

Duff on Hospitality Law

Online Travel Update: India's MakeMyTrip Fined for Anti-Competitive Behavior

By Greg Duff on 10.28.22 | Posted in Online Travel Update

Three of the four stories we feature in this week's Update detail recent or ongoing examinations by competition regulators of the trade practices of several online travel platforms. Relatedly, we also include again a link to our FAQ regarding the recently enacted European Digital Markets Act (DMA). We expect to have similar updates on the Digital Services Act (the DMA's sister legislation) out shortly. Enjoy.

India's MakeMyTrip Fined for Anti-Competitive Behavior

("MakeMyTrip and OYO Fined for Anti-Competitive Behavior," October 21, 2022 via Phocus Wire)

In a press release issued last week, the Competition Commission of India (CCI) announced that it levied fines of \$27 million against online travel agent, MakeMyTrip, for abusing its dominant market position. The fine is in addition to mandated behavioral changes. The CCI's investigation (which ran from 2017-2020) examined MMT's contracting (rate and availability parity and exclusivity) and marketing practices. Relatedly, OYO Hotels & Homes was fined \$20 million for its agreement with MMT, which according to regulators, "adversely affected competition."

Update on EU Commission's Review of Booking Holdings' Acquisition of Etraveli

("Booking Holdings' Acquisition of Etraveli Open for Comments in EU," October 19, 2022 via MLex Insights) (subscription may be required)

For the past few weeks, we've featured updates on Booking Holdings' planned purchase of Etraveli (and its related travel brands). For those of you interested in providing comments about the acquisition (or are in the process of providing comments) to the Commission, we've attached a newly issued update regarding the submissions.

Booking.com's Practices Under Review in Spain

("Booking.com Investigated in Spain Over Dominance-Abuse Concerns, CNMC Says," October 17, 2022 via MLex Insights) (subscription may be required)

The Spanish Competition and Markets Authority announced last week that it had commenced formal anti-trust proceedings against Booking.com related to its allegedly unfair trading conditions imposed on Spanish hotels. The proceedings are in response to complaints filed

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with the Authority by the Spanish Association of Hotel Managers and the Regional Hotel Association of Madrid. According to the announcement, the proceedings will focus on Booking.com's practices and policies that may adversely affect Spanish hotels, competing online travel agents and Spanish consumers. The Authority now has 18 months to complete its investigation and issue its final decision.

Other News:

Capital One Travel Takes on Rival Banks With 10x Rewards for Luxury Hotels

October 18, 2022 via Skift (subscription may be required)

At a time when rivals banks such as Chase, Citi, American Express and US Bancorp are trying to improve their travel offerings, Capital One Travel plans to introduce 10x rewards for bookings in a new luxury hotel collection, and partnered with Chef José Andrés Group in a novel airport lounge concept.

Understanding the Digital Markets Act (DMA) – FAQ Sheet

October 12, 2022 via Foster Garvey Legal Alert

The Digital Markets Act (DMA) was published in the [Official Journal](#) on October 12. The DMA aims to create a level playing field for EU businesses by regulating big tech.