

Duff on Hospitality Law

## **Big Changes in Online Travel: Transparency, Accessibility, and the Battle for Business Travelers**

By Greg Duff on 6.17.24 | Posted in Online Travel Update

It was a busy week in the online travel world as evidenced by the number of our stories. Enjoy.

- **Cruise Operators Prepare for Total Pricing.** The recent announcement by some of the largest cruise companies to provide passengers total pricing (inclusive of all fees) underscores the breadth of California's recently enacted pricing transparency law. It isn't just hoteliers and ticket agencies that need to comply. Rather than limiting this change to California (or more properly, California consumers), the cruise companies plan to rollout total pricing nationwide. The announced changes will go into effect on July 1, 2024.
- **ADA Booking Accessibility Rules at Issue in Recently Announced Marriott Settlement.** Federal prosecutors in Colorado announced last week a landmark settlement with Marriott over the booking of accessible rooms across the Marriott portfolio. At issue were Marriott hotels' alleged failure to provide needed detail about ADA accessible hotel rooms and the inability (prior to October 2022) to guarantee an ADA accessible room through Expedia. As part of the settlement, Marriott has agreed, among other things, to list all of its accessible rooms through its centralized booking system, to provide details about each accessible room, to make accessible rooms available through the largest online travel agents (Expedia and Booking.com) and to allow Marriott Bonvoy members to book accessible rooms with points. The Colorado settlement agreement (a copy of which is embedded in the attached Skift article) will likely serve as a baseline for future enforcement and compliance efforts (similar to Marriott's settlement with Pennsylvania regarding mandatory fee disclosures). I'd encourage everyone to read it.
- **OTAs Make Push for Corporate Travelers.** It should come as no surprise to our readers that the largest online travel agents (those that historically have focused primarily on leisure segment) are making huge pushes to capture a portion of the corporate travel segment, particularly in the SMB arena. This recent trend is on top of efforts by other

platforms to build better managed travel platforms (booking, payment, expense management, loyalty program recognition) – in many instances bypassing legacy GDS connections.

**Advocate General Questions Necessity for Parity Provisions.** In a precursor to an expected decision by the EU’s highest court, Advocate General Anthony Michael Collins suggested that Booking.com may find it difficult to prove that its controversial parity provisions are “indispensable” and “proportionate” to it maintaining its economic viability and thus exempt from EU competition law. The preliminary opinion stems from a Dutch court case brought by German hoteliers seeking damages for Booking.com’s use of the illegal (at least in Germany) parity provisions. Also at issue in the case is the definition of the relevant market for purposes of assessing the disputed clauses. According to the Advocate General, the market needs to be viewed from the eyes of hoteliers and consumers (and not necessarily the eyes of the distributor). Although not binding on the EU court, the opinions of advocate generals are often followed.

---

#### **Cruise Lines to Disclose Hidden Fees When California’s Junk Fee Law Kicks In July 1**

*June 12, 2024 via Skift Travel News*

On July 1, consumers will find out if cruise operators are going to stick with the spirit of California’s new junk fee regulation: full price transparency. The world’s largest cruise operators are expected to disclose upfront port and other mandatory fees, as well as taxes, ...

#### **American Airlines unveils revised NDC plans, returns fares to GDSs**

*June 12, 2024 via Travel Weekly*

American Airlines plans to soon begin selling dynamically priced fares in New Distribution Capability (NDC) channels. The carrier also will introduce bundled fares and ancillaries that will be NDC-exclusive.

#### **Apple’s Siri Is Getting Better AI. How That Works for Trip Planning**

*June 11, 2024 via Skift Travel News*

Generative AI is going directly into the iPhone. It helps with travel a little right now, but that’s only the beginning. Siri will soon be able to help users plan trips. Not complicated tasks like booking flights — yet — but the AI-enhanced Siri will be able to ...

#### **Marriott Deal With DOJ Signals Stricter Compliance With Accessibility Rules**

*June 11, 2024 via Skift Travel News*

The issues the U.S. Department of Justice raised with Marriott weren’t particularly unique to the hotel operator and are actually pretty common in the industry. This deal might lead to sector-wide change regarding accessible rooms. Marriott has agreed to a deal with the U.S. ...

**Steve Singh steps into CEO role at Spotnana**

*June 11, 2024 via Phocus Wire*

Spotnana founder and CEO Sarosh Waghmar will continue as the company's chief product officer.

**Online travel platforms tapping into business travel rebound**

*June 10, 2024 via Phocus Wire*

While Booking.com for Business has struck up some new partnerships, other OTAs are building out their business travel offerings with additional products and services.

**Partnership with Priceline ushers Ramp into business travel booking**

*June 10, 2024 via Phocus Wire*

The finance operations platform's launch of Ramp Travel expands its services to include travel booking for the companies it works with.

**Booking sees decision, hearing report in vetoed Etraveli deal published by EU watchdog**

*June 10, 2024 via foster.com*

The European Commission today issued the summary version of its earlier decision to prohibit Booking from buying Etraveli. In September, the bloc's competition authority blocked the deal, saying that it would have boosted the buyer's dominant position on the market for hotel online travel agencies. The merger regulator also released the hearing officer's final report as well as the public version of the decision.

**Booking's parity clauses are ancillary restrictions only if 'indispensable,' EU court opinion says**

*June 6, 2024 via foster.com*

Parity clauses — whether wide or narrow — that an online travel agent seeks to impose on hotels as part of its terms and conditions should not be considered ancillary restrictions in the context of EU cartel rules, unless they are "indispensable and proportionate" to ensure the economic viability of the online travel agency platform, a non-binding legal opinion recommended today.