

# 2015 HOSPITALITY LAW CONFERENCE

FEBRUARY 9-11, 2015,



# HOSPITALITY INSURANCE & LOSS PREVENTION SUMMIT

Presented by:

Michael Kell, GLP, CHRM, CHO, CCTE  
President  
Analytica Connections, Inc.

## MODERATOR



### Relevant Prior Experience Includes

# Michael Kell, GLP

President & Co-Founder, Analytica Connections, Inc.

**CHRM** (Certified Hotel Revenue Manager), **CHO** (Certified Hotel Owner), **CCTE** (Certified Corporate Travel Expert), **CTE** (Certified Travel Expert)

Active Member Global Business Travel Association (GBTA), Association Corporate Travel Executives (ACTE), and Hotel Sales and Marketing International (HSMIAI). GBTA Canada Leadership & Education Committee .

- ❖ Vice President Global Sales, Lanyon Business Solutions
- ❖ Director, Corporate & Government Sales, The Americas, Meliá International Hotels
- ❖ Director Marketing & Partner Initiatives, The Americas, Utell Hotels Worldwide (AKA Pegasus Solutions)
- ❖ Sr. Manager Global Accounts, Galileo International (AKA Travelport)
- ❖ Sr. National Account Manager and Regional Operations Manager, BTI Americas (AKA BCD Travel)
- ❖ Board of Directors U.S. Spain Chamber of Commerce and American Institute of Peripheral Neuropathy, GBTA Hotel Committee & GBTA RFP Subcommittee



# PRESENTERS



## Albert Pucciarelli

Partner, McElroy, Deutsch, Mulvaney & Carpenter, LLP

Admitted to practice law in New York and New Jersey, with a concentration in hotel operations, hotel and resort development, aviation law, and general corporate and real estate law. Community Councilman and Deputy Mayor of the Village of Ridgewood, New Jersey.

### Relevant Prior Experience Includes

- ❖ Executive Vice President, General Counsel and a Director of InterContinental Hotels & Resorts
- ❖ Chair of the Hotels Restaurants and Tourism Committee and Chair of the Aeronautics Law Committee of the New York City Bar Association
- ❖ President of the Hospitality Industry Bar Association
- ❖ Adjunct Professor, International Business Law, Fordham University Graduate School of Business
- ❖ Winner of the Anthony G. Marshall Award, 2010



# PRESENTERS



## Brad Hayden

Chief Financial Officer, Benchmark Hospitality

Relevant Prior  
Experience  
Includes

- ❖ Vice President Finance, Destination Hotels & Resorts
- ❖ Vice President Operations Asset Management, Ritz Carlton Hotel Company
- ❖ Successive Director of Finance positions at multiple Ritz-Carlton properties
- ❖ Vice President Business Development for a hospitality software solutions company
- ❖ Operations and Finance roles at both Hilton Hotels Corporation and Mandarin Oriental Hotels



# PRESENTERS



## Pamela Dorneden

Manager, Corporate, Government & Cultural Affairs, Kokua Hospitality

Active Member Global Business Travel Association (GBTA) including Chicago, Silicon Valley, and Bay Area Chapters, Society Government Travel Professions (SGTP), Society Government Meeting Planners (SGMP), Chicago Council on Global Affairs, Chicago Chamber of Commerce Global Connections Committee.

### Relevant Prior Experience Includes

- ❖ Travel and hospitality professional, with more than 30 years including extensive experience with industry technology applications hosting both hotel and buyer data
- ❖ Corporate Director, Travel Industry Sales, Adams Mark Hotels
- ❖ Vice President, Worldwide Hotel Services, BTI Americas (AKA BCD Travel)
- ❖ Director Travel Industry Sales, Hilton Hotels Corporation
- ❖ Offers both the demand and supplier side perspective



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# SESSION OVERVIEW



Discussion will explore the ownership, and transfer of property data

Data authored collaboratively by employees of the Property, Non-Branded Management Company, Branded Management Company, Independent Management Company, and Franchisor, and data and digital documents authored and provided by buyers



Data is stored in cloud based Supply Side Platforms, (SSP), and Demand Side Platforms (DSP)

License owner of these platforms can vary, and include multiple stakeholder access and authoring privileges



# EXAMPLES OF SSP AND DSP SAAS APPLICATIONS



## Supply Side Platforms (SSP)

### E-RFP Response Systems

- Content Management Systems (CMS)
- Revenue and Channel Management Systems
- Property Management Systems (PMS)
- Central Reservations Systems (CRS)

## Demand Side Platforms (DSP)

### E-RFP Distribution Systems

- Intranet Directory Applications (CMS)
- Online Booking Applications
- Data Aggregation and Reporting Systems
- Expense Management Systems





# SUPPLY SIDE PLATFORMS (SSP) E-RFP



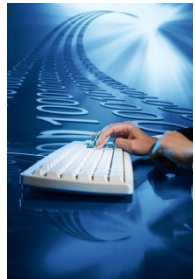
Nexus ←  
Lanyon ↔,  
Analytica Connections ↔  
Proprietary ←

## License Holder:

Branded Management Company (most common)  
Non-Branded Management Company (would an intermediary license be prudent in the interest of data protection)  
Independent Management Company  
Franchisor  
Property (possible but unlikely)

## Data Authors:

Property  
Non-Branded Management Company,  
Branded Management Company  
Independent Management Company  
Franchisor  
Open Source and Development Sandboxes



