



## HOTREC position on the European Commission Communication on the mid-term review of the Digital Single Market Strategy

HOTREC welcomes the European Commission Communication on the Mid-Term Review on the implementation of the Digital Single Market Strategy, and in particular the Commission's intention to promote online platforms as responsible players of a fair internet ecosystem. As stated in the Communication, HOTREC also believes that a fair, transparent, predictable, sustainable and trusted business environment is key in the online economy, where on several markets few dominant platforms are the gates to the market for the highly fragmented suppliers. In the case of the accommodation sector, two Online Travel Agencies (OTAs) come-up for over 80% of hotel bookings through this distribution channel, in a hotel market of 200.000 establishments, the vast majority of which being operated by family run or micro-enterprises employing fewer than 10 people.

The power of narrow access gates to the online market results in uniformed contracts, and in several market practices which are considered unfair. Indeed, platforms dictate their conditions not taking into consideration the needs of the final service providers nor the needs of the consumers and influencing their choice in an opaque manner. Therefore, one of the benefits of the Digital Single Market shall be to make the market (e.g. business transactions) more balanced and transparent for the benefit of Europe's enterprises and also to the benefit of consumers.

HOTREC and its members have identified over the past years several unfair practices of platforms, which are putting pressure on the establishments and thus increasing the fragility of the hospitality sector, which is composed to 91% by micro-enterprises. Beyond distorting competition, such practices are adding additional burdens especially to the smaller enterprises, impacting their operation and thus their job creation capacity as well as impacting their and Europe's competitiveness in the global tourism market.

In this paper, HOTREC would like to demonstrate the main issues affecting consumers and hospitality enterprises (examples are given in the annex to this paper) and to put forward proposals allowing for a more balanced, transparent and fair online tourism market.

## 1. SEARCH AND RANKINGS

### I. Current situation

When searching for a hospitality establishment, the results in general search engines (e.g. Google) are already often misleading consumers, also to the detriment of the suppliers. As most booking platforms mandatorily demand (see above non-negotiable contracts) that they may use the brand name of the establishment, search results and related web addresses are often misleading consumers. Because of the similarity of the search results, they often click on the intermediaries' links, instead of the envisaged website of the supplier.

This misleading effect might gain even more importance, as Google is obviously testing to no longer include URLs in search results on mobile devices.<sup>1</sup> Instead, Google is going to display just the page's title, a thumbnail of a featured image from the site, and a blurb. As a consequence the user will not be able anyhow to distinguish between a website of intermediaries and the supplier prior to clicking on the link offered.

As identified by the Commission Communication, the lack of transparency in ranking and search results is a key issue, as rankings determine visibility in the online market. Search results and rankings in specialised platforms (e.g. Online Travel Agencies) are usually not transparent both for consumers and for businesses (algorithm). Consumers, who mostly like to click on neutral search results, as demonstrated by several studies, are misled because default rankings are usually sorted according to the level of additional payments to the platforms (sponsored results). However, this information is often hidden from consumers. Businesses are, behind the scenes, competing with additional payments to platforms, in order to gain more visibility. Additional financial resources of enterprises are put into this hidden and also from the consumers' point of view unfair competition, instead of directing such resources in innovation and development of their own digital and other services, thus creating more value for consumers and increase Europe's competitiveness as a tourist destination.

Businesses have no guidance on how they can get better in the rankings, except for knowing that paying more is likely bringing them further up in the results. Lack of transparency and predictability are highly relevant here. In addition, when changes are implemented regarding the ranking criteria, businesses are often not informed in time, so that they could adapt their commercial behaviour.

### II. HOTREC demand

The use of the brand name shall be left up to the negotiation with the brand owner. Making it available to other parties for marketing purposes may not be a prerequisite to appear in the online

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<sup>1</sup> [https://thenextweb.com/google/2017/08/04/google-might-kill-urls-in-mobile-search-and-ruin-things-for-everyone/#.tnw\\_ayGgwDAH](https://thenextweb.com/google/2017/08/04/google-might-kill-urls-in-mobile-search-and-ruin-things-for-everyone/#.tnw_ayGgwDAH)

market, but indeed subject to negotiation.

Transparency in rankings and search results are key both for enabling consumers to make their fair choice as well as for businesses to allow for investments based on transparent criteria and elements. The opacity of algorithm makes the transparency of the criteria which structure the rankings a prerequisite for business transactions. Therefore, the direction taken in the Guidance on the implementation/application of Directive 2005/29/EC on Unfair Commercial Practices regarding paid placements and transparency for rankings should be accurately pursued and strictly enforced. For businesses it shall be clear and understandable, which actions or behaviours influence how their appearance in the online market search results.

Platforms should be obliged to designate an individual who is responsible for the algorithm policy within the company including development, review and oversight (an “algorithms officer”). This individual would be accountable for the policy to regulators, as well as for the prompt and effective solutions towards individual concerns of businesses and consumers. The platform shall communicate the contact details of the algorithms officer to consumers, suppliers and the competent authorities.

## 2. BOOKING PROCESS

### III. Current situation

When engaging in a booking process, consumers are often facing undue commercial practices which influence their behaviour without knowing the principles behind. Platforms, usually Online Travel Agencies, often exercise non-transparent and at least partly undue influence on consumers, when marketing their traded services, e.g. hotel rooms. When consumers are looking for a hotel for specific dates, unclear general statements (not necessarily referring to the requested date) such as *‘10 people are looking at this hotel’* or *‘3 persons have made a reservation with this hotel in the last 48 hours’* or *‘This property was booked: Just now!’* or *‘Price will go up in 7 hours’* are putting undue pressure and influence on consumers to make a transaction, which they may not make otherwise.

Price indications are often misleading. False discounts are rather widespread when looking for hotel rooms. False discount means, that the original price never existed for the requested date. The higher price in the discount is taken from other dates (e.g. high season, weekdays) and is displayed together with the real lower price (e.g. low season, weekend) for the searched for date, thus giving the impression for making a good deal for the given date. Consumers may also believe to get a higher value for the paid price, which may lead to unjustified disappointments and potential loss of clientele for the service providers. Platforms at the same time deny responsibility regarding the final service provided and thus receive no blame from consumers.

Metasearch sites also display prices which are not available. When clicking on a metasearch site leading to a proposed deal by an Online Travel Agent, the price displayed on the latter is often consequently higher.

These practices not only are misleading consumers, but are also detrimental for businesses, as bookings on OTAs under undue pressure or based on false and misleading information result in

higher cancellations and less possible direct bookings. Increased cancellations have again a direct negative effect on the ranking of the properties. It can also affect the reputation of the businesses (e.g. hospitality establishments) which can be unduly held responsible for the circumstances.

## II. HOTREC demand

Having regard to the above, HOTREC demands that information provided by platforms to consumers shall be accurate and transparent. Undue influence on consumers as well as misleading actions regarding manipulating with prices for different time periods shall have an end, only real discounts with the consent of the supplier shall be displayed regarding the searched for service (i.e. discounts for the searched for time).

## 3. ACCESS TO DATA AND COMMUNICATION

### I. Current situation

When booking through online travel agents, and thus establishing a contract between the consumer and the service provider e.g. the hotel, communication between the hotel and the guest is managed indirectly, by the online platform. With this practice, as rightly identified in the Commission Communication, platforms *“restrict access to, and the use of, personal and non-personal data, including that which are directly generated by a company’s activities on the platform”*. Platforms are thus monopolising / holding-back the relationship between the establishment and its customer and are unduly burdening the access to such data, which would be valuable for the further development of the services. Furthermore, the fact that there is a third party ‘reading’ the correspondence is reducing the incentive for communication both on the side of the guests as well as the establishment, thus deterring the further improvement of the quality of the final services. The relationship in the world of hospitality, which is based on trust, service, and empathy cannot be achieved through a non-personal e-mail. A hotel needs a free and direct communication channel with its guest – in digital as well as in analogue times.

### II. HOTREC demand

Access to and use of data generated in relation to a service provider’s business activity is getting more and more valuable. Businesses shall have direct access to such data and access to such data must not be hindered by online platforms. In fact, the direct communication between the consumers and the service providers shall be restored.

## B) Issues specific to the B2B relations

### 4. TERMS AND CONDITIONS

#### I. Current situation

Terms and Conditions set up by online platforms, regulating the access of service providers to the (online) market, are, as identified by the European Commission, *“often complex and vague, giving significant scope for interpretation to the platforms’ advantage”*. Moreover, such terms and conditions are usually non-negotiable, meaning that platforms may impose the conditions of specific markets more and more. These are lengthy and often complicated as well.

The unlimited use of brand names, the demand for parity clauses, asking commissions on external costs (taxes), platforms’ freedom to make the offer available to non-defined affiliates, etc. are all important general clauses, which service providers often find detrimental, but are not negotiable.

Regarding parity clauses, requiring suppliers to make available the same price and conditions as in other distribution channels, competition is restricted and thus also the development of new platforms is hindered to the detriment of consumers. Some Member States have already acknowledged the market detriments of such clauses in the hotel sector and have banned them, either via their competition authorities (Germany) or by legislation (France, Austria, Italy). Thus, currently 46% of the European tourist accommodation market (in terms of nights spent) is already covered by such a ban. Despite of these bans and commitments of the biggest OTAs not to apply wide parity clauses, OTAs still put pressure on hotel establishments to enforce parity.

Asking commissions for costs which are not related to the value created with the service itself (e.g. on VAT or other taxes) is to be considered unfair and anti-competitive as well, and unduly increases the financial burdens of service providers to the sole financial benefit of the platforms.

Hospitality establishments also shall have a right to know, where their services are being marketed. Online platforms are often working with several affiliates, however providers have no influence on which market places (and in which style and way) their products are made available and on how payments are guaranteed. Not to mention the damages caused to hotels’ reputation.

Businesses shall also be free to decide, who and under which conditions may use their brand names for further marketing activities. Currently, due to the non-negotiable nature of platforms’ terms and conditions, platforms are entitled to use the brand names of the business in an undue and unlimited manner.

