

*Before the:*

**WORLD INTELLECTUAL PROPERTY ORGANIZATION  
ARBITRATION AND MEDIATION CENTER**

THE CITY OF NEW YORK,  
c/o Office of the Corporation Counsel  
New York City Law Department  
100 Church Street  
New York, NY 10007

**Case No:** D2020-3111

and

NYC & COMPANY, INC.,  
810 Seventh Avenue, 3<sup>rd</sup> Floor  
New York, NY 10019  
**(Complainant)**

**Disputed Domain Name[s]:**

-v-

**nycvb.com**

NEW YORK SHOW TICKETS INC.  
770 River Road #84  
Edgewater, NJ 07020  
**(Respondent)**

**RESPONSE**

(Rules, Paragraph 5)

**I. Introduction**

[1.] On 11/24/2020, the Respondent received a Notification of Complaint and Commencement of Administrative Proceeding from the WIPO Arbitration and Mediation Center (the **Center**) by email and by Written Notice by courier/facsimile on 11/26/2020 informing the Respondent that an administrative proceeding had been commenced by the Complainant in accordance with the Uniform Domain Name Dispute Resolution Policy (the **Policy**), approved by the Internet Corporation for Assigned Names and Numbers (**ICANN**) on October 24, 1999, the Rules for Uniform Domain Name Dispute Resolution Policy (the **Rules**) approved by ICANN on September 28, 2013, and in effect as of July 31, 2015, and the WIPO Supplemental Rules for Uniform Domain Name Dispute

Resolution Policy (the **Supplemental Rules**). The Center set December 18, 2020 as the last day for the submission of a Response by the Respondent.

**II. Respondent's Contact Details**  
(Rules, Paragraphs 5(c)(ii) and (iii))

[2.] The Respondent's contact details are:

Name: Noel Turner

Address: 770 River Road #84, Edgewater, NJ 07020

Telephone: 646 290 6464

[3.] The Respondent's authorized representative in this administrative proceeding is:

[4.] The Respondent's preferred method of communications directed to the Respondent in this administrative proceeding is:

Material including hardcopy (where applicable)

Method: Courier

Address: 770 River Road #84, Edgewater, NJ 07020

Fax: none

Contact: Noel Turner

**III. Response to Statements and Allegations Made in Complaint**  
(Policy, Paragraphs 4(a), (b), (c); Rules, Paragraph 5(c)(i))

[5.] The Respondent hereby responds to the statements and allegations in the Complaint and respectfully requests the Administrative Panel to deny the remedies requested by the Complainant.

**A. Whether the domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;**  
(Policy, Paragraph 4(a)(i))

We will demonstrate that the complainant has no rights to the service mark “NYCVB”. The complainant abandoned the service mark over 20 years ago, never used it again in commerce, but still went on to renew and re-register the service mark(s) at the USPTO in bad faith. The complainant performed these actions while being fully aware that the respondent had long ago created the website nycvb.com and had actively developed it for many years. The complainant clearly has no further claim to the service mark(s). We will go on to show that not only has the complainant not used the service mark since 1999, but has recently actively attempted to stop the respondent from further developing their own brand nycvb.com through this UDRP complaint.

A point of law is that a trademark is considered abandoned when the owner stops using it for three years in a row without intending to use it again, according to the 15 USC 1127. After three years of non-use, the owner must show tangible, solid evidence to counter a registration attempt by someone else. The complainant has not shown any tangible evidence of using the mark for over 20 years and thus renewed the USPTO mark in bad faith and therefore filed this UDRP complaint also in bad faith.

**Respondent Identification:**

The respondent of “New York Convention and Visitors Bureau” and “nycvb.com” is Noel Turner at “New York Show Tickets Inc.”. The company is incorporated in New Jersey under an ‘S’ Corporation classification with Noel Turner as its President and CEO **Annex 1** and was originally registered on April 28, 1998. This organization is still in business today and Mr. Turner is still its president.

