

Duff on Hospitality Law

OTA & Travel Distribution Update - Australian authorities confirm renewed interest in parity provisions; Singapore opens evaluation of OTAs; Expedia seeks to toss illegal scrapping suit

By Greg Duff on 4.19.18 | Posted in OTA Update

Australian Authorities Confirm Renewed Interest in Parity Provisions

("Online Booking Clauses Still Cause for Concern for Australian Competition Authority," MLex, April 11, 2018) (subscription required)

Speaking at the ABA's Antitrust Law 2018 Spring Meeting in Washington D.C. last week, commissioner Roger Featherstone of Australia's Competition and Consumer Commission (ACCC) confirmed that the regulator is re-examining the previously adopted "narrow" approach to parity in Australia. Featherstone's comments come only weeks after we first [reported](#) that the ACCC was re-considering its previously announced position.

Singapore Opens Evaluation of OTAs

("Booking Sites Arrangements with Hotel and Flight Operators Comes Under Scrutiny in Singapore," MLex, April 9, 2018) (subscription required)

Add Singapore to the list of countries to announce the commencement (or re-commencement) of investigations into the "commercial arrangements" between OTAs and their supplier partners. Last week, a representative of the Competition and Consumer Commission of Singapore (CCCS) announced plans to examine the arrangements between the online platforms and their suppliers (both air and accommodations) and how those arrangements are negotiated and applied. According to the announcement, the examination was prompted by similar investigations being conducted in other jurisdictions. Expect Singapore's examination to look a lot like Australia's, including an evaluation of whether OTAs and their suppliers are "competitors" and therefore guilty of price-fixing through the use and enforcement of rate parity provisions.

Expedia Seeks to Toss Illegal Scrapping Suit

("Expedia Says Ryanair Site-Scraping Suit Belongs In Ireland," Law360 - Retail & Ecommerce, April 12, 2018) (subscription required)

In a Washington Federal District Court last week, Expedia sought to dismiss Ryanair's scrapping suit against the OTA on procedural grounds, arguing that Ireland was the more

OTA & Travel Distribution Update - Australian authorities confirm renewed interest in parity provisions; Singapore opens evaluation of OTAs; Expedia seeks to toss illegal scrapping suit

appropriate and convenient forum. Expedia's most recent attempt to toss Ryanair's claims follows earlier attempts by the OTA to dismiss the claim on substantive bases. Interestingly, Expedia's most recent motion to dismiss included details about its use of London-based third party, TravelFusion Ltd., to provide information about Ryanair's flights and fares. According to Expedia, TravelFusion was responsible for the subject scrapping and has broad indemnity obligations related to those activities. It will be interesting to see whether these most recent efforts by Expedia to dismiss Ryanair's claims are successful. We will continue to keep you posted.

Other news:

Booking.com Has 5 Million Non-Hotel Listings, Topping Airbnb

Bloomberg News, April 10, 2018

Booking.com, the flagship site of travel giant Booking Holdings Inc., said it has 5 million non-hotel listings. That's more than Airbnb Inc., the highly valued startup credited with kicking off the recent trend of staying in peoples' homes rather than hotels. Booking Holdings, which changed its name from Priceline Group Inc., said the number of apartments and vacation homes on Booking.com has grown 27 percent to 5 million in the last year. Airbnb, founded in 2008, said it has about 4.85 million, including an estimated 200,000 hotel rooms.