Duff on Hospitality Law

OTA & Travel Distribution Update – Keyword restrictions – Part II: 1-800 Contacts case; Trivago's strikethrough pricing practices under scrutiny; Choice Hotels expands its short-term rental offerings; Ctrip's ties with Accor

05.04.18

This week's OTA & Travel Distribution Update for the week ending April 27, 2018 is below. This week's Update features a wide variety of stories. I hope you enjoy.

Keyword Restrictions - Part II: 1-800 Contacts Case

("Keyword Restrictions – Part II: Complaints Based on the 1-800 Contacts Case: Visionary or Near Sighted," GSB Newsroom, April 27, 2018)

In the second installment of our six-part series critiquing recent articles (and litigation) questioning hoteliers' keyword practices, Don Scaramastra next takes a close look at the FTC's administrative proceeding against online contact retailer, 1-800 Contacts, and whether the proceeding - as frequently asserted - prohibits hoteliers from seeking to restrict distributors' use of hoteliers' keywords. Putting aside the much publicized anti-trust litigation against hoteliers, we've seen increasing use of the 1-800 Contacts case by wholesalers and distributors as authority for refusing requested keyword protections and/or ceasing trademark abuses.

Trivago's Strike-Through Pricing Practices Remain Under Scrutiny

("Trivago gives Australian watchdog 'strike-through' pricing documents as probe continues," MLex, April 26, 2018)

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In March, we reported on the Australian Competition & Consumer Commission's (ACCC) commencement of an investigation into Trivago's strike-through pricing practices. In its most recent filing with the US Securities and Exchange Commission (SEC), Trivago confirmed that the ACCC's investigation is ongoing and that in particular, Trivago continues to produce documents to the ACCC related to Trivago's strike-through practices.

Choice Expands Its Short-Term Rental Offerings

("Choice Hotels Expands Its Vacation Rental Portfolio with Listings from RedAwning," Skift Travel News, April 25, 2018)

During a week that saw lodging giant Marriott join the short-term rental industry, another large lodging company, Choice Hotels International, announced (not once, but twice) plans to expand its short-term rental offerings (Vacation Rentals by Choice). In its most recent announcement, Choice announced a new partnership with vacation rental network, RedAwning.com, which will now allow rental management companies (with approximately 100,000 rentals in the US and Europe) to feature their properties through Choice's websites. The partnership will also allow members of Choice's loyalty program, Choice Privileges, to use their points to book the expanded vacation rental inventory on Choice's websites.

Ctrip Forges Closer Ties with Accor

("As China's travellers opt for customized trips, AccorHotels looks to personalise for millions of Ctrip users," Tnooz News Feed, April 20, 2018)

In a joint statement released last week by Chinese distributor, Ctrip, and AccorHotels, the parties announced a new "partnership" that, among other things, will feature the offering of personalized travel experiences at AccorHotels, a new AccorHotels flagship store on Ctrip and joint development of a loyalty program. While this isn't the first such "partnership" announced by a major hotel group with a Chinese distributor, it is a clear sign of hoteliers' growing interest in the outbound Chinese travel market.

Other news:

Google Plans to String Its Travel Assets Together

Skift Travel News, April 27, 2018

We come in peace, a top Google executive essentially said while addressing the travel industry on Thursday at Skift Forum Europe in Berlin. One possible industry response might be: "Trust, but verify." No topic sets travel executive tongues wagging like Google's potential to upset the status quo.

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