#### II. HOTREC demand

Having regard to the above, HOTREC demands that enterprises have the possibility to negotiate their contracts with online platforms fairly and more in line with their own business concept. There should be a transparent catalogue of terms and conditions, inter alia, where commission, ranking

criteria are clarified. A ‘take-it or leave-it’ approach for online platforms’ terms and conditions is not acceptable, when such platforms are the most visible and dominating access gate to the market for service providers and would thus ‘dictate’ the conditions in sectors, where they are ‘only’ acting as intermediaries. It shall be guaranteed that the dominant position of platforms does not prevent the equal treatment of the parties, including cases when it comes to penalties or termination of the contract e.g. due to non-compliance.

Parity clauses are hindering competition and are to be banned per se from the contracts between the service providers and the intermediaries. Clauses requesting commissions to be paid on any fiscal levy shall be banned as well.

## 5. EFFECTIVE REDRESS

### I. Current situation

Service providers are often left alone when a problem occurs and therefore fight for their rights vis-à-vis the dominant platforms although often too small and scared to go to court and not equipped legally. As also identified by the Commission Communication, because there is often no transparent and independent process for sorting out perceived conflicts, *“a significant proportion of disagreements remain unresolved, which can create important negative impacts for the affected businesses”*.

Besides the unbalanced treatment of disputes, the consequences applied by the platforms towards the businesses are often not clear and predictable. Punishing businesses by de-listing, “dimming” or de-ranking may have serious detriments, especially if the reason for such consequences are not clarified in a balanced and fair manner and in particular when achieved on an arbitrary basis.

### II. HOTREC demand

A quick, fair and independent redress mechanism in case of disputes shall be in the interest of all, including platforms, businesses but also public authorities. National access points to such independent redress mechanisms would be vital, as the vast majority of businesses present on platforms are micro-enterprises, for which seeking assistance outside their country would be very burdensome and non-proportionate. In the framework of the establishment of such independent national access points, a reachable contact person at these access points, as well as further contact details of the independent access point in charge shall be given by the platforms.

## C) Summary

HOTREC welcomes the Commission Communication on Online platforms, as well as the fact, that the Commission intends to take concrete actions towards a fair, transparent and responsible online platform market.

HOTREC would propose to tackle the above mentioned as priorities. Binding general principles and specific criteria regarding transparency, fair B2B practices as well as redress mechanisms would be of great added value to achieve these goals.

### General principles shall include:

- Clear and accurate information provision to consumers on prices and availability without any pressure and influence on consumers;
- The main entrepreneurial freedoms of businesses shall be safeguarded (e.g. determination of selling price and conditions, use of the own brand name);
- Possibility for service providers to negotiate on contractual terms and conditions and to decide to accept or not changes put forward by platforms;
- Quick and effective communication with service providers in case of disputes;
- Access to an efficient and independent redress mechanism in the country where the service provider is established, if problems can not be solved between the platform and the business;
- Increased transparency on the criteria for rankings towards consumers as well as towards businesses;
- Clear, accurate and timely information provision by platforms towards service providers on changes in terms and conditions or ranking algorithms;
- Mandatory establishing “algorithm officers” by every platform.

**Annex:** Examples highlighting the issues mentioned in this paper.

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# **Annex to HOTREC position paper on the European Commission Communication on the mid-term review of the European Digital Single Market Strategy**

## **Examples highlighting problematic issues mentioned in the HOTREC position paper**

### **1. Search and rankings:**

#### **Brand-bidding:**

Platforms often demand that they may use suppliers' brand name in their advertisement activities. It often happens against the real will of hoteliers, however forms part of the usually non-negotiable terms and conditions.


#### **Drawbacks for consumers**

Consumers searching for a specific hotel, are easily misled in e.g. Google search results by the brand based advertisements of intermediaries. Consumers are easily lead on other websites and distribution channels instead to the originally looked for provider's website.

#### **Drawback for businesses**

Such mislead clicks executed by consumers are driving away direct business from suppliers, causing them financial detriment e.g. by having to pay intermediary fees.





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About 1.150.000 results (0,52 seconds)

[Hotel Retro, Brussels - Best Price Guarantee - booking.com](#)  
(Ad) [www.booking.com/Hotel\\_Retro/Brussels](http://www.booking.com/Hotel_Retro/Brussels)  
4,5 ★★★★★ rating for booking.com  
 Book at Hotel Retro, Brussels. No Reservation Costs. Great Rates.  
 Great Availability · Low Rates · Special Offers  
 World's Leading Online Travel Agency - 2015 – World Travel Awards  
[Book for Tomorrow](#)      [No Booking Fees](#)  
[Secure Booking](#)      [Book Now](#)

[Book Hotel Retro, Brussels, Belgium - Hotels.com](#)  
(Ad) [www.hotels.com/](http://www.hotels.com/)  
4,5 ★★★★★ rating for hotels.com  
 Browse Photos & Read Guest Reviews. View Great Hotel Deals & Book Now!  
 Travel Guides · Last Minute Hotel Deals · 24/7 Customer Service · No Cancellation Fees  
 “Online Travel Service Brand of the Year” – 2015 Harris Poll EquiTrend  
[Last Minute Deals](#) · [Today's Deals](#) · [Hotels.com Rewards](#)

[Hotel retro brussels - Best hotel deals - tripadvisor.com](#)  
(Ad) [www.tripadvisor.com/HotelDeals](http://www.tripadvisor.com/HotelDeals)  
 Read real hotel reviews, compare prices and book now!  
 Styles: Romantic, Family, Great Value  
 Travel planning and booking site – Huffingtonpost

[Hotel Retro - Hotel](#)  
[www.hotelretro.be/](http://www.hotelretro.be/)  
 Just stay on earth and discover the LATEST NEW BOUTIQUE HOTEL IN BRUSSELS, Capital of Europe : THE HOTEL RETRO - 25 beautiful rooms and 3 stars, ...

[Hotel Retro, Brussels, Belgium - Booking.com](#)  
<https://www.booking.com> > ... > [Brussels Hotels](#) > [Sint-Joost-ten-Node](#)  
★★★★★ Rating: 8,2/10 - 1,198 reviews - Price range: Prices for upcoming dates start at \$56 per night (We Price Match)  
 Centrally located between the EU Headquarters and Brussels City Centre, the elegant Hotel Retro has rooms with free Wi-Fi. Brussels Grand Place is 2 miles ...

## Search and Rankings on Online Travel Agents' sites

Online Platforms, in the case of the hospitality sector especially Online Travel Agencies, have their default rankings called 'Recommended Hotels' or 'Our top picks first', or are indicated as 'Bestseller'. These results are usually linked to the amount of the commission paid by the listed establishments for each booking made via the online platforms or their performance on the given OTA. However, there is no information to the consumer that the list is mainly based on paid for results. Moreover, auction models of OTAs further inspire hotels to spend more on such hidden advertisements, curbing up their costs and thus the price of the end product as well.

### **Drawbacks for consumers**

Consumers, who usually prefer to choose natural search results compared to sponsored results, are misled and left without any explanation on the criteria for the rankings. Would they know which results are sponsored, they would likely take different decisions. Hidden competition on paying higher commissions for better rankings is indirectly increasing the final price.

### **Drawback for businesses**

As the default rankings are often based on the level of commission paid, a price competition on

these commissions is triggered for better visibility and thus better chances on the market, without the consumer knowing about the nature of such results. Moreover, these additional investments by the service providers are often missing in the investments in the real services to improve their quality and thus businesses' competitiveness.

Avenue Louise, Bruxelles, Belgique mar. 19 sept. - mer. 20 sept. 1 [Modifier la recherche](#)

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☐ Moins de 75 €

☐ 75 € - 124 €

☐ 125 € - 199 €

☐ 200 € - 299 €

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Indifférent

**Formule repas** [Réinitialiser](#) ▼

Indifférent


**Type d'établissement** ▼



**Thon Hotel Bristol**  
**Stephanie** ★★★★★  
Avenue Louise  
02 200 63 72 • Offre Expedia  
Réservé au cours des 2 dernières heures

**Très bien ! 4,3/5**  
(1.164 avis)  
Total TTC\* à partir de  
**128 €**  
[Offre !](#)


Gagnez 255 points Expedia+



**The Hotel** ★★★★★ +VIP  
Avenue Louise  
02 200 63 72 • Offre Expedia

**Fabuleux ! 4,5/5**  
(946 avis)  
Total TTC\* à partir de  
**194 €**  
[Offre !](#)

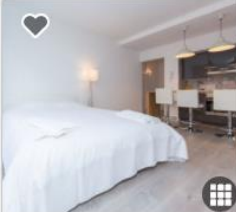
Gagnez 389 points Expedia+



**Le Châtelain** ★★★★★ +VIP  
Avenue Louise  
02 200 63 72 • Offre Expedia

**Superbe ! 4,4/5**  
(262 avis)  
Total TTC\* à partir de  
**165 €**

Gagnez 329 points Expedia+



**Residence White House**  
**Louise** ★★★★★  
Avenue Louise  
02 200 63 72 ✓ Annulation gratuite

Total TTC\*\* à partir de  
**En forte demande**  
**Plus que 2 chambres sur notre site**  
à  
**75 €**  
✓ Réservez maintenant, payez plus tard

Gagnez 150 points Expedia+

Screenshot: Expedia.be 19 July 2017: No explanation of what it means 'Hotels recommandes'

Destination/property name:

Are you travelling for work?  
☐ Yes ☒ No

Check-in  
 Tuesday 19 September 2017

Check-out  
 Wednesday 20 September ...

1-night stay  
Rooms:   
Adults:   
Children:

37% reserved

Tip: Prices might be higher than normal, so try your search again with different dates.

Brussels: 406 properties found - including 82 value deals!

