

Duff on Hospitality Law

## **Online Travel Update: Marriott's antitrust case goes to trial and Trip.com facilitates COVID testing online**

By Greg Duff on 10.29.21 | Posted in Online Travel Update

This week's Update features yet another story about Hopper as well as an important update on the future of keyword restrictions. Enjoy.

### **Marriott Goes to Trial**

*("Marriott Loses Bid for More Time Ahead of TravelPass Trial," October 20, 2021 via Law360 – Competition) (subscription may be required)*

Marriott's efforts to postpone the start of trial in the TravelPass matter were derailed last week. While the recent court ruling was entirely procedural in nature (Marriott sought to postpone the start of trial to allow the court additional time to review earlier decisions on the applicable anti-trust standards), the case and its ultimate outcome are something to watch. Among the many issues to be decided at trial is the question of whether agreements between hoteliers and their distribution partners prohibiting the distributors' use of keywords is permitted under applicable U.S. antitrust law. Of the many initially named defendants (Choice, Wyndham, Hilton, Caesars, Red Roof, Hyatt and Six Continents), only Marriott has elected to proceed to trial. Expect additional updates in the near future as trial is set to begin on Monday, November 1<sup>st</sup>, and the court prepares to issue several key preliminary rulings regarding the applicable legal standards.

### **Trip.com Facilitates COVID Testing Online**

*("Trip.com Partners Raffles Medical Group for Travellers' PCR Test," October 20, 2021 via Hospitality Net – Latest Industry News)*

While we've worked with dozens of clients over these past 18 months to incorporate COVID testing into their operations, Trip.com is the first distributor to facilitate guest testing through its online platform. Last week, Trip.com announced that it had entered into an agreement with Raffles Medical Group (RMG) to provide PCR testing services to guests prior to their departure. Travelers seeking tests can be tested at any one of RMG's clinics and can schedule their PCR tests on the Trip.com website at the same time they make their travel booking.

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Other news:

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**Hopper to Power Marriott Bonvoy's Experiences After it Buys PlacePass**

*October 19, 2021 via Skift Travel News (subscription may be required)*

Hopper, an online travel agency and travel tech company, has acquired PlacePass, a middleman distributor of tours and activities.

**Will User Reviews Impact Sonder's and Vacasa's Debuts as Public Companies?**

*October 15, 2021 via Skift (subscription may be required)*

Will negative chatter in user reviews about Sonder, the hotel and short-term rental business, have any impact on its expected public market debut in 2021 through a special purpose acquisition company merger?