

ADMINISTRATIVE PANEL DECISION

TMII ENTERPRISES, LLC (dba A1 Garage Door Service) v.
Brian Bagomolny / Brian Bagomolnhy, The A1 Garage Service LLC
Case No. D2026-3149

1. The Parties

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

The Respondent is Brian Bagomolny / Brian Bagomolnhy, The A1 Garage Service LLC, United States, self-represented.

2. The Domain Names and Registrars

The disputed domain name <thea1garage.com> is registered with Wild West Domains, LLC. The disputed domain name <thea1garage.net> is registered with Hostinger Operations, UAB (collectively, the "Registrars").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on July 16, 2026. On July 17, 2026, the Center transmitted by email to the Registrars a request for registrar verification in connection with the disputed domain names. On July 17, 2026, and July 20, 2026, the Registrars transmitted by email to the Center their verification responses disclosing registrant and contact information for the disputed domain names which differed from the named Respondent (Redacted for Privacy and Registration Private, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 22, 2026, 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 July 22, 2026.

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 July 24, 2026. In accordance with the Rules, paragraph 5, the due date for Response was August 13, 2026. The Response was filed with the Center on August 3, 2026. The Complainant submitted a supplemental filing on August 7, 2026.

The Center appointed W. Scott Blackmer as the sole panelist in this matter on August 25, 2026. 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 is a Delaware (United States) limited liability company with a principal place of business in Phoenix, Arizona, United States. The Complainant has provided garage door repair and installation services since 2007 in multiple states in the United States, including Florida, as described in the declaration of its chief financial officer (“CFO”) and on its website at “www.a1garage.com” (the “Complainant’s Website”). The Complainant’s Website says that the company operates with over 1000 employees across more than 70 markets, and the declaration of its CFO describes extensive advertising that has produced more than USD 500 million in revenues in the period 2022-2025.

The Complainant holds the following United States trademark registrations:

Mark	Reg. Number	Reg. Date	International Class
A1 (design)	5071380	November 1, 2016	35, 37
A1 (word)	5245234	July 18, 2017	35
A1 GARAGE DOOR SERVICE (words and design)	7746740	April 1, 2025	37

The Complainant also claims A1 and A1 GARAGE DOOR SERVICE as unregistered, common-law marks through continuous use in the United States since 2007. The Complainant’s Website and signage display a logo featuring the stylized characters “A1” followed by the words “GARAGE DOOR SERVICE” in capital letters, along with the “TM” symbol indicating a claim to common law trademark rights or a pending trademark registration application (the Panel notes that this is not the same logo - although with the common “A1” element – registered as a composite mark in 2025, which does not seem to appear on the Complainant’s Website at present).

The disputed domain name <thea1garage.com> was created on January 2, 2026, and is registered in the name of “Brian Bagomolny” with a postal address in the United States and a Gmail contact email address. The disputed domain name <thea1garage.net> was created on April 11, 2026, and is registered in the name of “Brian Bagomolny” (without an “h”) at the same postal address but giving a different contact email address.

The Response in this proceeding was filed on behalf of The A1 Garage Service LLC, a Florida limited liability company of which Brian Bagomolny declares that he is the sole owner and operator. The Panel notes that the online database of the Florida Division of Corporations shows that The A1 Garage Service LLC is an active Florida limited liability company formed on December 11, 2025, with Brian Bagomolny listed as the

registered agent.¹ The Response attaches Articles of Organization naming him as the authorized managing member of the company. In his Declaration submitted as the Response, Mr. Bagomolny says that he registered both of the disputed domain names for use in that business, ultimately putting only the disputed domain name <thea1garage.net> to use because the Registrar of that domain name offered more SEO (search engine optimization) functionality.

Given these facts, the Panel deems that “Brian Bagomolny” in the registration details for the disputed domain name <thea1garage.com> refers to Brian Bagomolny and that he and The A1 Garage Service LLC (“The A1 Garage Service”) have a common interest in both of the disputed domain names. Accordingly, the Panel refers hereafter to Brian Bagomolny and The A1 Garage Service collectively as the “Respondent” unless otherwise indicated. See [WIPO Overview 3.1](#), section 4.11.2 (multiple respondents).

