

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, 3rd 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)

REQUEST FOR LEAVE TO FILE REPLY
(Rule, Paragraphs 10, 12)

Respondent seeks leave to file a reply to address misstatements in Complainant's Response to the Respondents' Response.

The complainant's "Request For Leave To File Reply" supplemental filing mischaracterizes the facts, and intends to confuse the record with false and unsubstantiated claims.

Since 2003, nycvb.com has provided hundreds of original news stories and advice for visitors and conference attendees/planners to NYC. The website nycvb.com is commonly known as NYCVB, and the complainant has no rights to the term, despite their use of the term during the years prior to 1999.

Non- Commercial Use of Website nycvb.com:

The respondent is operating the website nycvb.com in a non-commercial manner. Despite the complainant's "cherry-picking" of facts and information from the nycvb.com website, there is no offer of commercial services appearing on the website, despite some text on the "about us" section that the complainant claims is the contrary. In that specific section it states:

"In NYC we provide a full suite of services for conventions and visitors to NYC, to make the convention and visitors experience, the very best it can be. From planning a

small event to a massive 10,000+ person conference, the NYCVB can help provide all the right services that will help the sponsors and organizers deliver on their goal of a conference that the participants will remember. Leveraging its deep relationships with business, commerce, hotels and the NYC Mayor's office, The NYCVB can help bring NYC experiences and events that are truly memorable”

The “suite of services” in that statement is referring to NYC services as a whole (like conference facilities like the Jacob Javits Center), and not the respondent’s own organization’s services. Text that the complainant conveniently did not highlight in their statement was the section that reads *“the NYCVB can help provide all the right services”* That statement actually means that the respondent passes all requests out to other appropriate parties and derives no income, revenue or commercial value from any of those leads that are then provided to conference venues, facilitators or the other appropriate parties. Any inference from the complainant to the counter is inaccurate.

Complainant Attempts Scheme To Entrap Respondent:

The complainant has also left out a key fact that in the past year they have operated a scheme to attempt to entrap the respondent. The complainant sent nycvb.com a number of ‘ambush’ emails in the last year, in which the complainant pretended to be a conference planner and attempted to prove that the respondent was directly or indirectly offering goods and services for such in a commercial sense. As we have identified, the respondent is just passing along the requests to appropriate parties and this body of entrapment by the complainant was a total failure. The respondent is able to show that 12 email messages, filled out on the nycvb.com website form, requesting conference services, actually came from the complainants own NYC government IP address 161.185.208.127 and were then forwarded to appropriate conference planning facilities in NYC by the respondent. The complainant never replied to the follow-ups when approached by those conference venues, because their request was not real in the first place. The fact the these conference facilities responded to the complainant directly, identifies that there was no commercial gain on the part of respondent, but the complainant did not want to pursue the endeavor any further when it was becoming clear that was proving counter to their argument and their case.

These above actions are another good example of the complainant interfering with the operation of nycvb.com. This was another task probably performed at the behest of the complainant’s Chairman, Charles Flateman and his legal counsel at NYC and Company. The complainant likes to play dirty and we would like to see the complainant now deny these above statements and effectively perjure themselves on another legal document.

Any leads derived from the nycvb.com website about conferences were, and are, passed to the relevant groups in NYC including (but not limited to) The Jacob Javit’s Conference Group, New York City Mayors Office and The NYC Facilitators Group (NYCFG), which is part of the International Association of Facilitators. No direct or indirect revenue was/is sought or received at any time and no commercial relationship or transactions were performed by the respondent.

What is true is that the wording on the “About Us” page could have been a little better phrased, and we have just added wording to include “this is a free referral service and we derive no direct or indirect income. Any suggestion to the contrary is not factual” This update can be seen at: <https://www.nycvb.com/about/>

NYC and Company Abandons the “NYCVB” term:

A thorough examination of the event timeline, which has been indicated on the initial response, clearly shows that the complainant abandoned the term “NYCVB” in 1999 and never used the term again. Despite knowing that the respondent created the NYCVB service in 2003, it is only recently that the complainant has decide to do a land-grab and has used whatever means necessary to attempt to prove that they still have rights, where they clearly have none. The respondent is making a proper, non-commercial use of the nycvb.com domain as they have operated on the term and the website since 2003, are widely known as that term and the complainants trademark registrations in 2019 & 2020 were illegitimate.

Conclusion:

The complainant has not shown any evidence of use of the “NYCVB” moniker in the last 20 years in any way, shape or form. The respondent is not trading on ‘NYC and Company’s” name in any way and in a bizarre twist it is in fact the complainant who is now attempting to trade on the name of the respondent by attempting to steal the domain name in a reverse domain hijacking. The complainant continues to harass the respondent through its many questionable activities and the respondent respectfully requests that you deny the complainants motion.

Respectfully submitted,



Noel Turner

[Name/Signature]