3 reasons to visit:

Magritte Museum  
Fine Art Museums

Mini Europe  
Tours

Delirium Cafe  
Beer

Your results include some shared accommodations, such as dormitory beds. [Show private rooms only](#)

Recommended for you:

**Brussels Marriott Hotel Grand Place** ★★★★★ **Very good 8.4**  
1,003 reviews  
Brussels – Metro access  
5 people are looking at this moment  
Reservation possible without a credit card  
Booked 6 times in the last 24 hours  
1 restaurant on site and more nearby  
Twin/Double Room **Only 5 rooms left!** ~~€ 242~~ **€ 215**

**Bed & Breakfast La Clef Des Secrets**  
Elsene / Ixelles, Brussels  
Booked once in the last 48 hours  
Recommended as a great area for eating out  
Double Room with Private External Bathroom **Only 1 room left!** **€ 68**  
Breakfast included

Filter by:

Your budget

☐ € 0 - € 50 per night 13  
☐ € 50 - € 100 per night 157  
☐ € 100 - € 150 per night 240  
☐ € 150 - € 200 per night 178  
☐ € 200 + per night 119

Popular

☐ Hotels 202  
☐ Breakfast included 179  
☐ Free cancellation 342  
☐ Brussels Centre 258

Screenshot: Booking.com 19 July 2017: No explanation of what it means 'Our top picks first'

Recommended for you:

**Brussels Marriott Hotel Grand Place** ★★★★★ **Very good 8.4**  
1,003 reviews  
Brussels – Metro access  
2 people are looking at this moment  
Reservation possible without a credit card  
Booked 6 times in the last 24 hours  
1 restaurant on site and more nearby  
Twin/Double Room **Only 5 rooms left!**

This property has agreed to be part of our Preferred Property programme which groups together properties that stand out thanks to their excellent service and quality/price ratio with competitive prices. Participation in the programme requires meeting a specific set of criteria and takes into account feedback from previous guests.

Screenshot: Booking.com 19 July 2017: The pop-up window of the 'Thumb-up' button also does not explain that it is linked to additional payment by the property.

The predicate "bestseller" suggests popularity and quality. However, it shows that the hotel sells many rooms over Booking.com.

**Booking.com**

Suche  
Reiseziel/Name der Unterkunft:  
Köln

Reisen Sie geschäftlich? ☐ Ja ☒ Nein

Check-in-Datum  
Freitag, 21. Juli 2017

Check-out-Datum  
Sonntag, 23. Juli 2017

2 Nächte

Zimmer: 1 Zimmer

Erwachsene: 2 Erwachsene

Kinder: Keine Kinder

**Suche**

**Köln: 163 Unterkünfte gefunden – inklusive 77 Schnäppchen!**  
3 gute Gründe, um hinzufahren: Karneval, Live-Musik und Nachtleben

Unsere Top-Tipps: Günstigste Unterkünfte zuerst, Bewertung & Preis, Sterne, Entfernung vom Stadtzentrum, Bewertungsergebnis

Sie möchten keine Kreditkarte nutzen? Wählen Sie eine andere Zahlungsart aus.

Die angezeigten Preise beziehen sich auf Ihren Aufenthalt von 2 Nächten

**Bestseller**

**Leonardo Hotel Köln** ★★★★★  
Buchforst, Köln  
9 Personen sehen sich das gerade an  
Sehr gefragt: In den letzten 24 Stunden 94-mal gebucht  
Heutiges Schnäppchen  
Preis für 2 Nächte: € 198  
Gut 7,9 (2.733 Bewertungen)  
KOSTENLOSE Stornierung  
Keine Voraus-/Anzahlung notwendig  
Unsere letzten verfügbaren Zimmer ansehen

**-37% HEUTE!**

**Hilton Cologne** ★★★★★  
Altstadt-Nord, Köln  
8 Personen sehen sich das gerade an  
Sehr gefragt: In den letzten 24 Stunden 25-mal gebucht  
Sehr gut 8,0 (3.324 Bewertungen)

**TAMTAM FÜR GUTE PARTNER**

Das Prädikat "Bestseller" suggeriert Beliebtheit und Qualität. Es zeigt aber vor allem an, dass das betreffende Hotel besonders viele Zimmer über Booking.com vermarktet.

Source: Manager Magazin 8/2017

<http://www.manager-magazin.de/fotostrecke/booking-com-so-koedert-das-reiseportal-seine-kunden-fotostrecke-150278.html>

### Intransparent auction models ("biasing")

The customer should be made aware if the genuine ranking list of OTAs, Online Review Providers and hotel meta search engines is subject to other criteria as star categories, guests' recommendations, rates or distances. Especially, if the ranking is influenced by the amount of additional commission a hotel is willing to spend, and more generally by the fulfilment of contractual conditions by the hotel (early payment of commissions, compliance with parity clauses...), the customer must be informed about this policy. Hidden paid for rankings not only betray the consumers, who are clicking on advertisements without knowing, but also generate a damaging price competition behind the scenes, to the detriment of service providers and consumers. Under fair conditions and more transparency such resources could be dedicated to the development of the core services and thus also to the competitiveness of European tourism.

See also:

[http://hotelmarketing.com/index.php/content/article/new\\_research\\_shows\\_ota\\_consolidation\\_harms\\_consumers](http://hotelmarketing.com/index.php/content/article/new_research_shows_ota_consolidation_harms_consumers)

<http://www.benedelman.org/publications/ota-bias-12jul2017.pdf>

Example Booking.com:

## Ihre Statistiken



Ihr Content Score liegt bei

# 100%

Der durchschnittliche Content Score Ihrer Konkurrenz beträgt 99%



Heute liegt Ihre Unterkunft auf Platz:

# 18

Ranking aus 31 Unterkünften

[Weitere Informationen unter Ranking auf der Webseite](#)



## Kommission

für verbessertes Ranking erhöhen

### Organic results go under on mobile search

#### **Preference for own content by Google**

Especially in the **mobile search results** Google preferred its own hotel search (Google My Business) by a very good placement even before the organic search result of the hotel itself.

Organic search results for hotels and restaurants must have a fair chance to be displayed by search engines directly and not only via paid aggregators like OTAs, review sites, third party's meta search engines or Google's own products (Google My Business / Hotel Ads).

As a general rule not more than 30% of a search engine result page (SERP), visible on any screen, should be occupied by paid services and the rest of the space should be reserved for organic search results.

#### **Drawbacks for consumers:**

On mobile devices, they only see advertisements at first sight and have to scroll down a lot to get to the organic results.

#### **Drawbacks for businesses:**

Direct visibility on mobile devices is even more difficult than on desktop screens, thus involving more investments into advertising, instead of being able to at least partly relying on the 'neutrality' of organic search results.



Google

Ringhotel Dreesen

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Ungefähr 140.000 Ergebnisse (0,54 Sekunden)

Ringhotel Rheinhotel Dreesen, Bonn Angebote - Booking.com

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www.booking.com/

4,5

★★★★★

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Anzeige

www.expedia.de/Hotel-Bonn

4,1

★★★★★

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www.rheinhoteldreesen.de/

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Restaurant Gobelin · Zimmer & Junior Suiten · Anfahrt & Parken · Biergarten

Ringhotel Rheinhotel Dreesen in Bonn-Bad Godesberg, Nordrhein ...

https://www.ringhotels.de/hotels/rheinhotel-dreesen

Willkommen im ruhigen Bonner Residenzviertel, mit Panoramablick auf den Rhein, den Petersberg und den Naturpark Siebengebirge: Hinter der stolzen ...

Ringhotel Rheinhotel Dreesen: Bewertungen, Fotos & Preisvergleich ...

https://www.tripadvisor.de

... · Nordrhein-Westfalen · Bonn · Hotels Bonn

★★★★★

Bewertung: 4,5 - 202 Rezensionen - Preisspanne: 87€ - 202€ (Basierend auf den durchschnittlichen Preisen eines Standardzimmers)

Hotel Ringhotel Rheinhotel Dreesen, Bonn: 85 Bewertungen, 163 authentische Reisefotos und günstige Angebote für Hotel Ringhotel Rheinhotel Dreesen.

Ringhotel Rheinhotel Dreesen - Booking.com

https://www.booking.com

Deutschland · Nordrhein-Westfalen · Hotels in Bonn

★★★★★

Bewertung: 8,9/10 - 1.603 Rezensionen - Preisspanne: Preise für zukünftige Daten ab € 79

Rheinstufe

Rheinstraße

Ringhotel Dreesen

©2017 GeoBasis-DE/BKG (©2009), Google

Fotos anzeigen

Von innen ansehen

Rheinhotel Dreesen

Website

Routenplaner

4,4

★★★★★

149 Google-Rezensionen

4-Sterne-Hotel

Anzeige

Verfügbarkeit prüfen

Anreise

So., 20. Aug.

Abreise

Mo., 21. Aug.