The disputed domain name <thea1garage.com> does not resolve to an active website. The disputed domain name <thea1garage.net> resolves to the Respondent’s website advertising “THE A1 GARAGE SERVICE”, with a figurative logo and the tagline, “Fast, Reliable Garage Door Repair in Seminole County”, covering Seminole County and “greater Orlando”, Florida.

The Panel notes that the Complainant’s Website shows that the Complainant also operates garage door repair services in Orlando and Casselberry, Florida, cities mentioned on the Respondent’s website as covered by the Respondent’s garage door repair service.

It is undisputed that the Respondent Brian Bagomolny is a former employee of the Complainant. The Complainant’s CFO states that the Complainant learned of the Respondent’s business through a Facebook advertisement for the Respondent’s services under the name “The A1 Garage Service LLC”. The Complainant’s CFO states that the Complainant had already sent the Respondent a letter “reminding him of his non-compete” obligations. The record does not include this correspondence or any subsequent communications between the Parties.

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 names.

Notably, the Complainant contends that the disputed domain names are confusingly similar to its registered and alleged common law AI and A1 GARAGE DOOR SERVICE marks, incorporating the most distinctive terms of the marks and adding only “the generic term ‘the’”, which does not avoid confusing similarity.

The Complainant asserts that the Respondent is not licensed to use the Complainant’s marks and is not “legitimately” using them to impersonate the Complainant with respect to the disputed domain name <thea1garage.net>. The Complainant contends that this could not be deemed a use in connection with a “bona fide” offering of goods or services, and there is no actual use of the disputed domain name <thea1garage.com> on which to base a claim of rights or legitimate interests.

The Complainant argues for a finding of bad faith based on the Respondent’s knowledge of the Complainant’s marks and business as a former employee. The Complainant claims an appropriate application of the “passive holding” doctrine in the case of the disputed domain name <thea1garage.com>, which has not been used for an active website. With respect to the disputed domain name <thea1garage.net>, which is used to advertise the Respondent’s directly competing business, the

¹ Noting the general powers of a panel articulated in paragraphs 10 and 12 of the Rules, it is commonly accepted that a panel may undertake limited factual research into matters of public record, as the Panel has done in these proceedings. WIPO Overview of WIPO Panel Views on Select UDRP Questions (“[WIPO Overview 3.1](#)”), section 4.8.

Complainant asserts that this clearly meets the Policy's example of bad faith as an attempt to attract Internet users with a domain name confusingly similar to the Complainant's marks.

B. Respondent

The Respondent contends that the Complainant has not satisfied all three of the elements required under the Policy for a transfer of the disputed domain names.

The Response acknowledges his previous employment for the Complainant but says that he was employed only as a field technician. He states that he had no access to the Complainant's proprietary information and built his business independently. The Respondent disclaims any intent to "impersonate, disrupt, or target the Complainant" in naming the business and registering the corresponding, disputed domain names. The Response recounts that "[i]ndustry research showed that terms like 'A1,' 'Garage,' and 'Service' are widely used by many unrelated businesses nationwide".

The Respondent emphasizes that the disputed domain names were registered after the LLC was formed and match the name of the company, which operates a genuine business with independent branding. The Response attaches screenshots of verified customer reviews and the Respondent's Google Business Profile.

The Respondent denies bad faith targeting of the Complainant, pointing out that its website includes the statement, "not a franchise" to signal that it is an independent business and also states that repairs are furnished by a "local owner". The Respondent affirms that it has not attempted to sell the disputed domain names to the Complainant and that it obtains customers through "legitimate channels such as Google, Yelp, Nextdoor, and Angi".

6. Discussion and Findings

6a. Preliminary Issue: Supplemental Filing

The Rules provide for a Complaint and Response and do not contemplate repeated amendments and supplemental filings. Paragraph 10 of the Rules gives the Panel "the authority to determine the admissibility, relevance, materiality and weight of the evidence", and also "to conduct the proceedings with due expedition". Paragraph 12 provides that it is in the Panel's sole discretion to request further statements or documents from the parties. Unsolicited filings are generally discouraged and tend to be permitted exceptionally where additional supporting evidence is required, a relevant claim has not been addressed, or fairness calls for an opportunity to respond to the opposing party. [WIPO Overview 3.1](#), sections 4.6.

