (ii) the Respondent registered the disputed domain name without the authorization, knowledge or consent of the Complainant; (iii) the Respondent's use of the disputed domain name in connection with the Respondent's website, which intentionally trades on the Complainant's well-known marks and infringes the Complainant's trademark rights

in connection with the promotion of services in direct competition with the Complainant, cannot constitute a bona fide offering of goods or services; (iv) the Respondent, whose identity was privacy protected, is not commonly known by the disputed domain name, and cannot be commonly known by the disputed domain name due to the Complainant's nationwide trademark rights; (v) the Respondent has failed to formally reply in this proceeding; and (vi) the Respondent's website makes prominent and unauthorized use of a logo that is starkly similar to the Complainant's Trademarks (depicted below), to mislead consumers into an erroneous belief that the Respondent is the Complainant, or is affiliated with the Complainant.

Complainant-A1's Logo	Respondent's Logo
	

The Complainant argues that the Respondent has registered and used the disputed domain name in bad faith for numerous reasons, including: (i) the Respondent has attempted to pass itself, its website, and the disputed domain name off as the Complainant, in an attempt to divert customers away from the Complainant; (ii) the Respondent's use of the disputed domain name in connection with website content that prominently displays, without authorization the Complainant's Trademarks; and (iii) the Respondent has actively sponsored its website in Google search results for queries related to the Complainant and its services.

B. Respondent

The Respondent did not submit any formal reply to the Complainant's contentions. On October 30, 2025, the Respondent sent two informal email replies to the Center that read, "Scam scam scam please stop" and "Scam scam scam", respectively. On November 12, 2025, the Respondent sent an email to the Center that contained only an ostensibly alternative "[…]@gmail.com" email address, and the Respondent did not reply to the Center's request for clarification on whether "you wish to include the email address provided in your below email […] as one of your contact emails for receiving future correspondence in the current proceeding."

6. Discussion and Findings

To succeed in its Complaint, the Complainant must establish in accordance with paragraph 4(a) of the Policy:

i. the disputed domain name is identical or confusingly similar to a trademark in which the Complainant has rights;
ii. the 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.

Although the Respondent did not submit a formal reply to the Complainant's contentions, the burden remains with the Complainant to establish by a balance of probabilities, or a preponderance of the evidence, all three elements of paragraph 4(a) of the Policy. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("WIPO Overview 3.0"), section 4.3 ("A respondent's default would not by itself mean that the complainant is deemed to have prevailed; a respondent's default is not necessarily an admission that the complainant's claims are true … [UDRP] panels have been prepared to draw certain inferences in light of the particular facts and circumstances of the case e.g., where a particular conclusion is prima facie obvious, where an explanation by the respondent is called for but is not forthcoming, or where no other plausible conclusion is apparent."); *The Vanguard Group, Inc. v. Lorna Kang*, WIPO Case No. D2002-1064 ("The Respondent's default does not automatically result in a decision in favor of the complainant. The Complainant must still prove each of the three elements required by Policy paragraph 4(a)").

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.

Ownership of a nationally or regionally registered trademark serves as prima facie evidence that the Complainant has trademark rights for the purposes of standing to file this Complaint. WIPO Overview 3.0, section 1.2.1. The Complainant submitted evidence that the Complainant Trademarks, specifically the Complainant's A1 GARAGE DOOR SERVICE design trademark, has been registered in the US as of April 1, 2025, with earliest first use priority as of June 1, 2015, nearly a decade before the disputed domain name was registered by the Respondent. Thus, the Panel finds that the Complainant's rights in the Complainant's Trademarks have been established pursuant to the first element of the Policy. For purposes of the first element therefore, in view of the presumptively valid trademark registrations cited by the Complainant, the Panel need not consider the additional argumentation and evidence submitted by the Complainant with respect to its asserted unregistered, common-law trademark rights.