ANGEBOT

29% unter dem Normalpreis

HRS.de

Testsieger Hotelportale · Service „Made in Germany“

91 €

>

Booking.com

91 €

>

Expedia.de

91 €

>

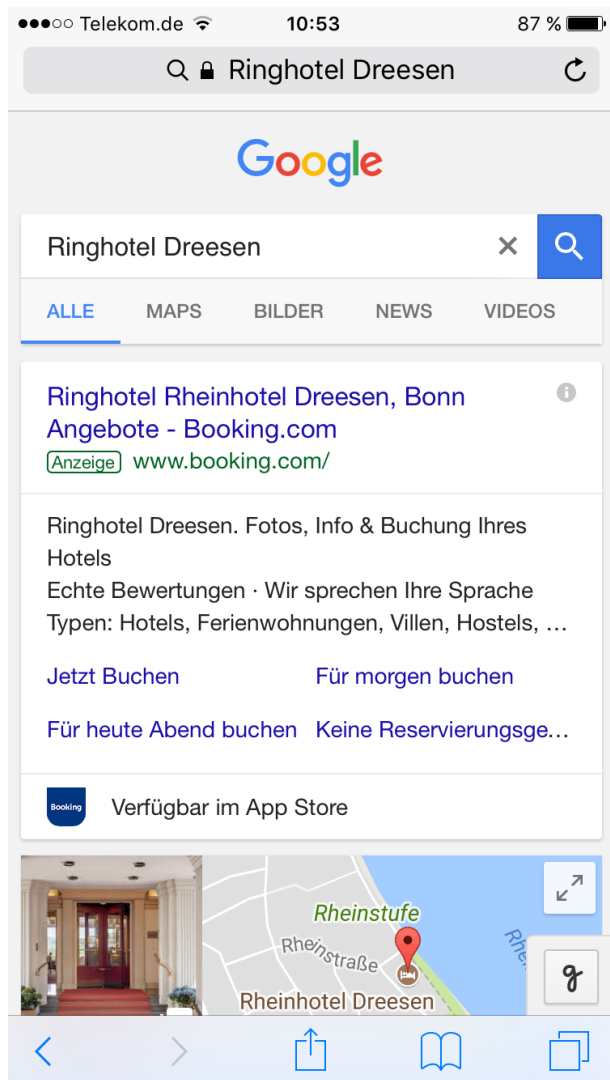
HOTEL DE

91 €

>

Weitere Preise ansehen

Google Desktop Search for Ringhotel Dreesen (2017-08-08):








Google Mobil Search for Ringhotel Dreesen (2017-08-08):

Ad Words Booking.com

## **Presentation of establishments with which there is no contract**

The Fork publishes presentation pages even for restaurants that did not contract with it.

CHERCHER

	<b>Tous</b> FRANÇAISE 75009	<b>9,3</b> /10
	<b>AG Les Halles</b> FRANÇAISE 75001	<b>9,2</b> /10
	<b>Zébulon</b> FRANÇAISE 75001	<b>9,1</b> /10
	<b>L'Apïbo</b> FRANÇAISE 75002	<b>9,2</b> /10
	<b>Saturne</b> FRANÇAISE 75003	<b>9,1</b> /10
	<b>Le Poultry</b> FRANÇAISE 75007 -30% sur la carte	<b>9,3</b> /10



**De:** [REDACTED]  
**Envoyé:** mercredi 3 mai 2017 14:19  
**À:** [REDACTED]  
**Objet:** Re: La Fourchette

**Importance:** Haute

**Catégories:** OTA; Avis; A conserver

Madame,

Ravi d'avoir pu vous apporter des éléments intéressants pour Vous.

Merci à mon tour pour votre écoute et votre partage.

Comme convenu je vous précise les méthodes douteuses, remarquées par mes clients, du site « la fourchette ».

J'ai ouvert mon établissement le [REDACTED] fin décembre 2016, j'ai fait le choix de ne pas prendre les tickets restaurants, ne pas être référencé sur des sites promotionnels de type la fourchette ou groupon ...

J'ai été sollicité à plusieurs reprises par des commerciaux au sein de mon établissement ou par téléphone et à chaque fois j'ai bien précisé que je ne souhaitais pas adhérer à ce type de méthodes incompatibles avec mes objectifs de développement.

Certain de mes clients m'ont alerté sur le fait que le site la fourchette utilisait mon nom d'enseigne afin de détourner ma clientèle sur d'autres établissements voisins membre de ce site.

Je souhaite que ce site n'utilise pas mon nom et mon image à des fins commerciales et pour tromper les utilisateurs de ce type de site.

Je ne suis pas membre de la fourchette et ne souhaite pas laisser la possibilité à ce site d'utiliser mon enseigne sans mon accord et surtout faire croire que mon établissement est membre et donc disponible à la réservation.

Je considère ce type de méthode comme un détournement de clientèle.

Merci de me tenir informé des suites à donner à ce type de méthode.

Bien cordialement

[REDACTED]

[REDACTED]

## Search and star ratings of hotels

### Manipulated star ratings

<http://viewfromthewing.boardingarea.com/2017/08/12/hotel-booking-site-admits-manipulating-star-ratings-see-customers-will-pay/>

Hotels.com  
Eine Marke von Expedia Inc.

Unser Mitarbeiter helfen Ihnen gerne weiter  
069-945 192 393

Hoteltangebote Gruppen Cookie-Richtlinie Hilfe Feedback zur Seite Einloggen & Konto Hotels.com™ Rewards Meine Buchungen

Zurück zu Suchergebnissen So, 25. Juni 2017 - Mo, 26. Juni 2017, 1 Nacht, 1 Zimmer, 2 Erwachsene Suchkriterien ändern

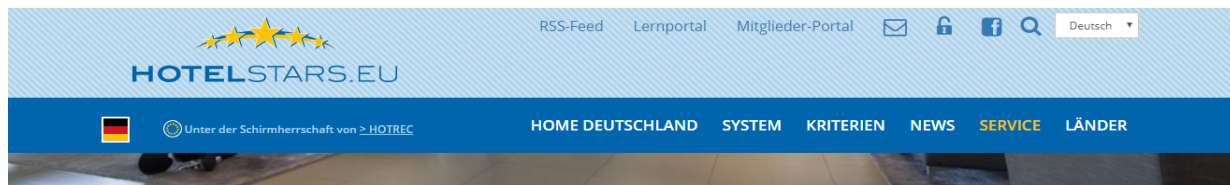
Zielort, Hotel, Sehenswürdigkeit oder Adresse: Hotel Garni Keinath, Stuttgart, Deutschland  
Anreise: 25.06.2017 Sonntag  
Abreise: 26.06.2017 Montag  
Zimmer: 1 Nacht  
Erwachsene: 2  
Kinder: 0  
Suche

Hotel Garni Keinath 4 Sterne  
Spielberger Strasse 24-26, Stuttgart, BW, 70435, Deutschland  
Hotel mit 4 Sternen und mit Bar/Lounge - Porsche-Museum (1,7 km)  
Kostenloses WLAN

72 € 67 €  
Preis für 1 Nacht  
inkl. Steuern und Gebühren  
Jetzt buchen  
Gutscheincode eingeben: SWEETDEAL

Gehe zu: Überblick Zimmerauswahl Informationen zum Hotel Umgebung

Example Hotels.com.



## FINDEN SIE IHR STERNEHOTEL!

Suchen Sie mithilfe der Sterne gezielt nach ihrem Wunsch-Hotel.

Ob Zwei-Sterne, Drei-Sterne oder Vier-Sterne-Hotel – im Suchportal der Deutschen Hotelklassifizierung finden Sie alle klassifizierten Hotels und Behebungsbetriebe in Deutschland und teilnehmenden Ländern der Hotelstars Union.

Länder	PLZ	<input type="checkbox"/> ★	<input type="checkbox"/> ★★★★★	<input type="button" value="SUCHE"/>
Stadt		<input type="checkbox"/> ★★	<input type="checkbox"/> ★★★★★★	
Hotel Keinath		<input type="checkbox"/> ★★★	<input type="checkbox"/> Superlor	

1 Treffer (max. 100)

**Hotel Keinath** ★★GARNI

Spielberger Strasse 24 - 26  
 70435 Stuttgart-Zuffenhausen, Germany

☎ 0711 87 53 92  
 ✉ 0711 87 90 373  
 ✉ Mail

🌐 Web  
 📍 Route

Official star rating

<https://www.hotelstars.eu/de/deutschland/service/hotelsuche/?fixedSearch=true&hname=Hotel%20Keinath&country=germany>

Distribution partners should refrain from manipulating star ratings or using undeclared “portal stars”. In fact they should respect and ensure the correct display of official hotel stars and match the star data base with the official sources regularly. They should supply information about the official star classification in accordance with the system in place in the country/countries concerned. Star symbols must not be used for guest reviews, so as to avoid any confusion with official hotel classifications.

### **Drawback for consumers:**

Consumers might be misled by the star indications, which may not correspond with the official star rating of the establishment.

## **2. Booking process:**

### **False discounts:**

The alleged discount refers to comparative prices on other days.

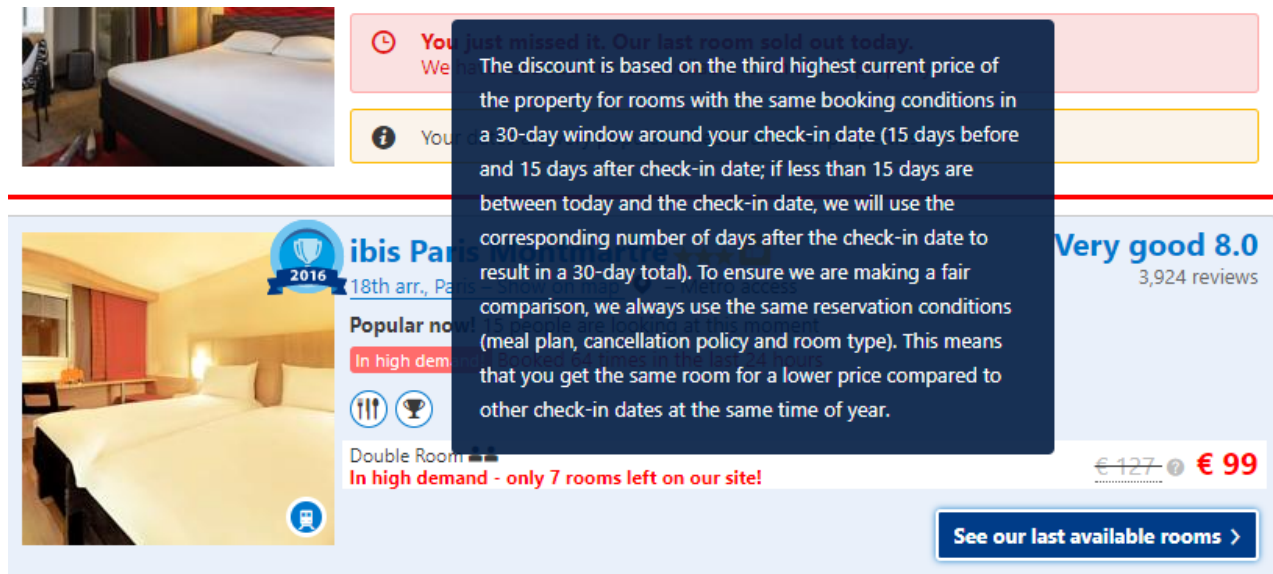
### **Drawback for consumers:**

For the customer it remains unclear whether they get a bargain or just a relatively unpopular day. The practice increases the chance for disappointments, which would not occur with real price indications.