**Summary of the Initial ‘NYCVB’ Service Mark Registration**

The respondent concurs with the complainant’s assertion in their initial UDRP complaint filing that, from 1935 until 1999, NYC & Company conducted business under the name “New York Convention and Visitors Bureau, Inc.” and the acronym “NYCVB”. The respondent also agrees that on December 10, 1997, the complainant

legally acquired a service mark on USPTO for the acronym “NYCVB”. The respondent also agrees that on June 7, 1999 the complainant also legally registered the mark “NYC and Company” with the USPTO.

### **Summary of the Domain Name Registrations**

On June 28, 1996, despite being known at the time as the “New York Convention and Visitors Bureau”, the complainant registered the web domain name “nycvisit.com”

**Annex 2.** It was that domain name that served as their first website on the world wide web. At the time, the domain name nycvb.com. and all of its ‘tld’ variants, were not registered to anyone, but the complainant chose to brand itself on the web with nycvisit.com. On March 8, 2001 the complainant then registered their new website domain name “nycgo.com”, and that URL has been their primary website ever since that date **Annex 3.**

### **Complainant’s Organizational Name Change in 1999**

On October 1, 1998, the complainant announced a historic global organizational name change from “New York Convention and Visitors Bureau” and the acronym “NYCVB” to the new name of “NYC and Company”. A story and press release then followed in January 27, 1999 **Annex 4.** Despite indicating, at the time, that the moniker ‘NYCVB’ might still be used, the complainant never actually used the mark again and switched all of its business dealings to “NYC and Company” across all areas of its business. The complainant chose to continue to use their existing website domain name ‘nycvisit.com’ **Annex 2.** After completing the corporate name change at the beginning of 1999, the complainant finally ratified its name change to “NYC and Company” with a corporate resolution on September 16, 1999. In hindsight, it was at this point that the complainant’s organization had totally abandoned its rights to the old moniker ‘NYCVB’ and to the term “New York Convention and Visitors Bureau” as they would never genuinely use these marks again.

### **Complainant Is No Longer Associated With ‘NYCVB’**

At the current point in time, the complainant is no longer associated with the term ‘NYCVB’ in any way, shape or form. The complainant has provided no evidence that the complainant has ever used either of these service marks again in any shape, form, location, online presence or anywhere since 1999, albeit except in a recent, ill-advised, deceitful way in order to bolster their weak UDRP claim of the nycvb.com. The complainant is not recognized in any way for being associated with the term ‘NYCVB’. Even the complainant’s current wikipedia page makes no mention of NYCVB **Annex 5.** Neither does the complainant’s own website at nycgo.com have any listing for or reference to ‘NYCVB’ **Annex 6.** Even the term “New York Convention and Visitors

Bureau" is not recognized on the complainants own website **Annex 7**. The respondent, however, has been using the 'NYCVB' moniker since 2003, and more of that use is detailed below.

### **Respondent Registers NYCVB.com and Develops Tourism Website**

Following the announcement of the complainant's name change in October 1998, and their full name change action in January 1999, the respondent registered the domain name "nycvb.com" on April 2, 1999 **Annex 8**. The respondent then began building a non-commercial website dedicated to NYC tourism and conventions under that web domain name. The complainant had made it abundantly clear that it no longer wanted to be known as, or associated with, its former organizational name 'NYCVB' and thus the respondent was more than happy to develop their own website using that domain name. From 2003 onwards, and up to the present day, the respondent has developed the nycvb.com website as a useful resource for visitors to NYC, and now the site has hundreds of pages of useful original content and information about New York City and tourism that can be seen at <https://www.nycvb.com/> A copy of the home page is located at **Annex 9**. An example of what the respondent's website nycvb.com looked like on March 31, 2018 is located at archive.org:

<https://web.archive.org/web/20180331194925/http://www.nycvb.com/>

### **Complainant's Lack of Use of the Service Mark 'NYCVB' after 1999**

It is clear that the complainant totally abandoned the use of its service mark 'NYCVB' and the term 'New York Convention and Visitors Bureau' after the year 1999. The complainant also confirmed in its UDRP filing that it was well aware of the respondent's successful website at nycvb.com.

### **USPTO Service Mark Actions by Complainant 1999 - 2019**

Even though the complainant had not used the service mark since 1999, and the complainant admits that they were fully aware of the respondents website at nycvb.com, they still renewed the 'NYCVB' service mark in 2009, which then took its USPTO expiration date all the way through to September 10, 2019 **Annex 10**. This USPTO service mark renewal was clearly made in bad faith. It then appears that this service mark was actually allowed to expire in 2019 **Annex 10** again.

