

IFTTA NORTH AMERICA CONFERENCE

MARCH 8 – 9, 2018

The Seventh Annual Meeting of the North American section of the International Forum of Travel & Tourism Advocates (<http://iftta.org/>) was held on March 8 and 9. Once again, Fort Lauderdale, Florida was the venue and Larry Gore was the host.

The delegates heard presentations from lawyers and academics from Mexico, Canada and the USA, as well as Finland.

Daniel Zim led off the session with an update on travel by Americans to Cuba, and how it has changed as between the Obama and the Trump administrations. Having himself travelled to Cuba on multiple occasions, he shone both a legal and a practical light on the issue. At the business meeting later in the day, he was elected as incoming President of the North American section.

Outgoing President **Mark Pestronk** followed, with his presentation on the quest for a perfect Disclaimer, for use by Travel Agents. In the course of his presentation, Pestronk provided a fourteen-point list of the essential components for every good, let alone perfect, Disclaimer. It was distilled from his years of experience with the drafting of such provisions for travel companies of every stripe.

A presentation by Toronto lawyer **Tim Law** followed logically. It dealt with the legal concept of “Duty of Care”, and the challenge of defining the extent of it in the modern travel context. He noted that business and leisure travel often involve a number of different jurisdictions, and that the need to identify the applicable law with which to define the Duty of Care compounds the challenge.

Enrique Mota will host the next Worldwide Conference for IFTTA, slated for Cancun, this Autumn. A professor at the *Universidad del Caribe*, he introduced the group to “New Legal Provisions of Air Transport in Mexico”.

Prof. John Thomas of Florida International University followed with a presentation on climate change, and its legal and practical impact on the Travel Industry. Both commenting on the Thomas presentation, and with additional material, **Larry Gore** followed with a related presentation entitled “Tourism, Beaches and Other Natural Resource Laws”. The former had an international scope while the latter drew on local Florida experience, in particular, Gore’s experience as Vice-Chair of the Hillsboro Inlet District Board of Commissioners.

The European Union has passed General Data Protection Regulations. Taking effect in two months' time (May 25) they will unify, and strengthen, the data protection rules for all individuals within the EU. As such, they will impact non-EU companies in many industries, travel being one of the most visibly affected. Helsinki lawyer **Petteri Lehtonen** shared with a very interested group of listeners his knowledge of the basics of the GDPR, and answered a number of practical questions from the audience.

The legal practice of Houston attorney **Rose Haché** is focused exclusively on the Travel Industry. Not surprisingly, she has had quite a bit of experience in drafting Independent Contractor Agreements, and reviewing those drafted by others. She shared with the group the benefits of her experience in this specific area of Travel Law. Among other things, she discussed some of the rules of thumb by which the IRS characterizes ICs, and those who claim to be ICs. She also opined on a possible consequence on the IC issue of the late 2017 changes in American Tax laws.

In 2010, the US Department of Justice sued several credit card companies, alleging anti-trust violations resulting from their enforcement on merchants of a variety of rules and fees. A number of merchants have also sued the credit card issuers, both on their own and via Class Action. The path taken by the associated litigation is quite complex, even though AmEx remains the sole remaining issuer involved. New York litigator **Norman Bluth** has had a ring-side seat on the case, and updated the meeting on its status as of March, 2018. Further developments are expected.

Branding is a large issue in marketing in general, and the Travel Industry in particular. **Mary Fran Love** is an Intellectual Property Law specialist, with extensive knowledge of this practice. Her engaging presentation focused on the branding strategies of well-known Hotel chains, and their attempts to generate badge recognition amongst the various segments in the markets they serve.

At the 2017 Conference, **Doug Crozier** summarized the experience of the prior forty (plus) years of Ontario's regulation of the Travel Industry. A new regulatory statute having been passed in December of 2017, he ended the day by looking at the new legislation, and how the path forward will differ from the path already travelled.

An informal business session took place over lunch. Based on it, it is expected that the Eighth Annual Conference of IFTTA's North American section will take place in Fort Lauderdale in March of 2019.

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