Here, the Complainant's Supplemental Filing is essentially a rebuttal to arguments in the Response rather than a discussion of new evidence. However, as the Response was filed on behalf of The A1 Garage Service LLC, and the company registration is relevant to the Respondent's claim of legitimate interests, the Panel will take the Supplemental Filing into account on this issue.

6b. Substantive Issues

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 3.1](#), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark (the registered A1 word mark and the composite A1 GARAGE DOOR SERVICE mark) for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.2.1.

The Panel finds these marks are recognizable within the disputed domain names, incorporating the dominant (textual) elements “A1” and “GARAGE”. Accordingly, the disputed domain names are confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.7, 1.10.

Although the addition of other terms (here, the article “the”) may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain names and the mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.8.

It is not necessary to address the Complainant’s claims regarding unregistered trademark rights to ground the first element of the Complaint.

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 that 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 3.1](#), section 2.1.

Having reviewed the available record, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain names. One of them has never been used for an active website, and the other is used to advertise the directly competing business of a former employee using a business name very similar to the Complainant’s marks.

The Respondent claims a legitimate interest in selecting the disputed domain names to correspond to its registered company name. The Complainant indicates that Mr. Bagomolny registered the company nine days after being terminated from the Complainant’s employment, and it is undisputed that he was hired subject to a Non-Disclosure and Non-Compete Agreement (the terms of which are not included in this record). Mr. Bagomolny denies that he meant to “impersonate” his former employer and explains the name choice as follows: “Industry research showed that terms like ‘A1,’ ‘Garage,’ and ‘Service’ are widely used by many unrelated businesses nationwide.” That is no doubt true, but the Panel does not find it likely that Mr. Bagomolny was unaware of the Complainant’s marks after working for the Complainant, driving its branded van, writing orders and receipts on its branded forms, or that he was unaware that his choice of company name and corresponding disputed domain names was confusingly similar to his recent employer’s marks.

Here, the record indicates that while the Respondent has indeed launched an independent business, that business competes directly with the Complainant, using a name that is very similar to the Complainant’s long-established and well-advertised mark. The Respondent cannot rely on a corresponding company name as grounds for claiming rights or legitimate interests in the disputed domain names if the company name itself was chosen primarily to exploit the Complainant’s mark, particularly if, as here, such corporate registration post-dates the registration of that trademark (and the establishment of related goodwill), combined with the first-hand knowledge of the Complainant and its trademark rights. Similarly, the offering of commercial services using the disputed domain name <thea1garage.net> cannot be considered “bona fide” if it targets the Complainant’s trademarks, despite the fact that the disputed domain name contains dictionary words and terms used by other businesses. [WIPO Overview 3.1](#), sections 2.10 and 2.12.2.

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.

In the present case, as outlined in the foregoing section, the Respondent was clearly aware of the Complainant and its marks, as the Respondent Mr. Bagomolny was a former employee. He went into direct competition with his former employer, establishing a limited liability company with a similar name and registering the two corresponding disputed domain names after termination of his employment. This must be deemed bad faith within the meaning of the Policy. With respect to the disputed domain name <thea1garage.net> used for the Respondent's website, the Respondent is attracting Internet users for commercial gain by creating a likelihood of confusion with the Complainant's mark, an example of bad faith described in the Policy, paragraph 4(b)(iv).

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 3.1](#), section 3.2.1.

Panels have found that the non-use of a domain name, including a blank or "coming soon" page, would not by itself prevent a finding of bad faith under the doctrine of passive holding. To the contrary, in looking at the totality of circumstances in each case, panels have found that the registration and non-use of a domain name can still constitute bad faith for purposes of the Policy. [WIPO Overview 3.1](#), section 3.3. Having reviewed the available record, the Panel notes the reputation of the Complainant's trademark, the composition of the disputed domain name <thea1garage.com>, and the Respondent's specific knowledge of the Complainant's marks, and finds that in the circumstances of this case the passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy.

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 names <thea1garage.com> and <thea1garage.net> be transferred to the Complainant.

/W. Scott Blackmer/

W. Scott Blackmer

Sole Panelist

Date: September 3, 2026