### **Complainant's Service Mark USPTO Actions 2019 - 2020**

Despite not having used the service mark "NYCVB" or the "New York Convention and Visitors Bureau" moniker in any way, shape or form for 20 years, it appears that the complainant's legal department at NYC & Company allowed the original service mark to expire in 2019, and then registered a new service mark for "NYCVB" on October 13,

2020 **Annex 11**. This USPTO action was clearly performed by the complainant in bad faith, knowing full well that a number of key facts made this USPTO registration action illegal:

1. The complainant had not used the service mark in the last 20 years,
2. The complainant was not currently using the mark
3. The complainant committed fraud by claiming to have used the service mark
4. The complainant knew fully well that the respondent had clearly been using the term on his website nycvb.com since 2003
5. The complainant knew that the respondent was actively using, and had genuine rights to the mark and that the complainant had effectively abandoned use of the service mark long ago.

To further confuse the matter, on January 24, 2019 the complainant then registered another service mark 'NYCCVB' at the USPTO **Annex 12**. This registration was also performed in bad faith, and is seen as a desperate way to attempt to misuse the USPTO registration, by filing a false claim of use, when it is clear that there is none. Since the complainant does not have any evidence of any recent use of that new service mark, then this bad-faith registration is another misuse of the USPTO process. This new mark is not in use anywhere and even the complainant's own website does not recognize the term 'NYCCVB' **Annex 13**. The complainant knew full well, at the time of the USPTO registration that the service mark was not in use and was confusingly similar to the respondent's website, 'nycvb.com', but chose to register the mark anyway and commit a deceitful act. There seems to be a common thread of inappropriate use of the USPTO service by the complainant.

### **Complainant's Recent Changes and Actions**

The recent nycgo.com website changes by the complainant, of adding logos for 'NYCCVB' (added on January 24, 2019) and 'NYCVB' (added on November 13, 2020) to the bottom fold of their website is not a real use of the term or mark and is a deceitful power play by the complainant, and their representation by Gerald E. Singleton, to obviously prepare some false evidence for this UDRP case. To bolster their case, the complainant recently added these marks to provide the flimsy evidence that they are in fact using the service mark and moniker in the real world, but this is a complete fabrication.

A quick search of google will show that this is just more smoke and mirrors from the complainant as a search for NYCVB and NYCCVB points to the respondent's website **Annex 14**. Google is, however, somewhat generous enough to grant the complainant 'NYC and Company' second place in the google search listing with the

complainant's website 'nycgo.com' appearing. This is probably due to their past association to the service mark before 1999, but it is interesting to note that google does not actually find any text use of the terms on their website, or anywhere else for that matter.

### **Complainant Uses UDRP Complaint to Stifle nycvb.com:**

Despite clearly having no rights at this point to the service mark "NYCVB", the complainant is attempting to wrestle back ownership through this UDRP complaint and is using inappropriate USPTO registrations as a blunt instrument of force. Clearly, the complainant does not want to actually use the service mark "NYCVB" themselves, but they also do not want anyone else to use it, and have harassed the respondent, Mr. Turner and New York Show Tickets Inc. at every opportunity. In 2007, when Mr. Turner was on better terms with NYC and Company, he had noticed that the complainant had failed to register their own name, 'nycandcompany.com', so he contacted the complainant, who was Bryan Grimaldi at the time, and the respondent graciously gifted them the domain name on August 1, 2007. The complainant's new representation does not grant Mr. Turner any credit for this selfless and generous act and now the complainant attempts to use the respondent's benevolent gesture in a highly manipulative manner.