# DEMAND SIDE PLATFORMS (DSP) E-RFP



Lodging Logistics →  
Sabre Hotel →  
Lanyon ↔,  
Analytica Connections ↔  
HRS →

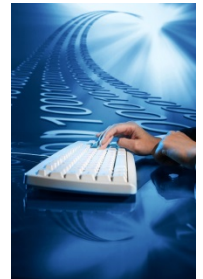
## License Holder:

Corporate Enterprise (Buyer)  
Travel Management Company (Buyer)  
Consortia (Buyer)  
Property (Beneficiary Access)

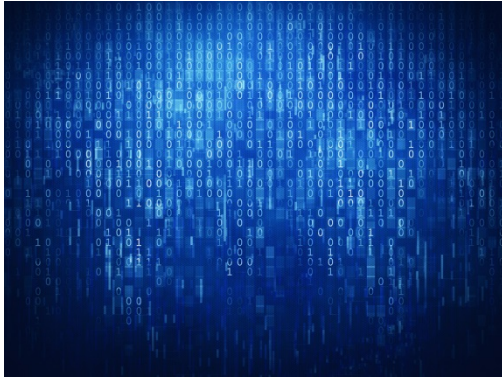


## Data Authors:

Buyer or Intermediary (TMC or Consultancy)  
Property, Non-Branded Management Company,  
Branded Management Company, Independent  
Management Company, Franchisor



# E-RFP DIGITAL DATA INCLUDES



For the purpose of this session we would like to define E-RFP hosted properly data as:

- Rates
- Property General Content
- Global Business Travel Association (GBTA) Property Profile
- Digitalize Account Proposals\*
- *PANEL INPUT – High Level Overview Systems and Types of Data Beginning to appear in Management and Franchise Agreements*

\*Proposal and offer acceptance documents or corporate negotiated rates normally fall short of being a “contractual” document



# IS THE OWNERSHIP OF THE BRICK & MORTAR ASSET RELEVANT IN THE PROPERTY DATA OWNERSHIP DISCUSSION?



Brick and Mortar Asset

- Individual or Individually owned LLC / INC
- Branded, Non-Branded, Independent Management Company
- Real Estate Investment Trust (REIT) Owns the Property (example: Goldman Sachs Real Estate)
  - Management Company is hired by the REIT to manage and make decisions on behalf of the ownership
  - Management Company may be one of the share holders
  - Normally there is an Asset Manager
  - Latitude of the Management Company decision making authority varies



# APPROVALS LOOP - REALLY? IS THE INDUSTRY DRIVING IT'S OWN PROCESS CONCLUSIONS IN THE ABSENCE OF CONTRACTUAL LANGUAGE?



**Requestor is:** New Branded Management Company (Non-Branded Management Company Does Not Change) → Property DOS → Property GM → Branded Management Company Rep

**Requestor is:** Non-Branded Management Company (Non-Branded Management Company Does Not Change) → Branded Management Company Rep



**Requestor is:** Non-Branded Management Company (Non-Branded Management Company Is Changing with the Branded Management Company) → Outgoing Branded Management Company Rep

*Question: Is the Branded Management Company Representative or System Administrator Sufficient or is the license Signee required?*



# PROPERTY HARDWARE / DISK DRIVES – WHO OWNS THE DATA

- Rates: Baseline (e.g. Rack, Corporate, Consortia, Government) and Account Negotiated  
Author: Property, Chain
- Property General Content  
Author: Property
- Global Business Travel Association (GBTA) Profile  
Author: Property
- Account Agreements  
Author: Property, Buyer, Possibility Chain
- Property Visual Content  
Author: Chain, Property, Service, Service contracted by Chain, Property, or Management Company



A look at the authoring and distribution of property

## SUPPLIER SIDE PLATFORM

Property  
Branded Management Company/Chain  
Non-Branded Management Company  
Independent Management Company  
Franchisor

Hospitality  
SSP

License Types  
Direct  
Indirect Assigned  
Beneficiary

Processor  
SSP/DSP

License Types  
Direct

Buyer  
DSP

Global  
Distribution  
Systems

Public Facing Applications  
Consumer Channels

Semi-Public Fire Walled Applications  
Intranet Directories  
Online Booking Applications  
Data Aggregate Applications  
Travel Management Companies  
Expense Management Applications

## DEMAND SIDE PLATFORM

# PANEL QUESTIONS

What is your understanding of the legal framework governing the ownership of property data and digital files?

Does it matter who authored the data?

Does it matter when there are multiple stakeholders (e.g. property, branded management company, non branded management company, independent management company, franchisor) contributing to the authored data and / or providing oversight to the authoring of data?

Does it matter who the licensee of the technology application hosting the data is? If a branded chain provides a beneficiary license to the property or unbranded management company, what are the implications? If the unbranded management company retains their own license to share data with the brand chain who also maintains a license, what are the implications?





# PANEL QUESTIONS

If the data is exported from a licensed application, and stored on local hard drives at the property or branded or non branded management company offices, who owns the data files?

Is property data analogous to guest data? What if any are the differentiators in an ownership discussion?

Who is ultimately responsible (liable) for the accuracy of property data, when authors, and oversight is provided by different organizations?

How do modern Franchise Agreements, and Branded, Unbranded, Independent Management Agreements address these issues?



# Q & A

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