
HOTELS & LEISURE

CLIENTS AND GENERAL OVERVIEW

Our clients are active in the travel and tourism sector and include hotel operators, owners, franchisors and franchisees, hotel and restaurant chains and travel technology companies.

We provide comprehensive advice on both transactions and contentious disputes, in particular those involving the purchase or sale of a company, a joint venture or other form of cooperation, restructuring and reorganisation, or the conclusion and performance of hotel contracts or distribution agreements. We have particular expertise with the development and review of general terms and conditions (GTCs), GTCs of travel and GTCs of trade and agency and other contracts.

WHAT SETS US APART

Expert knowledge and many years of experience in the tourism and hotel sector allow us to provide our clients with solutions, which are tailored to their commercial needs, even in relation to specialised issues. Our experts lecture at universities and publish articles, are involved in industry associations, and, as some of the most sought-after experts in this field, are regularly asked to provide comments for the press or appear on TV.

We can assist you with all commercial, IT, travel and real estate issues, as well as tax and business aspects, and assemble teams of proven experts from our Hotels & Leisure Group, including legal experts from all relevant areas of law, our own tax advisors as well as the auditing and accounting experts from our cooperation partner, BBWP GmbH. Many of our clients have been with us for several years and we advise them on all legal issues, from specific, complex matters to issues arising in their daily business.

Real estate law

- Project and hotel finance, including managing all legal aspects of the project
- Hotel lease and operating agreements
- Project development

Corporate law/ M&A

- Sale and purchase of companies involved in the tourism and hotel industry and/or hotel properties
- Reorganisation and restructuring, including distressed projects

Commercial

- Operating, management and licencing agreements
- Franchise systems and agreements
- General terms and conditions (GTCs), GTCs of travel, GTCs of trade and agency, terms of use and affiliate agreements

IT and intellectual property law and the law of unfair competition

- Assessing the compliance of websites, apps, portals, internet booking engines (IBEs), etc.
We review your websites, apps and online activities of all kinds and evaluate whether they comply with all relevant legal provisions, for instance the Price Indication Regulation (Preisangabenverordnung).
- Advising on IT and data protection law
We provide you with advice on any IT and data protection issues that you might have, such as in connection with the new GDPR.
- Advising on the law of unfair competition
We advise and represent you in unfair competition disputes, for example with respect to written warnings.

Travel law

- General legal advice
- Representation in contentious disputes
- Developing GTCs, GTCs of travel and GTCs of trade and agency
- Developing and reviewing sale and agency processes and pre-contractual information
- Providing advice on unfair competition law issues, taking into consideration the specific requirements of travel law

Conflict resolution

We can provide you with representation in all matters before the courts, whether involving written warnings, e.g. in relation to your GTCs, or disputes with customers, competitors or consumer organisations.

Antitrust law

- Providing assistance and representation with respect to investigations into possible market manipulation or merger control proceedings
- Advising on cooperative ventures
- Advising associations and their members on antitrust law compliance
- Providing advice and representation before national and international authorities
- Antitrust law due diligence

Labour law

- Drafting and reviewing employment agreements for the hotel and tourism sector
- Representing employers in disputes involving collective or individual labour law

Tax law

- Taxation of tour operators (Tour Operator Margin Schemes, TOMS)
- Designing and advising on cross-border tax matters
- Tax law applicable to the tourism industry

Russia

Even though tourism has not yet become a booming industry, we have already gained vast expertise in dealing with foreign hotel operators and international travel organisers. We do not only help you plan your market entry and obtain all permits, but also assist you with new projects, their financing and the day-to-day business.

AT A GLANCE:

- Structuring, approval and financing of joint ventures
- Construction and operation of hotels, including obtaining of the licences
- Rental and lease agreements for hotel buildings, land, and other real property and assets of a hotel
- Management contracts for individual hotels and hotel chains
- Franchise agreements
- Granting of licences for the use of trademarks, including licencing and sublicencing agreements
- Tax-law aspects
- Representation in and out of court

China

We provide comprehensive advice to companies active in the hotel and leisure industry. Clients include medium-sized companies and large multinationals, as well as their Chinese and European operations. These clients benefit from our in-depth understanding of their industry in both regions and the issues that regularly arise. We provide support for projects in this sector and advise on corporate law, real estate, intellectual property, tax and labour law issues.

AT A GLANCE:

- Hotel and resort management and operation agreements
- Technical and pre-opening agreements and international services agreements for the hotel industry
- International licensing agreements for hotels, resorts and F&B outlets
- Hotel and resort real estate transactions
- Establishment and restructuring of hotel management enterprises
- Establishment and restructuring of travel agencies and inbound and outbound travel services providers
- International labour secondment
- Cooperation service agreements involving hotel reservations, marketing and sale