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Duff on Hospitality Law

What Hotels Should Prepare for When Integrating Augmented Reality Games at Their Destinations

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The future has arrived, and it has a strange sense of humor. Pokémon Go - an "augmented reality" game that requires players to travel to real world locations to capture imaginary monsters through apps on their mobile devices - is changing how millennials choose their travel destinations and hotels. These games have inspired a new generation of travelers, and present novel opportunities to businesses in the hospitality sector.

Though the popularity of Pokémon Go ("PKG") has been on the decline, it shouldn't be long before another augmented reality fad emerges to take its place. At the peak of PKG's popularity, nearly 80 percent of millennials surveyed said that they expected to play PKG on their next vacation, and close to half said that they would consider traveling to a new destination based on the availability of PKG rewards. While hotels compete to provide guests with distinctive amenities, many millennials care more about the reliability of free hotel wi-fi, and the presence of an on-premises "Pokéstop," than they do about room service, mini bars, or hotel breakfasts. Consider the following: investing tens or hundreds of thousands of dollars into state-of-the-art exercise equipment for a hotel gym may do less to attract twenty-something guests than the chance presence of an on-site "Pokégym," one of the PKG training locations that are randomly distributed across cities based on algorithms within the game's software. Strange times indeed.

Some hotels have already tried to capitalize on this trend by advertising themselves as destinations for PKG players. The bookings website Hotels.com offered a promotion targeted at PKG players, and published a list of the world's best hotels for Pokémon hunters. Tourism groups are harnessing the game's popularity to attract new visitors to their cities. Hospitality consultants have brainstormed recommendations for hoteliers looking to attract customers with PKG-related amenities. These range from maintaining a list of PKG hotspots at the concierge desk, to purchasing Pokémon "lures" that attract the cartoon critters (and the humans who hunt them) to your hotel.

But as usual, it's all fun and games until someone gets hurt. It was only a matter of weeks after PKG's dizzying rise to popularity that the lawsuits arrived and morbid spectators started a "Pokémon GO Death Tracker" website. These mishaps underscore the need for hotels and other places of public accommodation to remain vigilant, especially if soliciting traffic from players of PKG or other augmented reality games.

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Property owners can be held liable for injuries occurring on their premises if they know of, but fail to eliminate, hazardous conditions. In New York City, home to 9 of the 10 best "Pokétels" in the United States, a property owner can even be held liable for third-party crimes and assaults that occur on premises, if the property owner knows or should know there is a likelihood of violent conduct. Given that several well-publicized assaults have occurred at or around PKG hotspots, a hotel that chooses to host a virtual PKG attraction should be sure to implement reasonable safeguards and security measures.

Hoteliers should educate themselves about attractions that might lure gamers onto their premises. If these attractions are located in remote, inaccessible or poorly supervised areas, premises owners should contact the game's manufacturers to have those attractions removed, or moved to a better location within the hotel. Good locations include lobbies, restaurants, and other common areas intended for short-term loitering, ideally under the supervision of security personnel or a security camera.

Though the sun might be setting for Pokémon Go, augmented reality games are here to stay, and many leading hotel chains are already considering how they stand to benefit from AR technology. Even hotels that are not proactively seeking out augmented reality, users may have no choice but to educate and prepare themselves for this strange new world of invisible beings and virtual landmarks - a world that surrounds us already provided you have the right app to see it.

Posted in Hotels, Technology, Travel

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