### **Drawback for businesses:**

Consumer dissatisfaction often backlashes on businesses, as clients might expect higher value for the service. Such false discounts are also drawing undue traffic and bookings on intermediaries' sights as many

consumers do not wish to miss a bargain.



The screenshot shows a Booking.com listing for 'ibis Paris 18th arr. Paris'. A dark blue overlay with white text reads: 'You just missed it. Our last room sold out today. The discount is based on the third highest current price of the property for rooms with the same booking conditions in a 30-day window around your check-in date (15 days before and 15 days after check-in date; if less than 15 days are between today and the check-in date, we will use the corresponding number of days after the check-in date to result in a 30-day total). To ensure we are making a fair comparison, we always use the same reservation conditions (meal plan, cancellation policy and room type). This means that you get the same room for a lower price compared to other check-in dates at the same time of year.'

The listing details include:

- Hotel name: **ibis Paris 18th arr. Paris**
- Star rating: **2016**
- Location: **18th arr., Paris**
- Popularity: **Popular now**
- Demand: **In high demand**
- Room type: **Double Room**
- Availability: **In high demand - only 7 rooms left on our site!**
- Rating: **Very good 8.0** (3,924 reviews)
- Price: ~~€ 127~~ **€ 99**
- Button: **See our last available rooms >**

Screenshot: Booking.com 31 August 2017, 14:15

### False prices:

Metasearch sites (e.g. TripAdvisor) display prices, which are not available. The displayed discounted price is often lower than the price available directly from the hotel, however, when clicking on this 'false' deal, on the site indicated (e.g. Expedia or Booking.com) the price is not available but higher and higher than the price available directly from the hotel. Thus traffic and bookings are driven away by misleading consumers with false prices.

Best prices for: Sep 10 – Sep 11 1 room, 2 adults, 0 children Update

Hotel Indigo Berlin – Centre Alexanderplatz

**SAVE €27** ~~€145~~  
Expedia.be **€88**

Booking.com ..... €93  
HotelIndigo.com ..... €93  
HotelQuickly ..... **€115**

**View all 7 deals from €88**

1,695 rev  
#6 Best Value of 634 ho

Free Wifi Res

https://www.expedia.be/Hotel-Search?mctc=9&ICMDTL=htl.4989374.ta.3175719.geoid.187323.testslice..clickid.WaUnpAoQJWUAArmU9gAAACA

Berlin (et environs), Allemagne dim. 10 sept. - lun. 11 sept. 1

Vous pouvez économiser au moins 10 % supplémentaires sur le prix de votre hôtel. [Inscrivez-vous](#) pour profiter des prix plus bas.

### Berlin (et environs) : 832 établissements

Des questions ? (+32) (02) 2006486

Afficher la carte

Recherchez par nom d'établissement

Filtrez les établissements par

Distance du centre-ville Prix Avis des clients Hôtels recommandés Plus

Voir comment nous sélectionnons nos établissements recommandés

**25 personnes consultent votre premier choix en ce moment. Réservez sans tarder !**

**Hotel Indigo Berlin – Alexanderplatz** ★★★★★

4,4/5 Superbe !  
(1.038 avis)

1 nuit à partir de

**99 €**


Vous avez choisi le prix le plus bas affiché sur TripAdvisor.

Sauvegardez cet établissement parmi vos préférés pour que vous puissiez le retrouver plus tard.

J'ai compris

Screenshot: 29 August 2017 10:45 AM

https://www.ihg.com/hotelindigo/hotels/us/en/reservation/book?qAAR=6CBARC&qAdlt=2&qBrs=6c.hi.ex.rs.ic.cp.in.sb.cw.cv.ul.vn.ki.sp.nd.ct&qChld=0&qCiD=10...

[Neighborhoods](#) [Our Story](#) [Offers](#) [Gatherings & Events](#) [Apps](#)

Check In  
  
(e.g. Aug-29-2017)

Check Out  
  
(e.g. Aug-30-2017)

Adults

Children

Rooms

CHANGE SEARCH

Refine Your Results

Rate Preference (1)

Room Preference

Non-smoking hotel

☐ Accessible Room

APPLY

Group Code

Corporate ID

IATA #


Reset All

Sort by:

Currency:

Best Price Guarantee

RESERVE NOW TO ENSURE YOU GET THIS LOW PRICE. ROOMS ARE LIMITED.



STANDARD ROOM

2

Stylish standard rm with minibar body amenities safe electric kettle with coffee and tea facilities HD flatscreen 3 sky channels free WiFi free phone calls bathrobe slipper iron on request. Bed type preference cannot be guaranteed and will be allocated upon arrival.

From 10,000 points using Points & Cash  
OR **€95.04** EUR

View Rates

Screenshot: 29 August 2017, 10:45 AM

### **Pressure on consumers:**


Booking websites exercise undue psychological pressure on consumers in order to make immediate decisions. E.g. '15 people are looking at this moment', 'Latest booking: 1 minute ago', 'In high demand: Booked 64 times in the last 24 hours', etc.

### **Drawback for consumers:**

Consumers may get under undue pressure, although the indications might not be related to the searched for date. Making decisions under such undue pressure are preventing consumers to look for further options and thus make them take decisions which they would not have made otherwise.

### **Drawback for businesses:**

Such overhasty decisions lead to increased cancellations (which is also encouraged by booking sites). Increased cancellations have a negative influence on the hotels ranking.



**ibis Paris Montmartre** ★★ ★★ ★★  
18th arr., Paris – [Show on map](#) – Metro access


**Popular now!** 15 people are looking at this moment  
Latest booking: 1 minute ago



Double Room   
**In high demand - only 7 rooms left on our site!**


**Very good 8.0**  
3,924 reviews

~~€ 127~~ **€ 99**

[See our last available rooms >](#)







**ibis Paris Montmartre**
★ ★ ★


18th arr., Paris – [Show on map](#)
 – Metro access

**Very good 8.0**  
3,924 reviews

**Popular now!** 15 people are looking at this moment  
**In high demand!** Booked 64 times in the last 24 hours


Double Room   
**In high demand - only 7 rooms left on our site!**

~~€ 127~~ **€ 99**


[See our last available rooms >](#)

€ 98.60

Are you travelling for work?  
☐ Yes ☐ No




**Your stay at ibis Paris Montmartre is almost yours! We just need a few more details.**

 1 person is booking this property right now.

We can't save your reservation if you leave the page. Once it's gone, it's gone...

This property was booked: **Just now!**


 **We Price Match**  
This room is € 17.84 less than the Paris average of € 116.44/nt



**Standard Double Room**


## Animation for cancellations:

OTA actively promote the possibility of a free cancellation. For the hotels, an operational effort is incurred as a result of every cancellation. In addition, room availability is blocked and may can't be rented after a cancellation.

Furthermore the listing of a hotel on OTA-platforms is influenced by the level of cancellations of bookings. So the OTA encourage the guests to cancellations and punishes the hotelier with a worse ranking.






**Hotel Adriatic**
★ ★


Vatican City - Prati, Rome – [Show on map](#)


**Good 7.8**  
1,383 reviews

3 people are looking at this moment  
**In high demand!** Booked 6 times in the last 24 hours



Double Room   
**In high demand - only 6 rooms left on our site!**  
Risk free: You can cancel later, so lock in this great price today.

~~€ 119~~ **€ 69**  
**FREE cancellation**  
No prepayment needed

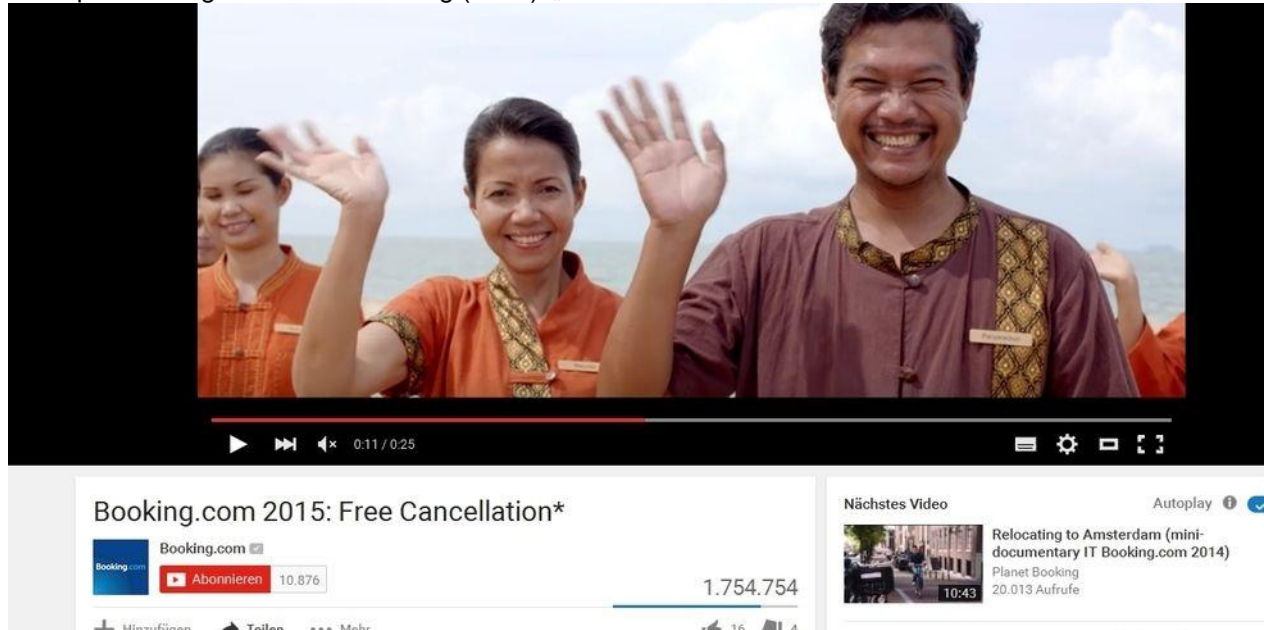
[See our last available rooms >](#)

Also in videos:



<https://vimeo.com/213053821>

Example Booking.com TV Advertising (2015): „Book it – cancel it – book it – cancel it“



<https://www.youtube.com/watch?v=pAiX-jJcoww>

Recent 2017 spot on German TV: [https://www.youtube.com/watch?v=rX0DGix\\_7oE](https://www.youtube.com/watch?v=rX0DGix_7oE)

### **Blocking real consumers**

Booking.com has changed its working, asking for a 3rd credit card if the two first would be refused/invalid. The property needs to keep the room during this time... In Summer time, availabilities could be tight and this situation could block a real customer.