The only remaining question under the first element of the Policy is whether the disputed domain name is identical or confusingly similar to the Complainant's Trademarks. In this case, the disputed domain name is confusingly similar to the Complainant's Trademark because, disregarding the ".com" generic Top-Level Domain ("gTLD"), the entirety of the A1 mark is reproduced within the disputed domain name, and the A1 GARAGE DOOR SERVICE mark is recognizable within the disputed domain name. WIPO Overview 3.0, section 1.7. ("This test typically involves a side-by-side comparison of the domain name and the textual components of the relevant trademark to assess whether the mark is recognizable within the domain name … [I]n cases where a domain name incorporates the entirety of a trademark, or where at least a dominant feature of the relevant mark is recognizable in the domain name, the domain name will normally be considered confusingly similar [...]"). gTLDs, such as ".com" in the disputed domain name, are generally viewed as a standard registration requirement and are disregarded under the first element. WIPO Overview 3.0, section 1.11.

The confusing similarity is not prevented by combination with the descriptive term "repair" or the geographically descriptive abbreviation "FL". WIPO Overview 3.0, section 1.8 (Additional terms "whether descriptive, geographic, pejorative, meaningless, or otherwise" do not prevent a finding of confusing similarity where the relevant trademark is recognizable within the disputed domain name).

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.

Upon review of the available record, the possible bona fide nature of the Respondent's services was not initially clear to the Panel. Does the Respondent, through the Respondent's website, truly offer any garage door-related services? And if it does, then what entity or affiliate performs such services? Alternatively, is the disputed domain name used for an entirely different purpose, such as misappropriation of personal information of website visitors?

According to the Complainant, the Respondent is just another unscrupulous competitor that has adopted a trademark confusingly similar to the Complainant's Trademarks. However, the facts are not so clear, and even if the Respondent was clearly a competitor of the Complainant, that would only necessitate a more complex analysis to assess whether the Respondent knowingly adopted a third party's well-known mark as a domain name, and therefore cannot claim the benefit of Paragraph 4(c)(i) of the Policy to establish rights to the domain name based on its mere use of the domain name to offer goods or services prior to the notice of a dispute. *Scania CV AB v. Leif Westlye*, WIPO Case No. D2000-0169; *see also Drexel University v. David Brouda*, WIPO Case No. D2001-0067 (rights or legitimate interests cannot be created where the user of the domain name at issue would not choose such a name unless he was seeking to create an impression of association with the complainant). The Complainant would have had to submit additional argumentation and evidence to permit the Panel to analyze inter alia: (i) the degree of distinctiveness of the Complainant's Trademarks (since the Panel notes the term "A1" might be argued to be laudatory and the terms "Garage Door Service" have been disclaimed by the Complainant); (ii) the relative well-known nature of the Complainant's Trademarks (since the record only contains limited information concerning revenue and unsolicited media attention); (iii) the specific uses to which the Respondent has put the disputed domain name and the Respondent's website content (since it does not appear that the Complainant conducted any test purchases, or otherwise investigated the Respondent's putative services); and (iv) the date at which the Respondent was placed on notice of a dispute with the Complainant (since it does not appear that the Complainant sent any cease-and-desist or other correspondence to the Respondent).

Rather than issue a Procedural Order to request such additional argumentation and evidence, the Panel undertook limited factual research[1] to visit the Respondent's website and perform a Google search inquiry for the individual registrant disclosed by the Registrar. As summarized in the factual background above, the Respondent's website does not appear to contain any contact or company information apart from a telephone number. And a simple Google search for the registrant disclosed by the Registrar, shows that an individual named Yeshi Kohn serves as the CEO of a "full-service digital marketing agency in New York" with "expertise" in "Search Engine Optimization", "Website Design", "Logo Design", and "Ongoing Data Tracking."

Therefore, the Respondent appears to the Panel to be a digital marketing agency that has registered and used the disputed domain name either in connection with an advertising affiliate program (for third-party services in competition with the Complainant), or an attempt to drive up domain value through search engine optimization. Either way, based on the purported expertise of the Respondent in "Logo Design", the high degree of similarity between the stylistic elements of the Respondent's logo and the Complainant's A1 design trademark (as depicted side-by-side above), and the Complainant's presumptively valid trademark registrations that have been on the US Principal Register since November 1, 2016, the Panel can only conclude that in all likelihood the Respondent has intentionally targeted the Complainant and the Complainant's Trademarks. As such, neither possible use can constitute a right or legitimate interest in the disputed domain name. And it is obvious that neither "Yeshi Kohn" or "Chameleon Media Solutions" are commonly known by the disputed domain name.

