



## Hospitality and Leisure

Hospitality and leisure represents a multibillion-dollar global industry, covering a broad range of services with inter-related requirements. DLA Piper's exceptional global reach and industry specific experience means we have local lawyers with regional and global experience who understand the complexities involved.

Ours was one of the first legal firms to develop a dedicated global hospitality and leisure group. With years of experience and a proven track record in the sector, we help investors, developers, owners and operators with their hospitality and leisure opportunities.

DLA Piper understands the variety of hospitality and leisure legal issues that arise and advise on development, acquisition and divestment and contractual arrangements; gaming operations; franchise, management and outsourcing operations; management agreements and operations; corporate, joint ventures and fund formation; finance and restructuring; franchise, outsourcing and commercial agreements; data privacy security technology arrangements; advertising and brand; betting and major sporting events.

Our clients include owners, managers, franchisors, developers and lenders; global, regional and national hotels; resort businesses; serviced apartments; and leisure and sports operators (golf courses, theme and amusement parks, health and fitness facilities, spas, gyms, leisure complexes, cinemas, marinas, nightclubs, casinos and gambling establishments).

We also represent online gaming operators and gambling establishments, hospitality and catering operations such as conference locations, and organizers and developers of venues for major sporting events, including the Olympic Games and Commonwealth Games.

In addition to our industry-specific experience, our hospitality and leisure clients benefit from access to our core service areas, whether their investments and operations are local or global.

We regularly sponsor, speak at and participate in sector-related conferences worldwide, including the International Hotel Investment Forum in Berlin, The Americas Lodging Investment Summit in California, the Hotel Investment Conference Asia Pacific in Hong Kong, and the Arabian Hotel Investment Conference in Dubai.

In the US, our hospitality and leisure sector group is highly ranked in the leisure and hospitality category of Chambers USA, the guide to America's leading lawyers for business.

In recent times, we have acted on more transactions within the sector than any other law firm, advising global, regional and national companies and high net worth individuals. Our experience includes:

- Advertising and brand: Our lawyers help the Savoy Hotel Group manage its global trade mark portfolio and infringement issues
- Corporate, joint ventures and funds: We represented InterContinental Hotels Group (IHG) in forming a joint venture with Brack

### KEY CONTACTS

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### RELATED SERVICES

- Media, Sport, Gaming and Entertainment
- Real Estate

Real Estate Group to develop a mixed-use project on the Lower East Side of Manhattan in New York that will be anchored by IHG's Hotel Indigo

- Development, acquisition and disposal: We advised Public Investment Corporation (representing the Government Employees Pension Fund) in a joint venture on the acquisition of the iconic V&A Waterfront development in Cape Town. The deal has been valued at \$1.2 billion, the largest single asset real estate transaction to date in South Africa.
- Finance and restructuring: We represented Alternative Hotel Group in the restructuring of its portfolio as a consequence of the restructuring of the Group's £1.7 billion debt and equity arrangements with Lloyds Banking Group, which included one of the largest debt-for-equity swaps in British corporate history.
- Franchise, outsourcing and commercial agreements: Maxim's Caterers, Hong Kong's largest food services company, turned to us to represent it in merchandising agreements, co-branding and promotion agreements in Hong Kong, Macau and South China and also in obtaining new rights in Western China.
- Major sporting events: Our lawyers helped the Olympic Delivery Authority with its infrastructural arrangements for the London 2012 Olympics.
- Management agreements and operations: Capital Partners turned to us to help develop, negotiate and structure hotel and resort contracts under the Ritz Carlton (3), Canyon Ranch, Mandarin Oriental (2), Six Senses and Marriott Residences brands in Russia, Kazakhstan and Turkey

## INSIGHTS

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### Publications

#### **Approaches to developing and implementing a survival strategy for hotel owners facing COVID-19**

9 November 2020

Developing a successful strategy will require significant up-front analysis, communication and cooperation among key stakeholders.

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#### **Q&A: Crescit Capital Strategies**

9 November 2020

Joe Iacono of Crescit Capital Strategies offers thoughts on opportunities in the hotel industry and how the impact of the COVID-19 pandemic differs from the 2008-09 financial crisis.

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#### **Q&A: Square Mile Capital Management, LLC**

9 November 2020

Michael Lavipour of Square Mile Capital Management, LLC predicts the future of shopping malls and explains why now is a good time to lend on hotel assets.

