

IFTTA NORTH AMERICA CONFERENCE

MARCH 9 - 10, 2017

The North American section of the International Forum of Travel & Tourism Advocates (<http://iftta.org/>) held its Sixth Annual Meeting in Fort Lauderdale, Florida on March 9 and 10, 2017. Host Laurence Gore welcomed the registrants at a Thursday social function, and chaired the Friday session.

While the majority of the registrants were from the USA, the group included two Canadians, one Mexican, and one German. Irishman Marc McDonald made use of technology to get the meeting underway, remotely, with some initial remarks in his capacity as the President of IFTTA globally.

The meeting got underway with a typically-interesting presentation from **John Thomas**, who is both a practitioner and a professor at Florida International University. His topic this year was **“Legal Issues of Robotics in Hospitality and Tourism Businesses”**. Self-driving vehicles and cargo ships, automated hotel maids and concierges, non-human cooks and room service providers, are all fascinating, and apparently not merely imminent, but here. The legal issues associated with their arrival are even more fascinating. If a legal fiction such as a corporation can have its own separate existence in the eyes of the law, why cannot a more corporeal Robot? And if it can, will that Robot, but not its owner, be liable for its acts and omissions, just as a corporation, but not its owners, now are?

Ava Borrasso practices in the field of international commercial litigation and arbitration. In that capacity, she has written a recent article on an August 2016 decision of the Eleventh Circuit Court. It interpreted a statutory provision that contemplates extra-territorial discovery in the course of a US lawsuit. The Court confirmed the right of a plaintiff to discovery of documents held outside of the US by a corporate affiliate of the defendant. She elaborated on the case and its significance in a presentation entitled **“Extra-territorial Application of 28 USC 1782 to Obtain Documents from Affiliates Abroad”**.

Pamella Seay combined her talents as a practitioner, a Professor of Law at Florida Gulf Coast University, and a commissioner of a local airport to produce a presentation entitled **“Sovereign Immunity for Public Airport Operators”**. She cited the many variables ---- geographic and relating to the type of function the Airport is performing --- that factor into the ultimate decision on the existence, or absence, of an Airport's legal immunity.

“Branding Your Law Firm to Stand Out from the Crowd: How to Pick a Great Name and Tagline to Attract New Business” was the title of the entertaining Power Point presentation of Intellectual Property specialist **Mary Fran Love**. That said, it applied equally to the clients of the lawyers in attendance.

The day's news featured word of cruise lines issuing to passengers medallions and wristbands that serve as on-board door keys, credit cards, movement trackers, and other data-heavy purposes. The privacy implications of this development was the subject of "**The Protection and Liability of Privacy Rights in Travel**", by **Laurence Gore**. Based on information at hand, it appears that Cruise Lines' Marketing departments are well ahead of Legal, in regard to this issue.

The next presentation focused on the Tourism, not the Travel, Industry. Originally a practicing lawyer, **Prof. Enrique Mota** now teaches at the *Universidad del Caribe* in Cancun. With his Power Point entitled "**The System of Hotel Classification in Mexico**", he introduced the registrants to the details of the pending new Star-based categorization regime for hotels throughout the country.

Well-known travel lawyer and columnist **Mark Pestronk** followed up with "**Exclusive Forum Clauses in Tour Operator Terms & Conditions: Fair or Foul?**" He reviewed samples of some such clauses in Tour Operator Terms and Conditions, analyzed both the purported and actual reasons for them, discussed case law on point, and proposed a simple and straight-forward test by which to determine if an exclusive forum clause is (or ought to be) legally valid.

Toronto litigator **Timothy Law** followed. In a presentation entitled "**Can a Travel Agency/Agency Be Responsible for More Risk Than He/She/It Assumed?**" he examined the potential legal exposure of Travel Agents to liability for overseas terrorist attacks and similar unexpected eventualities. Using as a starting point the 2015 attack at the hotel in Sousse, Tunisia, he explained how the answer to the title question could be "yes", and how the Agent can turn that answer into "no".

Virginia lawyer **Daniel Zim** looked at "**Regulatory Changes to Sellers of Travel Laws**". His comments focussed on recent changes in California, especially regarding the issue of registration under that State's law by out-of-state travel companies, who nevertheless sell travel services to residents inside its boundaries.

The day ended with a recap by **Doug Crozier** of Ontario's forty-year history of regulating the retail and wholesale travel industry. His session was entitled "**Part 1 of a Two-Part Look at Ontario's Regulation of the Travel Industry.**"

An informal business session took place over lunch. Based on it, it is expected that the seventh annual Conference of IFTTA's North American section will take place in Fort Lauderdale in March of 2018.

For more information, please contact:

Laurence Gore (goreinternationallaw@gmail.com) or Doug Crozier (dcrozier@hclaw.com).