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 proscribes the following non-exhaustive circumstances as evidence of bad faith registration and use of the disputed domain name:

i. circumstances indicating that the Respondent has registered or the Respondent has acquired the disputed domain name primarily for the purpose of selling, renting, or otherwise transferring the disputed domain name registration to the Complainant who is the owner of the trademark or to a competitor of that Complainant, for valuable consideration in excess of the Respondent's documented out-of-pocket costs directly related to the disputed domain name; or

[1] A panel may undertake limited factual research into matters of public record where it considers such information useful to assessing the case merits and researching a decision. This includes visiting the website linked to the disputed domain name in order to obtain more information about the respondent or its use of the domain name, consulting historical resources like the Internet Archive, reviewing dictionaries, encyclopedias, or accessing trademark registration or other governmental databases. WIPO Overview 3.0, Section 4.8.

ii. the Respondent has registered the disputed domain name in order to prevent the owner of the trademark from reflecting the mark in a corresponding domain name, provided that the Respondent has engaged in a pattern of such conduct; or

iii. the Respondent has registered the disputed domain name primarily for the purpose of disrupting the business of a competitor; or

iv. by using the disputed domain name, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to the Respondent's website or other online location, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website or location or of a product or service on the Respondent's website or location.

Where parties are both located in the United States and the complainant has obtained a federal trademark registration pre-dating a respondent's domain name registration, panels have in case-specific circumstances applied the concept of constructive notice, subject to the strength or distinctiveness of the complainant's trademark, or circumstances that corroborate a respondent's awareness of the complainant's trademark. WIPO Overview 3.0, section 3.2.2. In the Panel's view, when the disputed domain name was registered on January 23, 2024, the Respondent had at least constructive knowledge of the Complainant's pre-existing rights in its A1 and A1 GARAGE DOOR SERVICE trademarks under United States law. See e.g., *Champion Broadcasting System, Inc. v. Nokta Internet Technologies*, WIPO Case No. D2006-0128 (Applying the principle of constructive notice where both parties are located in the United States). Indeed, even putting aside the concept of constructive notice, the circumstances in this case corroborate the Respondent's awareness of the Complainant and the Complainant's Trademark, including (as summarized above): the purported expertise of the Respondent in "Logo Design", and the high degree of similarity between the stylistic elements of the Respondent's logo and the Complainant's A1 design trademark (as depicted side-by-side above).

Use of a domain name incorporating a complainant's trademark to redirect Internet users to the respondent's website, where goods or services are ostensibly offered in competition with that of complainant, is strong evidence of bad faith under paragraph 4(b)(iv) of the Policy. WIPO Overview 3.0, section 3.1.4 ("Panels have moreover found the following types of evidence to support a finding that a respondent has registered a domain name to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the complainant's mark: […] seeking to cause confusion for respondent's commercial benefit, even if unsuccessful […] the lack of a respondent's own rights to or legitimate interests in a domain name [or] redirecting the domain name to a different respondent-owned website[…]."). Here, the disputed domain name misappropriates the Complainant's A1 trademark and resolves to the Respondent's website that contains either (i) putative services from third parties that are offered in competition with the Complainant through an advertising affiliate program, or (ii) fictional services invented simply to drive up domain value through search engine optimization. Either way, the Panel finds that use of the disputed domain name will divert potential customers from the Complainant's business to the website under the disputed domain name by attracting Internet users who mistakenly believe that the disputed domain name is affiliated with the Complainant, and which may further mistakenly believe that the services advertised on the Respondent's website are somehow related to the Complainant, or by an entity affiliated to the Complainant.

In this case, the intention of the Respondent to frustrate, and indeed wholly disregard, enforcement efforts was made plain by the Respondent's informal emails that read "Scam scam scam" in response to the Center's notice of this proceeding.

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

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 <a1garagedoorrepairfl.com> be transferred to the Complainant.

/Phillip V. Marano/
Phillip V. Marano
Sole Panelist
Date: December 16, 2025