

Duff on Hospitality Law

Online Travel Update: Hawaiian and Sabre Settle Things, and European Regulators Seek Information on Booking.com

By Greg Duff on 1.23.24 | Posted in Online Travel Update

It was another slow week in the online travel industry as much of the industry's attention was focused on this past week's annual HEDNA Conference (in New Orleans) and preparation for the lodging industry's first major conference of the year, ALIS.

Hawaiian and Sabre Settle Things. Readers of our Update will recall that Sabre sued Hawaiian Airlines for breach of contract back in the summer of 2022. The suit was in response to Hawaiian's decision to charge Sabre subscribers a \$7.00 booking surcharge and to withhold certain content from Sabre and instead make that content available through Hawaiian's own direct booking channels or Hawaiian's NDC-enabled direct connect solution. Sabre alleged that the decisions violated the terms of the parties' agreement (which, depending on the date of the agreement, likely required parity among Hawaiian's booking channels and prohibited the airline from discouraging subscribers' use of the Sabre platform via surcharges, etc.) and breached the airline's implied covenant of good faith and fair dealing. According to Hawaiian, the surcharges and prioritizing of channels was part of the airline's overall effort to modernize via the adoption of NDC. Fast forward to last week, and the parties have now filed a formal dismissal of the claims. No information about the settlement is available yet, but we will update our readers when more information becomes available.

European Regulators Seek Information on Booking.com. Not only is Booking.com expected by many to fall under the Digital Markets Act's (DMA) "gatekeeper" designation in the coming months, but EU regulators are now exploring whether Booking.com (and 16 other large online platforms and search engines (e.g., Bing, Facebook, Google and Google Maps)) is a "very large online platform" and therefore subject to the many requirements of the DMA's sister legislation, the Digital Services Act (DSA). If determined to be a platform under the DSA, Booking.com will be required to use consumer friendly terms and conditions and to provide consumers and regulators transparency with regard to its advertising, recommendation and content practices. 2024 may turn out to be a big year for Booking.com.

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Hawaiian Airlines and Sabre settle lawsuit

January 19, 2024 via Travel Weekly

Hawaiian Airlines and Sabre have settled the breach-of-contract lawsuit brought by Sabre in 2022.

European regulators eye Booking.com under Digital Services Act

January 18, 2024 via Phocus Wire

The European Commission has asked Booking.com for information as the regulator determines whether the online travel company comes under the Digital Services Act.