

ADMINISTRATIVE PANEL ORDER No. 1

The City of New York, NYC & Company, Inc. v. New York T.V. Show Tickets, Inc., a/k/a New York Show Tickets
Case No. D2020-3111

In light of the evidence made available in the Case File, the Panel hereby orders that the Parties provide the following information and documentation on or before January 31, 2021:

- A) Complainant, NYC & Company, Inc.
- a. Provide evidence of Complainant NYC & Company's actual use in commerce of the mark NYCVB from January 1999 through 2018 – apart from the redirection of the “nycvb”-formative domain names mentioned in the Complaint.
 - b. Provide proof to support the assertion at page 13 of the Complaint that there is “a well-ingrained public association of the acronym NYCVB with [Complainant] NYC & Company based on the decades of prior use of the name and acronym by NYC & Company”.
 - c. State when Complainants were first aware of Respondent's ownership of the disputed domain name and of Respondent's use of the disputed domain name.
 - d. Respond to the Respondent's allegation (page 6 of the Response) that Complainants were aware of Respondent's use of the term NYCVB at Respondent's website since 2003.
- B) Complainant, City of New York
- a. If Complainant City of New York claims any trademark rights in NYCVB predating April 2, 1999, the date on which the disputed domain name was registered, provide proof of such rights.
 - b. Provide evidence that, “[s]ince prior 1997, NYC & Company has been the official destination marketing organization (DMO) and convention and visitors bureau (CVB) for the Complainant, the City of New York” (see page 8 of the Complaint).
 - c. Provide evidence of Complainant City of New York's actual use in commerce of the mark NYCVB from January 1999 through 2018.

C) Respondent's Principal, Noel Turner

- a. In a sworn affidavit, made under penalty of perjury (the "Affidavit"), state whether Mr. Turner was aware of Complainant's use of NYCVB as a trademark at the time the disputed domain name was registered on April 2, 1999.
- b. In the Affidavit, state whether Respondent has derived revenue from its activities at its domain name <nytix.com>.
- c. In the Affidavit, admit or deny the allegation that, from April 1999 until May 2014, the disputed domain name was redirect to <nytix.com>. If the allegation is denied, please explain why.
- d. In the Affidavit, admit or deny the allegation that, from May 2014 until September 2017, the disputed domain name was redirect to Complainant's main website. If this allegation is denied, please explain why. If this allegation is admitted, please explain why this redirection was done.
- e. In the Affidavit, admit or deny the allegation that, beginning March 2018, the disputed domain name resolved to a website purporting to offer tourism services, on which website certain of Complainant's copyrighted material appeared. To the extent this allegation is denied, please explain why.
- f. In the Affidavit, admit or deny that Mr. Turner received the cease-and-desist letter from Complainant on or about December 3, 2018. If this allegation is admitted, please explain why Respondent did not reply to it.
- g. Provide proof of the allegation (page 7 of the Response) that, beginning on January 10, 2003, Respondent began to use the disputed domain name as a "website for travel and tourism".
- h. Provide proof of the allegation (page 9 of the Response) that, since 2003, Respondent has been "commonly known" as "NYCVB".

The Parties shall have until February 6, 2021, to respond to the other Parties' respective submissions. The Panel reserves the right to issue such further Procedural Orders as may be necessary for a disposition of this proceeding. The due date for decision in this case is extended February 13, 2021.

Robert A. Badgley

Sole Panelist

Date: January 18, 2021