

Duff on Hospitality Law

AI in Travel, Resort Fee Legal Battles, and Booking Holdings' ETraveli Appeal: This Week's Online Travel Update

By Greg Duff on 12.12.23 | Posted in Online Travel Update

This past week was dominated by stories regarding AI's application and use in the travel industry (we've included only one of those stories) and recent activity on resort fees (two stories this week). Some highlights include:

- **U.S. Supreme Court Disappoints Those Seeking Clarity on Website Accessibility Standing.** Although the court noted in its opinion that the issue of standing remains “very much alive,” the court’s decision on Tuesday finding that the much discussed website accessibility case was moot (and therefore not subject to review by the court) disappointed many. Will the court’s comments have a chilling effect on future frivolous claims, only time will tell.

- **Booking Holdings Appeals ETraveli Veto.** In a move that should surprise no one, Booking Holdings has formally appealed the EU Commission’s veto of Booking’s planned ETraveli acquisition. Recall that the Commission blocked the planned acquisition on the grounds that the acquisition in one vertical (flights) would further strengthen its already dominant position in another vertical (hotels). Booking is challenging the Commission’s decision on the grounds that (a) the Commission’s application of the so-called “conglomerate” theory of harm was an unwarranted departure from its well-established merger practices and (b) the Commission’s comparison of the factual situation if the merger went through versus it not going through was entirely wrong. We will keep you apprised as the case moves forward.

- **Resort Fee Update – Hilton Sued and Yet Another Bill Proposed in Congress.** Travelers United is at it again. This time Hilton (after Hyatt and Sonesta) is the subject of proposed class action litigation brought by the group over resort fee disclosures. Congress is also at it again. Members of the House of Representatives introduced bi-partisan legislation this past week prohibiting hotels, short term rentals and distribution platforms from

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excluding mandatory fees from rates whenever they are marketed or displayed. The American Hotel and Lodging Association announced last week that it supported the legislation applauding the single standard approach across all booking channels. This latest proposal joins two other proposed bills – The Hotel Fees Transparency Act and the Junk Fee Prevention Act. We will continue to monitor all three pieces of legislation, which most view (at least today) as having little chance of passage.

Accor, Booking.com, Cathay Pacific: New AI Tools Made With AWS

December 7, 2023 via Skift

More travel companies are investing in the potential for an AI-powered overhaul of both customer sales and internal operations. Justin Dawes Share Amazon Web Services had a weeklong conference last week, where it shared a slew of updates to services that travel companies are using to build tools...

Booking files court appeal of EU veto on Etraveli deal

December 7, 2023 via MLex

Booking Holdings has lodged its planned appeal of the contentious EU prohibition of its Etraveli takeover, MLex has learned. The hotel booking platform is challenging the European Commission's first prohibition based on a pure “conglomerate” theory of harm, based on the idea that Booking expanding its “ecosystem” risked strengthening its...

Omni Adds Groups360 Guest Room Block Booking

December 6, 2023 via Business Travel News

Omni Hotels & Resorts will allow online booking of guest room blocks of 10 to 25 rooms through an expanded partnership with hospitality and meetings sourcing solution Groups360, adding GroupSync's instant meeting booking platform for group room sourcing and booking...

TUI plans global booking platform rollout in 2024

December 6, 2023 via Phocus Wire

TUI Group is developing a single global sourcing and booking platform that has been launched in Belgium and will be extended to more markets in 2024.

Hackers Target Booking.com Partners With Dark Web Ads to Steal From Customers

December 5, 2023 via Skift Travel News

Hackers have found a weak link in Booking.com security — its hotel partners. And the threat to Booking.com customers has been stubbornly persistent.

Expedia renews 'Ryanair Rooms' collaboration with budget airline

December 5, 2023 via Travel Weekly

Ryanair is renewing its 'Ryanair Rooms' offering using Expedia Group's white label template technology. The arrangement allows passengers with the budget carrier to book a hotel with their flight and access Expedia's AI-powered virtual agent customer service tool.

Chase Travel Previews Enhanced Luxury Hotel Program - The Edit by Chase Travel - Launching in 2024 for Chase Sapphire Reserve® Cardmembers

December 5, 2023 via Business Wire

Chase Travel is offering a preview of its new luxury hotel program – now known as “The Edit by Chase Travel” – which will launch in early 2024. As an evolution from the brand's popular Luxury Hotel & Resort Collection , The Edit is a new, editorially driven program...

Travel Agency Group Doubles Down on Dispute With American Airlines

December 4, 2023 via Skift Travel News

In an exclusive, the leading group of U.S. travel advisors responds to claims by American Airlines that they're Luddites. The group says the carrier's effort to force them to adopt its preferred technology for booking flights is too fast and that, essentially, it's a bully.

Hilton Sued In DC Over Hidden Fees For Hotel Rooms

December 4, 2023 via Law360

A traveler advocacy group is suing Hilton over claims that the hotel chain tricks guests into forking over "junk fees" late in the booking process, claiming the practice violates Washington, D. C....

'No Hidden Fees' Is Latest Bill in U.S. Congress to Target Hotel Junk Fees

December 1, 2023 via Skift

When a hotel rate appears in Google Search or on an online platform will it include the junk fee that makes it more expensive than a rival? That's what's a stake in these bills for the travel industry. A bipartisan introduced in the House of Representatives Friday is...