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#### **Puerto Rico: Legal and practical aspects of international arbitration**

26 October 2020

Parties benefit from this legal framework to solve their disputes when conducting business in Puerto Rico.

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#### **Release of exposure draft legislation for major reforms to Australia's Foreign Investment Framework**

10 August 2020

Many governments around the world have been strengthening their laws relating to foreign investment. Australia is no exception to

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this development and has just released proposed sweeping reforms to its foreign investment regime. In this article, we provide a high level overview of the key proposed amendments and our thoughts on how some of those proposals are likely to affect foreign investment into Australia.

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## **Vlog series: How to raise equity capital during the Coronavirus pandemic (UK)**

4 August 2020

The first half of 2020 has seen an unprecedented volume of activity by companies raising capital through follow-on equity offerings on the London Stock Exchange in response to the Coronavirus pandemic. There have been over 140 equity issues on the London Stock Exchange's main market or AIM since 20 March 2020 raising more than GBP14 billion.

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## **New Dutch Franchise Act poses challenges for franchisors**

1 July 2020

### **FRANCAST**

The legislation offers a number of protections to franchisees, which will be problematic for foreign franchisors who transact with well-established Dutch franchisees. The law will take effect on January 1, 2021, although it provides a two-year transition period for existing agreements.

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## **Coronavirus: Changes to rules governing meetings and the execution of company documents (Australia)**

7 May 2020

Certain requirements in the *Corporations Act 2001* (Cth) (**Corporations Act**) relating to shareholders meetings, and document signatures, are not compatible with public health requirements for social distancing during the coronavirus pandemic. In order to facilitate these important corporate functions during this period, on May 6, 2020 the Australian Federal Government introduced the Corporations (Coronavirus Economic Response) Determination (No. 1) 2020.

This determination modifies the legislative requirements regarding meetings and execution of company documents. These changes come into force on 6 May 2020, and will expire after six months, on 5 November 2020.

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## **COVID-19: New York and Other Northeast Council states take phased approach to reopening economy**

6 May 2020

These developments raise a number of immediate questions and considerations for businesses operating in the region.

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## **Coronavirus: Directors' duties and making decisions in a crisis (Australia)**

4 May 2020

Directors need to carefully consider the risks of the COVID-19 outbreak within their business, given its impact on the global economy. As many now face significant, and increasing, cash flow pressure, directors should carefully consider their actions in the context of the legal framework.

In this new guide we have set out the practical steps directors should be taking to protect their company and its business going forwards.

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## **Coronavirus: reopening businesses – compliance risks**

24 April 2020

Companies looking to reopen are urged to do so in compliance with varying, changing government restrictions to avoid longer term liabilities that could potentially outweigh short term gains

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## **Adapting to a new consumer market**

15 April 2020

As consumer-facing businesses consider changes in their business models, avoiding legal pitfalls in some key areas is necessary for a successful transition.

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## **Hotel Management Agreements and COVID-19**

15 April 2020

This note considers the impact of the COVID-19 pandemic on hotel management agreements (HMAs), particularly HMAs which hotel owners have entered into with large upscale brands.

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## **COVID-19: New York State provides new guidance on essential businesses**

13 April 2020

The Guidelines raise a number of immediate questions and considerations for New York businesses.

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## **A Call for Action: UNWTO, Supporting Jobs and Economies Through Travel and Tourism**

7 April 2020

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## **Contract analysis in a crisis: flowcharts**

7 April 2020

Flowcharts providing considerations for analyzing commercial contracts in the context of the COVID-19 pandemic through a logical process flow that can serve as a practical checklist.

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## **Cost-cutting considerations in the time of COVID-19 (Part 3 – employment issues outside the US)**

7 April 2020

A deeper dive into various cost-saving measures and their viability for employers outside the US.

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## **COVID-19 and the "essential business" designation: Practical guidance for businesses that fall in the gray area between "essential" and "non-essential"**

6 April 2020

Certain frequently asked questions as well as practical guidance.

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### **Hospitality industry update: President signs into law massive COVID-19 relief and economic stimulus package**

3 April 2020

Phase 3 in the ongoing federal government efforts to respond to the health and economic implications of the COVID-19 pandemic.

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### **Beyond social distancing: What employers need to know to keep their workplaces safe and manage privacy obligations in the face of COVID-19**

2 April 2020

Guidance from OSHA, EEO and CDC to help employers seeking to protect the health, safety and privacy of their on-site employees.

