

IFTTA NORTH AMERICA CONFERENCE

MARCH 13, 2015

The North American section of the International Forum of Travel and Tourism Advocates (<http://iftta.org/>) held its fourth annual Conference in Fort Lauderdale, Florida in mid-March of 2015. As always, local attorney Larry Gore hosted the event.

Lawyers and academics from Canada, Mexico and (predominantly) the USA participated. More than one-third of the delegates were attending their first IFTTA NA meeting. As a result, the social introduction to the group, and to each other, was important. It took the form of a reception and dinner at The Riverside, on March 12.

Mark Pestronk set the tone of the Friday conference by opening his presentation by noting that:

“Every year I come to this Conference in order to get something off my chest, because this is the only group of people to whom I can talk about these things, and know that I am being understood.”

This year’s topic related to the (rumoured or actual) presence of a corporate Duty of Care, owed by business to their employees who travel on company business. He concluded that “what is” and “what perhaps should be” are two different things.

Barry Roberts is a regular participant at, and contributor to the discussions at, the IFTTA NA Conference. This year, he presented a paper entitled “Cyber Security and the Travel Industry” and contributed to the conversation on several of the other presentations.

As a Senior Attorney at the Airline Reporting Corporation, Matthew Seiler deals with a myriad of issues facing ARC. From that lengthy list, he selected as his topic the ways in which specifically-focused contractual clauses, and insurance, can limit the risks to a company of privacy breaches. His practical presentation included a Power Point presentation, sample clauses and a checklist.

Private practitioner Paul Cronin followed up with a presentation based on his years as counsel to various Tour Operators and their associations. As with the previous two papers, his dealt with an aspect of technology; specifically the ease with which copyright in photographs can be violated when putting together a brochure or ad campaign, and costs of those risks. He also shared his practical experience in responding on behalf of Tour Operator clients to claims of copyright infringement.

Prof. Enrique Mota of the *Universidad del Caribe* finished off the morning with a Power Point presentation on “Regional Planning of Tourism in Mexico”, explaining how his country’s government is organizing its delivery of tourism experiences. Originally trained as a lawyer, he now focuses on ecotourism in his academic pursuits.

An informal business session took place during the lunch break. Attention was once again focussed on the twin objectives of

- attracting new members from amongst the large number of people who ought to share an interest in IFTTA’s issues and objectives, and
- increasing participation at the annual North American Conferences.

The afternoon got underway with Chicago attorney Vladimir Gorokhovsky providing an insight into the impact on American travellers of consumer protection legislation enacted by the European Union. He also integrated references to the Warsaw and Montreal Conventions, based on his experience as plaintiffs’ counsel in the American courts.

New York attorney Norman Bluth also drew on his extensive personal experience, when he explained the relevance to Travel businesses of current legal actions involving (among others) Mastercard, Visa, and American Express. The litigation arises out of efforts of credit card companies to limit the ability of retailers to steer consumers toward, or away from, one particular credit card vehicle or another. Bluth provided a concise summary of the various actions, and some practical advice for the practitioners in attendance.

Florida International University Prof. John Thomas continued his practice of choosing topics that are both intriguing and of practical relevance. This year, he focused on the legalities of “Marijuana Tourism”, citing the various legal hurdles that do still exist in jurisdictions where personal use of marijuana is allowed. He made it clear that “allowed” does not equate to “unrestricted”.

Loosened legal restrictions on travel by Americans to Cuba was the topic of Daniel Zim’s paper. Once a counsel for ASTA, Daniel is now in private practice, specializing in the Travel Industry. His topic is a matter of personal interest, and so he brought to it a wealth of context. His paper was not the mere result of some research since the announcement of liberalized relations between the countries, announced two months prior to the Conference.

Larry Gore elaborated on that same topic at the start of his presentation, updating the group on the basis of his Florida-based information. He then moved to the topic of legal developments in the cruise industry, specifically in regard to the risks of cruise passenger injury, and the availability of technological means by which to increase passenger safety while cruising.

Cruise and other passengers often find themselves in countries other than “home”, when travelling. If problems arise in another jurisdiction, they face logistical, practical and cost-related difficulties in seeking resolution. Online Dispute Resolution offers a possible solution. Attorney Tom Margiotti of Philadelphia spoke to this issue in his remarks.

Canadian lawyer Doug Crozier brought the afternoon to a conclusion. His presentation related to some of the legal and practical issues that a company (be it in general or in specific regard to the Travel Industry) confronts when contemplating a “Bring Your Own Device” policy for its staff.

It is expected that the North American section of IFTTA (<http://iftta.org/iftta-north-america>) will reconvene in Fort Lauderdale, in February or March of 2016, for its Fifth Annual Conference.