

Duff on Hospitality Law

## **OTA & Travel Distribution Update: The hotel resort fee saga targeting Marriott continues; non-cancelable rates at the heart of pending Booking.com appeal; TripAdvisor fined over potentially fake reviews**

By Greg Duff on 7.26.19 | Posted in OTA Update

This week's Update includes additional background information regarding the ongoing resort fee saga, which many of you requested. Enjoy.

### **Resort Fees – Part Two**

Many of you have reached out over the past week to ask for more information on the pending litigation targeting Marriott and the events that led up to the claims. We've attached copies of the [Marriott complaint](#) as well as the [FTC report](#) on resort fees that was issued back in January 2017. Please let us know if anyone has questions or would like more information.

### **Non-cancelable Rates at the Heart of Pending Booking.com Appeal**

*("Booking.com South Korean court appeal raises questions over consumer benefits of KFTC's corrective orders, extraterritorial enforcement aspirations," MLex Insight on Jul 17, 2019)*  
in arguments last week before the Seoul High Court, attorneys for [Booking.com](#) challenged the Korea Fair Trade Commission's corrective order that [Booking.com](#) change its no-refund policy. Back in 2017 (following an investigation into the practices of several online travel platforms operating in South Korea), the Korean regulator issued corrective recommendations regarding the platforms' no-refund policies. Expedia complied with the recommendations, and [Booking.com](#) appealed. At issue in last week's hearing was whether requiring the platform to abandon its no-refund policy (and the corresponding availability of certain discounted rates) was truly in the consumers' best interests.

### **TripAdvisor Fined Over Potentially Fake Reviews**

*("TripAdvisor fined 100,000 euro for consumer code violations," eTurbo News on Jul 18, 2019)*  
The Italian Council of State fined (100,000 euros) TripAdvisor last week for spreading false information on the source of its consumer reviews. The fine follows previous sanctions by the Italian Competition and Market Supervisory Authority based on complaints by the National

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Consumers Union and the Italian association of hotels and tourism that the review platform should stop publishing anonymous (unverifiable) reviews.

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Other news:

**Google to Congress: We're Not a Travel Monopoly**

*Skift Travel News on Jul 16, 2019*

If you run a hotel, airline, or online travel agency, and you thought you needed to buy advertisements in Google search or Google Trips, then guess again — it's probably not as essential as you have long believed because consumers begin their travel searches with “specialist competitors.”

**Ebix to Acquire India's Corporate Travel Player Yatra for \$338 Million**

*Skift Travel News on Jul 17, 2019*

Ebix, an Atlanta-based tech company, is buying Indian-based travel services provider Yatra Online for \$337.8 million. The deal is the largest consolidation in India's online travel market since MakeMyTrip acquired rival Golbibo in 2016. Ebix's core business is selling software to insurers.

**Expedia warns travelers of customer service refund scam**

*Digital Trends News on Jul 17, 2019*

Scammers are posing as employees of Expedia to take money from unknowing consumers, according to a press release. Expedia Group and the Better Business Bureau (BBB) have teamed up to warn consumers of these scams that have been reported within the last several days.