### **Key Timeline Event Elements:**

Below are the 15 key timeline elements that attempt to outline an accurate description of the main events:

1. **1935-04-17** Complainant begins doing business in NYC under the "NYCVB" moniker
2. **1996-06-28** Complainant registers and adopts the web domain name "nycvisit.com"
3. **1997-12-10** Complainant files for service mark "NYCVB". Registered 1998-12-08
4. **1998-10-01** Complainant announces organization name change to "NYC and Company"
5. **1999-01-27** Complainant publicly announces organization name change to "NYC and Company"
6. **1999-04-02** Respondent registers the unregistered domain name "nycvb.com"
7. **1999-06-07** Complainant registers the service mark "NYC and Company" with USPTO
8. **1999-09-16** Complainant finally ratifies their name change to "NYC and Company" with a corporate resolution and filing in NYC
9. **2001-03-08** Complainant registers their new website domain name "nycgo.com", adopts this as their new domain name and transfers all traffic to that primary URL
10. **2003-01-10** Respondent develops and begins operating NYCVB.com website for travel and tourism.

11. **2009-09-10** Complainant renews the service mark “NYCVB” in bad faith at USPTO, despite being well aware that the moniker is now used by respondent and they have had no use of the mark in ten years.
12. **2019-01-24** Complainant creates a new service mark on USPTO for “NYCCVB” despite being fully aware of respondent’s longstanding website using a similar moniker. Complainant then adds this mark to the bottom row of website nycgo.com
13. **2019-09-10** Original “NYCVB” USPTO service mark appears to expire
14. **2020-10-13** Complainant creates a new service mark on USPTO for “NYCVB” despite being fully aware of respondent’s longstanding website using the same moniker. Complainant then adds this mark to the bottom row of website nycgo.com
15. **2020-11-24** Complainant files the UDRP claim through WIPO

### **Misrepresentation of Existing Trademarks**

The complainant not only makes misrepresentations of the “NYCVB” and “NYCCVB” service marks and their recent purported use of them, but they have also misrepresented the validity of other service marks listed in their complaint. In their UDRP complaint, the complainant cites the “NYC” service marks as being owned by city agencies, and implies that those rights trump the complainant’s rights to nycvb.com. What they fail to mention is that none of those registrations predate the respondent’s registration and use of the domain name nycvb.com. Those registration numbers include:

NYC Logo 3668124 Filing Date: April 12, 2007

NYC Logo 3921788 Filing Date: December 23, 2009

NYC Logo 3858973 Filing Date: August 4, 2009

It is possible that the respondent may well have some unrealized rights to those service marks, especially as they have been cited in this complaint as providing a silver bullet for the complainant’s UDRP complaint.

### **Trademark Appeal**

A rejection of the complainant's UDRP claim will help allow the future trademark appeal of the “NYCVB” and “NYCCVB” service marks to go ahead. These service marks were registered in bad faith by the complainant and should be terminated on appeal.

### **Section A Conclusion:**

The domain name in dispute, www.nycvb.com, may be identical to the corporate name that was used by the Complainant ‘NYC & Company’ from 1935 to 1999, but its rights expired soon after 1999, when it completely stopped using the mark and abandoned all of its rights to the moniker and mark after its organizational name change. Subsequent

illegitimate service mark renewals and re-registrations of the mark by complainant were achieved through bad faith service mark registrations at the USPTO. These actions are at best, a concerning case of reverse domain hijacking, but at very worst, a ham-fisted land grab for a long forgotten service mark to which the respondent clearly has rights and the complainant no longer has any.

**B. Whether the Respondent has rights or legitimate interests in respect of the domain name/s/;**

(Policy, Paragraph 4(a)(ii))

We believe that the respondent clearly has rights and legitimate interests in the domain name ‘nycvb.com’ for the many reasons listed below.

Not only has the respondent been commonly known as “NYCVB” since 2003, the respondent only began operating the website after the complainant gave up their rights after their organizational name change in 1999. The respondent has been operating this legitimate, non-commercial website without making any revenue from it for quite some time. The trademarks “NYCVB” and “NYCCVB” were registered and/or renewed in bad faith by the complainant and therefore those registrations are invalid. The complainant lacks any evidence that the two service marks have been legitimately used anywhere in or outside of their organization for over 20 years and it is difficult to begin to understand how the complainant believes that they have any rights to “nycvb.com”.

**Overview of nycvb.com Content**

Since its inception the nycvb.com website has been a non-commercial website for visitors to read about and research New York City for travel, tourism, conferences and conventions. The nycvb.com website offers hundreds of pages of original articles and unique photos that deliver a rich range of content and information for tourists, vacation planners, conference planners and conference attendees.