Le 14 août 2017 à 19:24, [REDACTED] a écrit :

Aurélie,

- 1<sup>ère</sup> carte de crédit invalide
- 2<sup>ème</sup> carte de crédit invalide.
- On nous demande d'attendre encore 24h pour que le client fournisse une 3<sup>ème</sup> carte... !!!

Et après on nous dira que nous devons attendre 18h date d'arrivée...

Cela n'a plus aucun sens !!!!!

Cordialement,

[REDACTED]  
Directeur Général



### 3. Access to data and communication

#### Withhold of guest data

OTA withhold core guest information such as email address to prevent a direct communication between the guest and the hotel. Some OTA generate an alias e-mail address for the guest and the hotel and allow communication only over the OTA-Extranet.



**Bearb. Individual Kartei** (ID: ...)

Kartei | Kartei 2 | Mehr Felder | Notizen | Marketing | Verknüpfte Karteien | Dokumente-Anhang | Bilder-Anhang | Familie | Statistikbericht

Name: ...

**Nachname**: ... **Vorname**: ... **Information**: ...

**Position**: ... **Abteilung**: ... **Sprache**: Englisch **Titel**: ...

**Anrede**: Mr. **Briefanrede**: Dear Mr.

**Kontaktpreferenz**: Individual

**Adresse**: ... **PRI**: Privatadresse

**Primär**: ☒ **Neu** **Bearbeit** **Adr. löschen**

**Kommunikation**

	Wert	Primär
Privat	4568...-kemf.cdqg.k46g.6mr5@guest.booking.com	Ja
rat		Ja

**Information**

**ID**: ... **Wiedervorl.**: ...

**Aktiv?** ☒ **Anzeige**: CCM ☐ FO ☐ Alle ☒

**verantw. Mitarb.**: ...

**Geburtsdatum**: Day Month Year

**Geschlecht**: ☒ männl. ☐ weibl. **VIP**: ...

**Nationalität**: ...

**Bevorzugt**: Zimmer ...

**Zimmerbesonderh.**: ...

**Kreditstatus**: ☐ C ☐ R ☐ A

**Pref. Distribution Me**: ...

**Gästekarte Info** ☒ Gast ☐ Kredit

Typ	Nummer	Gültigkeitsdatum

**Angelegt am**: Samstag, 02. Mai 2015 18:06 **Angelegt von**: Online Interface User

**Geändert am**: Samstag, 02. Mai 2015 18:24 **Geändert von**: ...

**Notizen**: 0

**Korresp.** **OK** **Abbruch**

### Drawbacks for consumers:

No direct communication with the service provider is possible, which may result in the non-communication of sensitive personal information. The knowledge, that a 3rd party is 'reading' decreases trust.

### Drawbacks for businesses:

Businesses are not in the control of their correspondence with the guests. The data and information exchanged between the guest and the hotel might sometimes be personal (specific requests due to disability, allergy, etc.). Such personal information is not intended for an intermediary watching all correspondence following the booking. Trust between the service provider (hotel) and the guest is built up in a more difficult way by such indirect correspondence, which hinders customer care and service improvement.

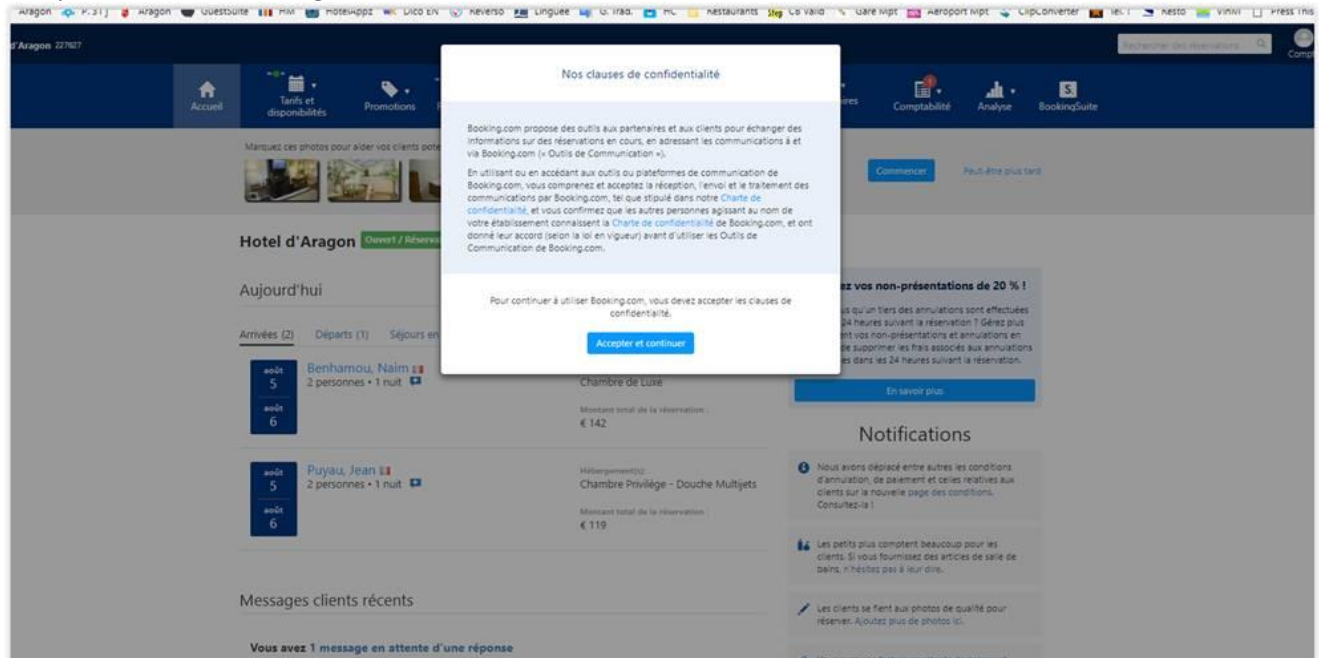
No possibility for hoteliers to offer pre-stay services to the guests (how to get to the hotel, special wishes, upselling, etc.).

**No possibility to transfer guest data from the OTA-Extranet to the Property Management System (PMS) of the hotel.**

## 4. Terms and Conditions:

### No chance to consider changes of contract terms

E.g. Booking.com pushes changes of terms and conditions through a pop-up window, e.g. when the property would like to amend some data on the site. The message says, that the conditions need to be accepted to continue using the OTA's services.



## Calls for rate parity

### Expedia rankings / rate parity:

Text below of email correspondence from [Expedia](mailto:assistanceie@expedia.com) that shows where a hotel's ranking may be punished as a result of not providing rate parity.

A screenshot was also attached to the email, showing a comparison of room rates for the hotel over 3 nights on Expedia and on Booking.com. It shows the time when the rates were observed. The attachment warns: **"Expedia Confidential – Do not forward outside of your company"**

**From:** Expedia Ireland Lodging Team [<mailto:assistanceie@expedia.com>]

**Subject:** Help improve your visibility on Expedia websites: Update your rates and availability

Dear partner

We've seen that there are a few dates coming up where you are not offering competitive rates and availability to travelers shopping on the Expedia websites. This can have an impact on your quality score, and can indirectly impact your property's visibility in search results.

Please find the dates in the report attached.

[Check your rate & availability on EPC](#)

Please take action now to update your rates and availability.

Many thanks in advance

With Best Regards



**Further example Expedia:**

**WERDEN SIE AKTIV: Ihre Position in den Suchergebnissen verschlechtert sich!**

Sehr geehrte(r) Herr/Frau Partner ,

der Marktplatz von Expedia® ist eine dynamische Umgebung und wir haben festgestellt, dass [REDACTED] hinter der Konkurrenz zurückbleibt, da Sie Reisenden, die auf unseren Websites buchen, keine wettbewerbsfähigen Raten und Verfügbarkeiten anbieten.

**Dies verschlechtert Ihre Qualitätswertung und indirekt auch Ihre Position in den Suchergebnissen. Deswegen hat sich Ihre Position in den Suchergebnissen verschlechtert und Ihr Eintrag ist auf allen unseren Websites weniger sichtbar.**

**WARUM PASSIERT DAS?**

Expedia hat es sich zum Ziel gesetzt, einerseits Reisenden die besten Preise, die beste Verfügbarkeit und eine tolle Kundenerfahrung zu bieten und andererseits Hotelpartnern eine weltweite Nachfrage und Präsenz auf den Websites der Expedia-Gruppe und dadurch höhere Umsätze zu verschaffen.

Um diese beiden Ziele zu erreichen, wurde der Expedia-Marktplatz so konzipiert, dass den Reisenden automatisch das beste verfügbare Angebot angezeigt wird.