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### **Coronavirus: Cybersecurity considerations for your newly remote workforce (United States)**

31 March 2020

Cyber risk management involves balancing the productivity of a workforce with ensuring confidentiality, integrity and availability of the company's own systems and data, as well as that of their supply chain.

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### **Coronavirus: DHS Response to COVID-19 - What US Employers Need to Know**

29 March 2020

Key questions and answers related to the new DHS guidance.

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### **Coronavirus: Cyber hygiene practices**

25 March 2020

While the world is responding to the coronavirus disease 2019 (COVID-19), and individuals are increasingly focused on personal hygiene and social distancing, augmenting cyber hygiene efforts at home and at work are increasing in importance too.

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### **Coronavirus: Employee furloughs, reductions-in-force and similar temporary cost-saving measures (Part 2 – Employment issues outside the US)**

25 March 2020

A general overview of key employment issues to consider outside of the US in light of COVID-19.

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### **Coronavirus: Employee furloughs, reductions-in-force and similar temporary cost-saving measures in the US - Part 1**

25 March 2020

Key employment-related issues for US-based employers in relation to cost-saving measures due to COVID-19.

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## **Hotels and hospitals may find new partnerships to solve for bed capacity issues and vacancies**

25 March 2020

The impacts of COVID-19 upon the hospitality sector as well as hospital systems and the healthcare industry have been sudden and dramatic.

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## **Coronavirus: Several state and local governments issue “shelter in place” orders (United States)**

23 March 2020

Between March 17 and 22, state and local governments have promulgated at least a dozen “Stay-at-Home” / “Shelter-at-Home”-type Orders. This alert provides details on a number of state and local government orders.

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## **Real Estate Gazette: Operational Real Estate**

17 March 2020

### **REAL ESTATE GAZETTE**

Operational real estate is a rising star in the real estate investment market. One element that makes this asset class so interesting is the various sub sectors it covers, each calling for specialist experience and practical know-how in both commercial and legal terms.

That diversity is reflected in this issue, we hope you enjoy it.

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## **Coronavirus disease (COVID-19): Business interruptions and resulting effects in the global economy (Global)**

16 March 2020

While the overall scope and duration of the economic impacts are difficult to forecast, there will undoubtedly be a significant increase in workouts, restructurings, rescue financings, forbearances, and other similar activities over the coming months.

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## **Coronavirus (COVID-19): ten practical steps for global employers, right now (Global)**

13 March 2020

These steps are not based on laws of any one jurisdiction but rather are designed to provide a global employer with themes to consider, understanding that what may be suitable for each employer may vary greatly depending on the employer's unique circumstances.

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## **Coronavirus and hotel lockdowns: Who foots the bill when hotels are placed under quarantine? (Europe, Asia Pac)**

12 March 2020

For hotel owners and operators already facing nosedives in revenue, the corresponding guest costs, whether over a daily, weekly or monthly basis, can be significant. So who's picking up the tab resulting from these quarantines, and what can hotel owners and operators do now to limit their possible economic exposure later?

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## **Eco-friendly practices and sustainability – a priority consideration in hotel operations**

26 February 2020

DLA Piper recently co-hosted a roundtable lunch with PKF to discuss sustainability in the hospitality industry.

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### **An update on the impact of the coronavirus on business in Singapore**

12 February 2020

Due to the evolving 2019-nCoV acute respiratory disease (the COVID-19) situation, the Ministry of Health (the MOH) and the Ministry of Manpower (the MOM) have, since January 2020, issued advisories which employers will need to be aware of. In particular, the MOH and MOM have, since our last update on February 12 2020, updated and issued new advisories due to the increased risk of importation of COVID-19 into Singapore.

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### **Hong Kong Government introduces mandatory quarantine measures**

11 February 2020

On 9 February 2020, the number of deaths due to the rapidly spreading coronavirus in Mainland China officially surpassed the figure seen during the 2002/2003 SARS epidemic.

Numerous governments have been implementing restrictions barring entry to those with recent travel history through Mainland China, including Singapore, Japan, Australia and the United States. Following pressure from public health workers, the Hong Kong Government has now followed suit and has begun a mandatory two-week quarantine for anyone arriving from Mainland China.

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### **EU Policy & Regulatory Alert**

3 February 2020

On 29 January 2020, the new European Commission has adopted its 2020 annual Work Programme, announcing 43 new concrete policy and legislative measures to be introduced over the course of the year of 2020, and thereby translating into practice the Political Guidelines of new European Commission President Ursula von der Leyen.