The main sections of the website are:

**Conference Center Section at:**

<https://www.nycvb.com/category/conferences/>

This section has many stories dedicated to conferences, conference planners and their attendees. It highlights all the various conference facilities around NYC and lists the past conferences and locations that are available. It contains a special note on the top 3 conferences to take place in NYC.

**Things To Do Section at:**

<https://www.nycvb.com/category/things-to-do/>

This section covers all the interesting things for tourists and visitors to do in NYC and even covers some things that should be avoided. All kinds of activities, shops, and attractions for any trip to New York City are covered. Some story highlights include: the brand new Vessel, American Dream, discount coupons, lists of parades and museums that are open to the public.

**Plan Your Visit Section at:**

<https://www.nycvb.com/category/plan-your-visit/>

This section includes everything that a visitor would need to help plan their visit to NYC, including NYC Restaurant Week, Broadway Week, how to get free wifi, where to go shopping, hotel guides, restaurant and entertainment guides, subway maps, and parking tips to help tourists and visitors.

**Entertainment Section at:**

<https://www.nycvb.com/category/entertainment/>

New York City offers huge amounts of entertainment including Broadway shows, comedy clubs, live music venues, tours and many specialized experiences. New York City offers these forms of entertainment for both its visitors and locals. Even bachelor and bachelorette parties are covered.

**Travel Section at:**

<https://www.nycvb.com/category/travel/>

This section helps visitors make travel and hotel plans for a trip to NYC using the valuable travel tools that simplify and summarize NYC for all kinds of travelers. The guides include: getting around NYC, tourism season, parking tips and there is even a parking ticket defense strategy.

**Visitor Feedback**

The visitor feedback on the website is very positive and the site receives many positive reviews from its web visitors, often making suggestions on what type of content they would like to see. Since 2003, the respondent's website nycvb.com has undergone many format and design changes, but it has served over 1.7 million unique users, and over 1 billion pages of information to NYC visitors. No advertising has ever been placed on the site and the non-commercial nature of the site does not provide any direct revenue to the respondent's holding company. The respondent intends to make a USPTO appeal of the service mark "NYCVB" which the complainant has recently registered **Annex 11**. The

complainant's actions of registering, and re-registering, the service mark(s) in bad faith are tantamount to trademark, and service mark, squatting. The respondent also intends to register the mark "New York Convention and Visitors Bureau" and all other associated names and monikers.

### **Complainant's False Claims**

The complainant has made many wild and false accusations about the use of the respondent's website at nycvb.com but those claims lack any evidence. The reality is that the complainant has no rights or legitimate interests in respect of the domain nycvb.com that has been used by the respondent since 2003. Their attempt at excessive 'mud-slinging' is clearly defamation of the respondent. The complainant does not, and has not, for over 20 years, operated under the name 'NYCVB' or 'New York Convention and Visitors Bureau'. No association with 'NYC and Company' is made or implied on any part of the NYCVB.com website. The complainant also failed to show that the anyone in the general population infers, or confuses, 'NYC and Company' with 'NYCVB' or with 'New York Convention and Visitors Bureau' The two entities are not competing, and are clearly separate organizations, albeit with a similar audience. The 'About Us' page on nycvb.com does a fairly good job of explaining who we are and what we do and can be seen at: <https://www.nycvb.com/about/>. The text does not infer any association with the complainant 'NYC and Company'

### **Conclusion To Section B:**

It is clear that the complainant's many random and unfounded accusations in their complaint lack material evidence are an ill-advised and desperate attempt to throw as much mud and confusion at the wall as possible in an attempt to tarnish the image of the respondent, Mr. Turner, New York Show Tickets Inc. and nycvb.com. All the content on the nycvb.com website is original content. It is the complainant who is in fact the unscrupulous actors in this case and they must cease harassing the respondent and nycvb.com.