**FAKTOREN, DIE IHRE POSITION IN DEN SUCHERGEBNISSEN BEEINFLUSSEN**

**BEISPIELE FÜR NICHT WETTBEWERBSFÄHIGE RATEN UND VERFÜGBARKEITEN**

Gesehen am	Check-in	Expedia	Andere Website	Währung	Wo	Zimmer-/Ratentyp bei Expedia	Zimmer-/Ratentyp auf anderer Website	Belegung	Aufenthalt
Mon, Mar 13	Thu, May 25	145.0	138.33	EUR	Booking.com	Superior-Doppelzimmer	Comfort Plus Double Room Only 2 rooms left on our	2	3
Fri, Mar 10	Thu, Apr 13	111.67	105.0	EUR	Booking.com	Comfort-Doppelzimmer	Comfort Double Room In high demand – only 3 rooms	2	3
Fri, Mar 10	Sat, Aug 12	145.0	138.33	EUR	Booking.com	Superior-Doppelzimmer	Comfort Plus Double Room Only 3 rooms left on our	2	3

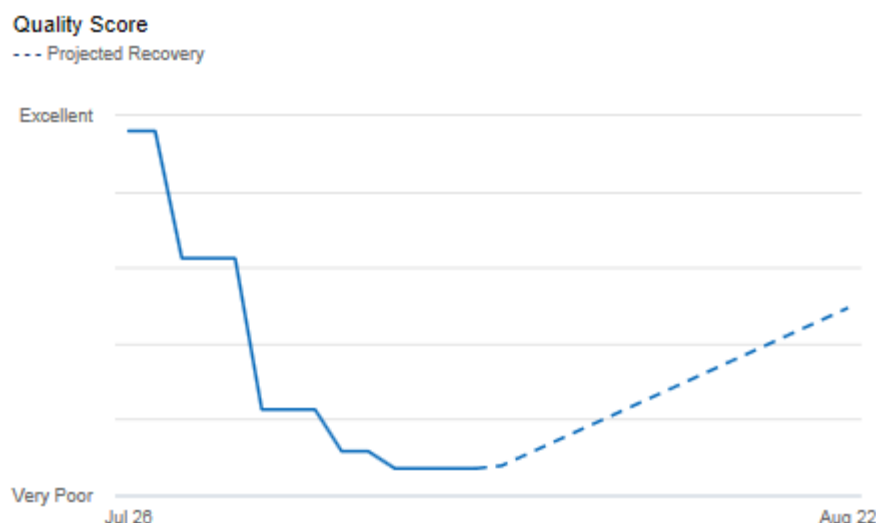
Wir haben Ihren bei Expedia gelisteten Übernachtungspreis für die folgenden Tage mit dem auf anderen Websites verglichen und dabei zum Beispiel diese nicht wettbewerbsfähigen Raten und Verfügbarkeiten bemerkt.

E-Mail from 2017-03-13

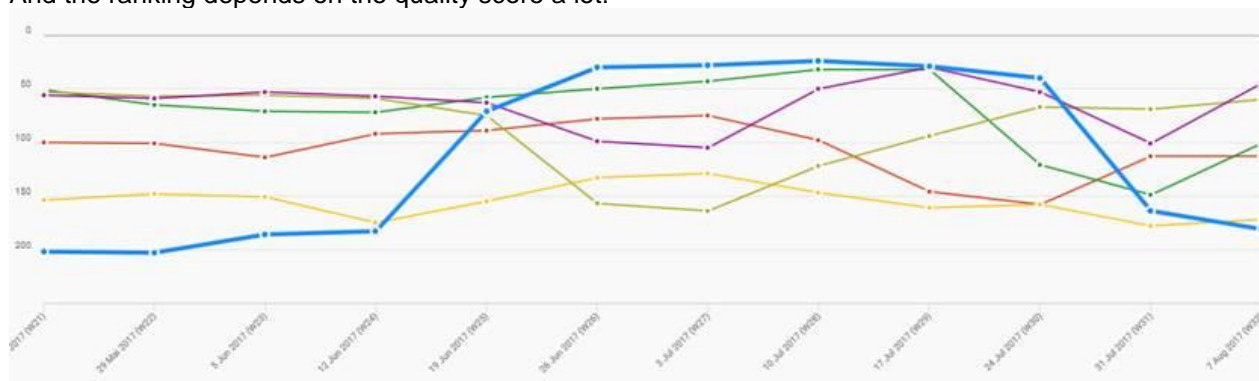
**Expedia Quality score:**

Hotel published lower rates on Metasearch site for their own website (26.07.2017).

This led to a drop of the quality score for the hotel on Expedia. The ranking (on Expedia) depends on the quality score a lot!



And the ranking depends on the quality score a lot!



### Booking.com 'rate parity' clause:

Screen shot below of terms from Booking.com - Clause 2.2.2 stating that Rate Parity must be given in order to enter into a contract / i.e. do business with them:

2.2.2 The Hotel shall give Booking.com rate and availability parity ("**Parity**"). Rate Parity means the same or better rates for the same hotel, same room type, same dates, same bed type, same number of guests, same or better restrictions and policies such as breakfast, reservation changes and cancellation policy as are available on the Hotel's websites or call-centres (including the customer reservation system), or directly at the Hotel, with any competitor of Booking.com (which includes any online or offline reservation or booking agency or intermediary) and/or with any other (online or offline) third party that is a business partner of or in any other way related with or connected to the Hotel. Availability Parity means that the Hotel shall provide Booking.com with such availability (i.e. rooms available for booking at the Website) that are at least as favourable as those provided to any competitor of Booking.com (which includes any online or offline reservation or booking agency or intermediary) and/or with any other (online or offline) third party that is a business partner of or in any other way related with or connected to the Hotel.



## HRS Job vacancies:

### Hotel Sales Manager (m/f)

HRS - HOTEL RESERVATION SERVICE, Robert Ragge GmbH



Registrieren und bewerben

**HAVING IDEAS IS GOOD.  
BEING SUCCESSFUL  
WITH THEM  
IS EVEN BETTER.**

Ulf Valentin, Business Manager

We are looking for a home office based **Hotel Sales Manager Stuttgart (m/f)** who acts as an ambassador for HRS in the managed sales area.

At HRS GROUP "We love to make it happen". We are the world's leading hotel solutions provider and enable business and leisure travelers to search, book and stay in control of their hotel accommodation. It is our goal to make the booking experience simple and smart. Our booking portals combine more than 850,000 accommodations worldwide and form the basis for our innovative end-to-end solutions we are offering to global corporations. The HRS GROUP continues to expand and employs more than 1,500 people in 27 offices across the world – including Cologne, Shanghai, London, Mumbai and Sydney.

To fuel our international growth we are looking for entrepreneurial minds, who are passionate and result-driven, have a strong team-spirit and will take on the challenge to pioneer the ever changing travel industry. Do you also want to make it happen at HRS?

#### The challenge you are up for

- Conduct a minimum of 10 pro-active visits plus 50 calls per week with hotel partners in the managed area
- Pro-actively contact the non-compliant hotel partners in order to ensure rate and availability parity
- Identify and acquire new hotel partners in the managed area
- Acquire exclusive price agreements, rebates, corporate discounts, and allotments within the hotel partner portfolio
- Monitor a catalogue of criteria and client reviews to ensure a high quality level
- Educate and conduct training sessions for hotel partners on HRS Hotel Reservation Service systems and applications

#### The commitment you bring

- Commercial education – preferably in the travel industry – or degree in Business Administration combined with work experience in the B2B travel industry
- 3-5 years of experience in the hotel or related professional area
- Proactive sales background or hotel distribution preferred
- Car driving license
- Fluency in German and good command of English, spoken and written

#### The reward you get

- Pro-actively contact the non-compliant hotel partners in order to ensure rate and availability parity

Screenshot: 8/8/2017

## Exclusivity clauses :

In the General conditions of The Fork, the restaurants must incorporate on their website exclusively the Fork's module to book online tables.

Extract from the French Terms and conditions of 'The Fork':

“Si le Restaurateur dispose d’un site Internet pour son restaurant, celui-ci s’engage à inclure sur son site le module de réservation LA FOURCHETTE. Le Restaurateur s’engage à utiliser exclusivement le module de réservation LA FOURCHETTE sur son site Internet.”

