

Duff on Hospitality Law

Online Travel Update: Antitrust Updates from the European Union and South America

By Greg Duff on 3.27.23 | Posted in Online Travel Update

This week's Update features two anti-trust / competition law updates from the EU (the Netherlands) and South America (Chile). Enjoy.

- **Google Offers Price Guarantee.** Late last week, Google announced it was re-launching a pilot program to guarantee the prices of select U.S. flights; if travelers find a lower airfare prior departure, Google will refund them the difference. Google piloted a similar limited guarantee in 2019, but ultimately terminated the pilot with the arrival of COVID. For those flights that benefit from the guarantee, Google monitors the price of the flight until the scheduled departure. If the price does drop, Google refunds the traveler the difference in Google Pay that can be used for other online purchases or ultimately refunded. Refunds are capped annually at \$500 for up to three guaranteed bookings.
- **Chilean Authorities to Examine Online Platforms in Travel Industry.** The Chilean competition authority announced last week its plan to launch a detailed study of the hospitality industry, including online digital platforms that advertise and facilitate the booking of accommodations. According to the authority, a preliminary survey of the market found it necessary to examine whether the existing regulatory structure was adequate to ensure competition. The study is expected to be complete in December, with a final report issued in March 2024.
- **Dutch Court Releases Decision Referring Booking.com's Contract Clauses to Full EU Court.** Readers will recall the significance of this case and the Dutch's court's decision to refer the case to the higher EU Court. At stake are not only Booking.com's contractual parity provisions, but more importantly, the correct methodology to be used when defining the online travel market. If the market is narrowly defined (i.e., online sellers of travel products and services only), then Booking.com most certainly will be determined to have a large share of the market and likely subject to greater anti-trust scrutiny (including

the Digital Markets Act (DMA)). Although the linked decision is entirely in Dutch, it contains English commentaries throughout.

- **Yet Another Story on the Growing Influence of Social Media in Travel Marketing.** Ten thousand dollars (\$10,000) a month and a \$7500 travel allowance to travel the world and stay at [Blueground's](#) U.S. and European properties, sign me up. I think I'd make a great travel influencer. This story follows up on a recent story we featured emphasizing the growing importance of social media platforms in travel marketing.
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Google offering price guarantee and refunds on select flights

March 24, 2023 via WIT

Google is offering a price guarantee on flights that gives consumers a refund if the airfare purchased drops before departure. The pilot program is available on select itineraries where the company says its “algorithms are confident that the price you find is the lowest available before the flight departs.”

Kakao Mobility looks to international expansion with acquisition of Splyt

March 23, 2023 via Phocus Wire

Kakao Mobility has acquired United Kingdom-based Splyt, a mobility technology specialist, for an undisclosed sum. Splyt provides application programming interfaces to help travel platforms and super apps easily integrate mobility services. Kakao Mobility says it stands to gain from China outbound business via Splyt as the company's partners include WeChat, Alipay and [Trip.com](#)....

Chilean competition authority to study impact of digital platforms, competition conditions on hospitality industry

March 23, 2023 via [mlex.com](#)

The Chilean competition authority will work on a market study on hospitality industry, including digital platforms that operate in the accommodation advertising and booking process, according to a statement. The Fiscalía Nacional Económica, or FNE, said it will analyze for the first time the impact of digital platforms on economic activity by using tools along with market studies.

Travel marketers still seeking higher TikTok profiles

March 23, 2023 via Phocus Wire

Blueground job listing for content creator provides a high-profile example of travel's efforts to use social media to build brand affinity and, maybe someday, boost bookings.

Decision to refer question on Booking.com's parity clauses to EU judges published by

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Dutch court

March 20, 2023 via mlex.com

The full text of the decision to ask whether Booking.com's parity clauses can be in line with EU competition law has been released by the Amsterdam district court. Its judges want to know whether such clauses can be regarded as an ancillary restriction of competition. The court is also seeking clarity on how to define markets for bookings via an online travel agency platform.

Tags: European Union