The bottom line is that nycvb.com provides an excellent non-commercial service to web readers, travelers and businesses about New York City. The complainant, "NYC and Company" aims to silence the nycvb.com resource in this legal action as they must believe that they should be the only entity to provide such information to tourists. I request that you, the reader, ignore all the unsubstantiated claims and bluster in Section B made by the Complainant, 'Gerald E. Singleton esq' & 'NYC and Company' and instead focus on the facts that have some evidentiary proof. The respondent has clear rights to, and legitimate interests in, nycvb.com and it should no longer be bullied by the excessive and litigious actions of the complainant, where some of their actions have now

crossed into some unscrupulous areas of which the New York City Bar Association may want to review.

### **Unscrupulous Tactics by Complainant:**

It is especially disappointing that in these trying times of COVID-19, where NYC government is barely staving off its own bankruptcy, businesses are failing everywhere and mass unemployment grasps the NYC area in its clutches, that the complainant would launch this legal attack. It is especially concerning that the UDRP claim was instigated over the 2020 Thanksgiving holiday, in a misdirected attempt to provide less time for the respondent to adequately prepare a defense of the case. It seems that the NYC and Company, City of New York, Mayor Bill de Blasio and Gerald E. Singleton have no shame in this matter, but they may not actually be the bad actors in this case.

### **Other UDRP Complaint Motivators - Charles Flateman**

So why is it that this serious UDRP complaint is coming up now, after 20 years of relative calm? Why could the parties not have come to an agreement? The answer may lie in the recent change in management at ‘NYC and Company’

The new chairman of the complainant’s organization ‘NYC & Company’ is now Charles Flateman, who was appointed to that role on October 02, 2019. Mr. Flateman has a prior relationship with the respondent, albeit in another business area in NYC. In the Broadway show business, Mr. Flateman has worked in a senior position for the Shubert Organization, which currently owns and operates seventeen Broadway theatres and six off-Broadway theatre venues. In his role at that organization, Mr. Flateman allegedly advocated against those Broadway theatres and show producers from attempting to do business with the respondent during the years 2013-2018. During Mr. Flateman’s tenure at The Shubert Organization, as Executive Vice President of Business Development, it is alleged that Mr. Flateman had a number of conversations with Broadway theatre producers and marketers to attempt to ‘black ball’ New York Show Tickets Inc., which is owned and operated by the respondent.

It now appears that Mr. Flateman intends to harass the respondent on a new playing field during his tenure at ‘NYC and Company’, where he was recently appointed Chairman of the Board. Mr. Flateman is now able to exert even more political power than he did at the Shubert Organization. He has attempted to hide this UDRP action behind his new organization’s attorney, Gerald E. Singleton esq, but it is reasonable to assume that this recent UDRP complaint filing would have been done with at least his approval, but was most likely performed at his behest.

C. **Whether the domain name has been registered and is being used in bad faith.**

(Policy, Paragraph 4(a)(iii))

The respondent has built a large and valuable convention and visitors website that serves the needs of travelers to New York City as well as local residents. The website has many valuable stories and features and despite the attestations of the complainant, the website's content is all original and there are no outstanding copyright claims from anyone.

The domain name '[www.nycvb.com](http://www.nycvb.com)' should be considered as having been registered and used in good faith by the respondent based on the following multiple facts:

**Complainant Abandoned Their Rights to the Service Mark 20 Years Ago**

The complainant clearly abandoned their trademark and service mark rights to "NYCVB" and "New York Convention and Visitors Bureau" over 20 years ago when they changed their organization name and completely stopped using the service marks. In 1999 the complainant changed their organization name across the board in all their materials, on the internet and in all communications. At that time they ceased to be known as either "NYCVB" or "New York Convention and Visitors Bureau". The complainant's organization name was changed in every single area of business that one can imagine and the complainants perceived rights that they had to the old name began to dilute and effectively ended after 3 years of non-use in 2002.

**Domain Name Registered in Good Faith**

In 1999 the respondent took the opportunity to register the unregistered domain name nycvb.com in good faith. The respondent then had a free hand to create his own website with the full knowledge and understanding that the complainant had no further ambitions or rights to the terms "New York Convention and Visitors Bureau", and "NYCVB" following the announcement of their name change earlier in 1999.