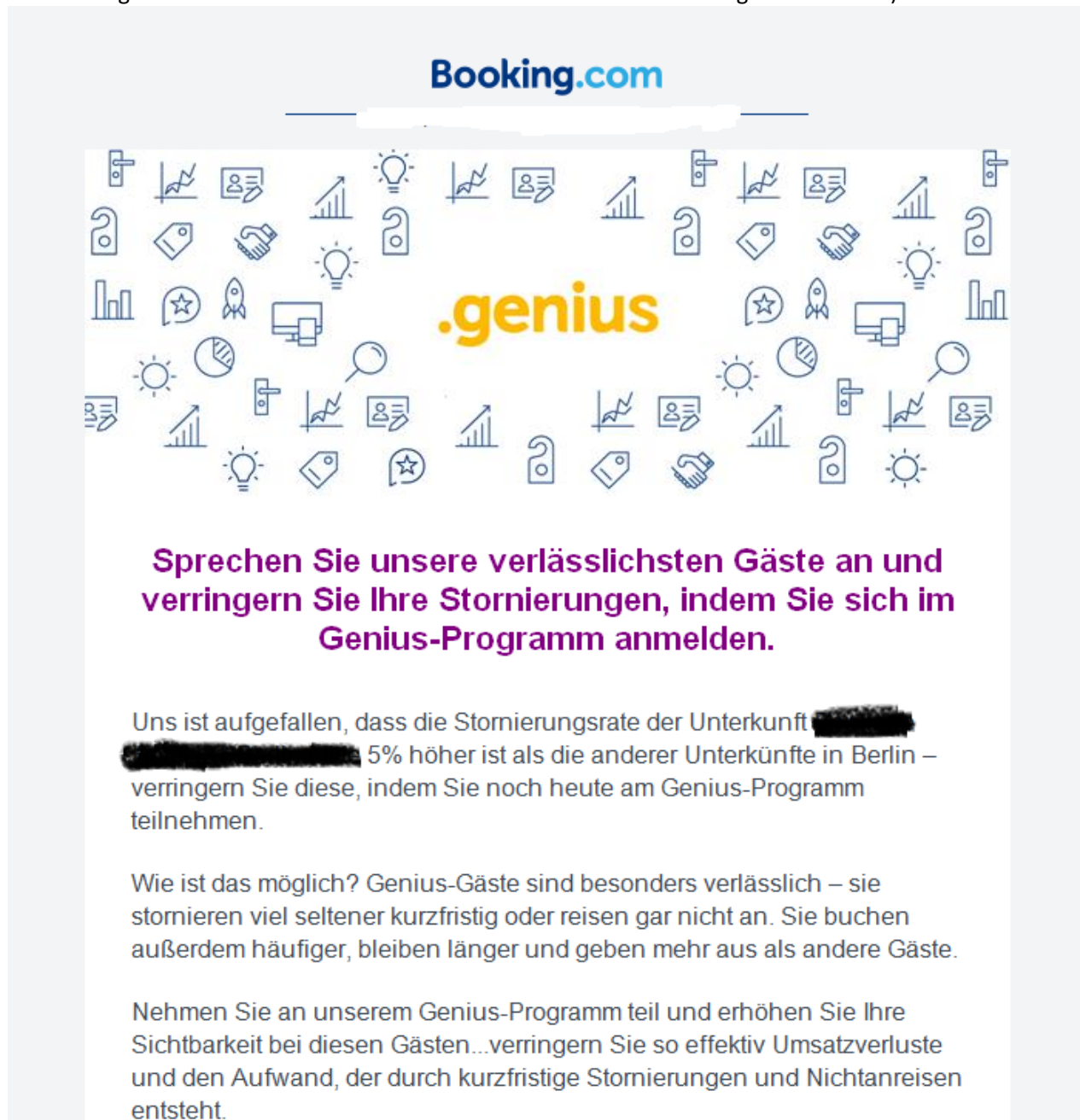
## **Misleading communication to businesses:**

### **False facts to push hotels into special programs**

Booking.com addresses hotels with false facts to promote its own special programs.

In the e-mail below Booking.com claims that the cancellation rate of the hotel is 5% higher than the average in the city the hotel is located in.

In reality, the cancellation rate of the hotel is 7% below the average cancellation rate in the city (According the Booking.com cancellation statistics for the same hotel in the Booking.com extranet).



**Booking.com**

**.genius**

**Sprechen Sie unsere verlässlichsten Gäste an und verringern Sie Ihre Stornierungen, indem Sie sich im Genius-Programm anmelden.**

Uns ist aufgefallen, dass die Stornierungsrate der Unterkunft [REDACTED] 5% höher ist als die anderer Unterkünfte in Berlin – verringern Sie diese, indem Sie noch heute am Genius-Programm teilnehmen.

Wie ist das möglich? Genius-Gäste sind besonders verlässlich – sie stornieren viel seltener kurzfristig oder reisen gar nicht an. Sie buchen außerdem häufiger, bleiben länger und geben mehr aus als andere Gäste.

Nehmen Sie an unserem Genius-Programm teil und erhöhen Sie Ihre Sichtbarkeit bei diesen Gästen...verringern Sie so effektiv Umsatzverluste und den Aufwand, der durch kurzfristige Stornierungen und Nichtanreisen entsteht.

E-Mail to a German hotel from: 2017-07-09.

## Data to be provided to intermediaries

### Hotel content

Hotels have to provide a lot of unique data/content (pictures, videos, hotel descriptions, rates and availabilities) to online platforms to be listed. Beyond that the Terms & Conditions of many online platforms enable these sellers to create their own content, sometimes at a cost to the hotel.

#### **Example GDTs DE Booking.com BV v151216 DE:**

*2.1.3 The information provided by the Accommodation for the Platforms shall remain the exclusive property of the Accommodation. Information provided by the Accommodation may be edited or modified by Booking.com and subsequently be translated into other languages, whereas the translations remain the exclusive property of Booking.com. The edited and translated content shall be for the exclusive use by Booking.com on the Platforms and shall not be used (in any way or form) by the Accommodation for any other distribution or sales channel or purposes. Changes to or updates of the descriptive information of the Accommodation are not allowed unless prior written approval has been obtained from Booking.com.*

#### **Example EXPEDIA LODGING CONTRACT 4.c:**

##### **c. Merchandising; Intellectual Property.**

You grant Expedia and its Affiliates the worldwide, nonexclusive, royalty-free, fully paid right and license, in any and all media now known or hereafter discovered or developed, to use, reproduce, distribute and display the Property and Room Information for purposes of identifying, promoting, merchandising and/or obtaining Standalone or Package Bookings for the Property. In addition, You agree to provide Expedia reasonable free access to the Property in order to obtain images for purposes of identifying, promoting, merchandising and/or obtaining Standalone or Package Bookings for the Property. You represent and warrant that You and/or the Property are the owner or authorized licensee of all Property and Room Information and that such content, and Expedia's and its Affiliates' use, reproduction, distribution and display of such content, does not and will not violate the rights of any third party. To the extent Your consent is required for Expedia to utilize the right and license above, You hereby represent that You have all necessary rights and provide Your consent and agree that Your consent may be shared directly with third parties. Any additional advertising or marketing to be performed for You or the Property shall be governed by Expedia's then-standard marketing terms and conditions. Expedia may remove any Property or Room Information, or edit any Property and Room Information that Expedia believes to be inaccurate or inappropriate. This Contract does not grant to You or the Property any ownership interest in, or any express or implied license or right to, any of the Materials or to any software or intellectual property rights owned by or licensed to Expedia or its Affiliates. As between You and Expedia, the Property and Room Information will remain Your exclusive property; provided, that if the Property and Room Information is subsequently translated by Expedia or any of its Affiliates into one or more additional languages, any such translations will be the exclusive property of Expedia and such Affiliate(s), and Expedia and such Affiliate(s) will have the exclusive right to use such translations on the Expedia System and You will not have any right to use such translations (in any way or form) in any other distribution or sales channel or for any other purpose.

By providing content directly, the hotels enable third parties to create a powerful marketing and merchandising resource. This resource is then used to drive consumer traffic and engagement, for which the hotel pays a premium, generally in the form of commissions.

What at first seemed like an easy way to get new, low-cost imagery through third parties, this practice may have deeper and more troubling long-term implications.

Gatekeepers will be able to use their sway over consumer traffic and engagement as leverage and hotel properties will not have a choice to provide whatever is asked by the third party.



## **5. Effective redress:**

### **Closure of property's listing because of legal actions against Booking.com clients**

OTA close the hotel listing on the platform when the hotel starts eligible legal actions against a guest who booked via the OTA.


The hotel will be re-opened on the OTA platform only when it agrees to stop any further legal action against the guest.

**Re-opening Request Form**

I ( [REDACTED] ), agree to stop any further legal action or harassment against the guest with booking number 802.460.976.

I agree that in connection to this confirmation my request for the re-opening of my property on the Booking.com website will be taken into consideration.

Any further attempt to threaten or harass guests in any form will be seen as a breach of contract, and will result in closure of your property on the Booking.com website without the chance of being re-opened.



Mail from: 2017-02-17.

### **Lack of redress**

#### **Lack of redress from Tripadvisor:**

- A hotel queried a sudden drop in its rankings on Tripadvisor's popularity index (ranking system) and was told that the company has automatic filters in place to detect reviews that may have been posted by individuals affiliated with a hotel. It said it had detect such reviews for this hotel.
- This was queried several times by the hotel, stating that they did not believe anyone affiliated with hotel had posted reviews. They have a long historic record of holding a consistent ranking on Tripadvisor – with both positive a negative reviews. (The hotel itself informed Tripadvisor that it doesn't encourage reviews or interact with reviewers).
- The hotel asked if TripAdvisor had proof that individuals were trying to influence rankings.
- Tripadvisor informed the hotel that they are unable 'to share the content of review violations, or specific information about the reviewer' due to their privacy policy.
- There was no fair system of redress available from Tripadvisor, which has enormous power and influence over the reputation of hotels.
- **Of note:** during this process, the hotel received an email from Tripadvisor's business development team trying to encourage the hotel to take a business listing as their listing on the popularity index had dropped recently.

The above raises a serious concern in relation to unfair business practices and potential abuse of a dominant position in the market by online platforms and whether appropriate levels of oversight are in place.

#### **Loss of revenue due to error by Booking.com:**

Due to an error by Booking.com, a number of room in a hotel were sold at a substantial discount. The hotel was told that a solution/response to the issue would be provide. However, no redress has occurred. It is now a number of months since the issue and the hotel has given up trying to receive compensation.

#### **Lack of redress – too many affiliates**

##### **A recent case from Italy related to Cancelon.com:**

- A customer make a reservation (and pays in advance) through the platform [www.cancelon.com](http://www.cancelon.com).
- Please, note that the hotel does not have any direct relation with Cancelon. The hotel has an agreement with Expedia and Expedia gives the inventory to Cancelon.
- Apparently, everything is ok.
- Some days after, the customer receives an e-mail message from [support@cancelon.com](mailto:support@cancelon.com): the platform informs him that the hotel has canceled the reservation and proposes to make a reservation to another hotel.
- In other cases, the customer doesn't receive any e-mail message. So, he arrives at the hotel with a voucher. He expect to have a valid reservation.
- But, in both cases, there is not a reservation. There has never been a reservation!
- But, when the hotel ask Expedia to solve the problem, Expedia declines any responsibility.
- In the same way, when the hotel contact Cancelon, the platform invokes generic "technical reasons". In the meantime, they continue to blame the hotel for the mistakes toward the guest.

##### **Lack of redress from Amoma.com and others:**

- Amoma.com and others - these websites gain access to hotels' inventories (sold on by tour operators etc). However, hotels are unable to contact them when they have a query / concern or request for them to change information on their site.

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