

Duff on Hospitality Law

The Next Phase of Travel Distribution Rekindles Pricing and Parity Debates

By Greg Duff on 12.22.25 | Posted in Online Travel Update

Happy Monday evening from Seattle . . . Our weekly Online Travel Update for the week ending Friday, December 19, 2025, is below. This week's Update features a heavy concentration of important legal updates on local Chinese efforts to investigate the practices of OTAs, the FTC's newly announced investigation into Instacart and its alleged surveillance pricing practices and an important German court decision that may have wide ranging effects across Europe on pending class actions against Booking.com. Enjoy.

- **ChatGPT's App Store Is Open for Business – Everyone's Business.** OpenAI announced this past week that it is now allowing third party developers to build and list apps inside ChatGPT. Once approved, the apps will be listed in ChatGPT's App Directory. Users can summon these news apps via the ChatGPT tools menu, via @mentions or when ChatGPT deems the app relevant to the current session. In theory, a single vacation planning session could trigger multiple travel apps – competing OTAs, suppliers, etc. So much for ChatGPT's initial pilot partners – Expedia and Booking.com – and let the battle for session relevance among competing apps on ChatGPT begin.
- **FTC Launches Investigation into Instacart Pricing Practices.** It was just two weeks ago that we committed to exploring further the practice of personalized (or "surveillance") pricing, its use in online transactions (specifically travel) and likely regulation. With the addition of personalized pricing to our daily news searches, my inbox is already being inundated with personalized pricing stories and newly announced regulations. Instacart has featured prominently these past two weeks as a study two weeks ago claimed to demonstrate the wide variety in pricing among users for the same items and then this week, likely in reaction to the announced study, the FTC has reportedly sent Instacart a civil investigation demand to investigate the online retailer's pricing practices.
- **German Court Allows Hoteliers' Claims Against Booking.com To Proceed.** In a ruling last week, a Berlin court found that Booking.com's use of rate parity provisions between January 2013 and January 2016 restricted German hotels' ability to set competitive prices in violation of EC competition laws. According to the court's decision, the OTA's use of both broad parity provisions and later, narrow party provisions, unlawfully constrained hotels' pricing freedom. The ruling clears the way for nearly 1,100 German hotels to proceed with competition claims against the OTA. The Berlin court's decision follows an

earlier 2024 decision by the European Court of Justice that found that Booking.com's use of rate parity provisions violated competition law across Europe. This latest decision could prove quite helpful to other EU hoteliers and their pending class action claims against Booking.com arising, in part, out of its use of the same rate parity provisions.

Have a great week everyone, and Happy Holidays.

OpenAI Breaks Open ChatGPT App Submissions

December 18, 2025 via Skift

Any travel brand can now submit apps and get listed in its new app store — which means Booking.com and Expedia, early movers in OpenAI's app ecosystem, will soon get new competition to own ChatGPT's travel conversations. OpenAI is now letting outside developers build and list their own ...

China Guesthouse Complaints Over OTA Practices Spread Beyond Yunnan

December 18, 2025 via MLex

Complaints from China's guesthouse sector about practices of online travel agencies are spreading beyond Yunnan, as a district-level association in the eastern tourist city of Huangshan launches its own evidence-gathering campaign over alleged unfair platform rules.

Instacart Shares Drop on Report that FTC is Probing Company Over AI Pricing Tool

December 17, 2025 via CNBC

Shares of grocery delivery service Instacart dropped about 7% in extended trading on Wednesday, following a report that said the U.S. Federal Trade Commission has begun an investigation into the company's pricing practices. The FTC sent a civil investigative demand to Instacart, Reuters reported, citing ...

Berlin Court Ruling Paves Way for Hotel Compensation Claims Against Booking.com

December 17, 2025 via Hotel News Resource

Over 1,000 German hotels have been granted the right to seek compensation from Booking.com for anticompetitive pricing practices, potentially influencing similar claims across Europe. The ruling underscores the impact of restrictive best-price clauses on hotel pricing strategies and market competition, with broader implications for the online travel industry. A recent ...

Trump Plans Bonfire of US State-Level AI Regulation

December 12, 2025 via Computer Weekly

US president Donald Trump has directed his administration to begin work on establishing a national artificial intelligence (AI) regulation framework across the country in an attempt to override what he described as cumbersome state-level legal frameworks. The latest executive order (EO) to emerge from the Oval Office, Ensuring a national ...