It seems that now, some 20 years later, the complainant has decided to change their tune. The complainant, Gerald E. Singleton Esq., apparently realizes that his UDRP legal case is weak, but as part of his continued harassment of the complainant, he makes many wild and irrelevant claims about the respondent in a bid to malign the respondent's professional reputation. The complainant, Gerald E. Singleton Esq., is also attempting to hijack the domain name nycvb.com through a reverse domain hijacking attempt, also known as "reverse cybersquatting" or commonly abbreviated as 'RDNH'.

These actions by the complainant, Gerald E. Singleton Esq, may ultimately be determined to be professional misconduct by the New York City Bar Association.

### **Domain Name is Being Used in Good Faith**

After the legal and appropriate domain name registration of nycvb.com, the respondent created the website nycvb.com that caters to visitors and travel professionals alike and has provided some excellent insight into ways to be an efficient and happy visitor to New York City. A quick visit to the website at <https://www.nycvb.com/> will clearly show what has been done here and the respondent's team has done a great job in developing and running this site for many years now. The complainant "NYC and Company" has their own website 'nycgo.com' which has languished in the weeds and despite their vast financial investment, they now believe that they would be better served to reverse domain hijack the respondent's website nycvb.com, rather than make their own website an organic success.

### **IV. Consent to Remedy (Denied)**

[6.] The Respondent does not consent to the remedy requested by the Complainant and does not agree to transfer nycvb.com to the Complainant

### **V. Administrative Panel**

(Rules, Paragraphs 5(c)(iv) and (c)(v) and Paragraph 6; Supplemental Rules, Paragraph 7)

[7.] The Respondent elects to have the dispute decided by a Single Member

### **VI. Other Legal Proceedings**

(Rules, Paragraph 5(c)(vi))

[8.] *[If any, identify other legal proceedings that have been commenced or terminated in connection with or relating to the domain name(s) that (is/are) the subject of the Complaint and summarize the issues that are the subject of (that/those) proceeding(s).]*

### **VII. Communications**

(Rules, paras. 2(b), 5(c)(vii); Supplemental Rules, Paragraphs 3, 7, 12)

[9.] A copy of this Response has been transmitted to the Complainant on 12/16/20 in electronic form.

[10.] This Response is submitted to the Center in electronic form, including any annexes, in the appropriate format.

**VIII. Payment**

(Rules, Paragraph 5(d); Supplemental Rules, Annex D)

[11.] *(Payment by credit card should be made using the Center's [secure online payment facility](#). For any payment-related queries or difficulties, please contact the Center Secretariat on (+41 22) 338 8247, or email the Center at [arbiter.mail@wipo.int](mailto:arbiter.mail@wipo.int).)*

**IX. Certification**

(Rules, Paragraph 5(c)(viii), Supplemental Rules, Paragraph 15)

[12.] The Respondent agrees that, except in respect of deliberate wrongdoing, an Administrative Panel, the World Intellectual Property Organization and the Center shall not be liable to a party, a concerned registrar or ICANN for any act or omission in connection with the administrative proceeding.

[13.] The Respondent certifies that the information contained in this Response is to the best of the Respondent's knowledge complete and accurate, that this Response is not being presented for any improper purpose, such as to harass, and that the assertions in this Response are warranted under the Rules and under applicable law, as it now exists or as it may be extended by a good-faith and reasonable argument.

Respectfully submitted,



Noel Turner

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*[Name/Signature]*

Date: 12/16/2020

**X. List of Annexes**

[(Rules, Paragraph 5(c), Supplemental Rules, Paragraph 12, Annex E)

The Annexes for the response are as follows:

Annex 1 - Business registration for “New York Show Tickets Inc.”

Annex 2 - nycvisit.com domain registration

Annex 3 - nycgo.com domain registration

Annex 4 - Organizational name change for NYCVB in 1999

Annex 5 - Wikipedia entry for NYC and Company

Annex 6 - Search for “NYCVB” on nycgo.com

Annex 7 - Search for “New York Convention and Visitors Bureau” on nycgo.com

Annex 8 - nycvb.com domain registration

Annex 9 - nycvb.com home page

Annex 10 - USPTO “NYCVB” service mark registration 1

Annex 11 - USPTO “NYCVB” service mark registration 2

Annex 12 - USPTO “NYCCVB” service mark

Annex 13 - Search for “NYCCVB” on nycgo.com

Annex 14 - Google search for “NYCVB”