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### **APAC employment issues arising out of the Coronavirus (AsiaPac)**

31 January 2020

On 29 January 2020, the number of confirmed cases of the rapidly spreading coronavirus in Mainland China officially surpassed the figure seen during the 2002/2003 SARS epidemic.

Multinationals with local operations around the APAC region have been significantly affected. As staff return to the office following the Chinese New Year holiday period, businesses are now considering what they can do to minimise any risk to health and safety and support staff through this challenging period where anxiety and uncertainty is rife, whilst at the same time complying with their employment obligations and maintaining business continuity. Putting in place detailed business and contingency plans and ensuring careful communications with staff to address key topics and concerns is key, as is keeping such plans and communications under frequent review given the fluidity of the current situation.

This alert considers some of the key issues that HR and business leaders should be considering across the APAC region.

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### **Iran nuclear deal: the launch of the 'Dispute Resolution Mechanism' and the 'potential snapback' of UN and EU sanctions**

17 January 2020

This week, France, Germany and Britain have triggered the Dispute Resolution Mechanism against Iran under the Joint Comprehensive Plan of Action (JCPOA). Will this process lead to the re-imposition of UN and EU sanctions on Iran?

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## **EU launches preparatory work for a global sanctions regime for human rights violations**

17 December 2019

On 9 December 2019, High Representative/Vice-President of the European Union Josep Borrell announced that the Foreign Affairs Council has agreed with strong consensus to start the preparatory work for a global sanctions regime to address serious human rights violations.

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## **New European Commission Assumed Office on 1 December 2019**

2 December 2019

The new leadership of the European Commission has officially assumed office yesterday, Sunday, 1 December 2019, for a five-year term. The newly assembled College of Commissioners obtained a comfortable majority in an approval vote in the European Parliament plenary session on Wednesday, 27 November 2019.

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## **EU Policy & Regulatory Alert - EU Publishes Artificial Intelligence Ethics Guidelines**

12 APR 2019

On 8 April 2019, the EU's High-Level Expert Group ("AI HLEG") on Artificial Intelligence ("AI") published the much-anticipated "Ethics Guidelines for Trustworthy AI", setting out a horizontal framework for the development and deployment of ethical and robust AI systems across the EU

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## **Hotel Management Agreements**

19 MAR 2019

One cannot discuss the evolution of hotel management agreements (HMAs) without first talking about the separation of hotel ownership and hotel operations; a transformation of the major chains' business models, more commonly known as an "asset light" strategy. Today the form taken by hotel operators in HMAs is an important factor in the effective working of the market in hotel investment. DLA Piper's Hospitality and Leisure Sector Group has negotiated HMAs for a myriad of different clients across the H&L landscape (owners, investors, operators (both branded and white label) and lenders) in all of the world's key jurisdictions.

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## **What does Brexit mean for the hospitality industry?**

21 DEC 2018

UK hospitality and leisure companies rely on easy access to a pool of workers from the EU-27, particularly on casual zero-hours contracts. This access may be restricted by new immigration rules after Brexit (and after a transition period).

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## **Tax incentives in Puerto Rico: a quick introduction**

13 JUN 2017

Puerto Rico offers a spectrum of economic incentives aiming to promote many key industries. This handbook offers a quick look at ten of the most significant of these incentives.

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## EVENTS

### Previous

#### TopCo liability panel

25 JUN 2019  
London

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## NEWS

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#### DLA Piper lawyers named Acritas Stars

10 March 2020

Acritas has named over 200 DLA Piper lawyers as 2020 Acritas Stars. Now in its fourth year, Acritas Stars highlights the stand-out lawyers in private practice as nominated by clients around the world. More than 3,000 senior in-house counsel feed into the nomination process to give a comprehensive view of highly recommended lawyers across the globe.

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#### DLA Piper advises BrewDog on acquisition of iconic Berlin brewery

6 MAY 2019

DLA Piper has advised BrewDog, a multinational craft brewery and pub chain based in Scotland, on the acquisition of World Bistro & Gardens in Berlin from Stone Brewing, one of the largest craft breweries in the US.

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#### DLA Piper announces partnership promotions for 2019

1 APR 2019

DLA Piper is proud to announce that 77 lawyers have been promoted to its partnership. The promotions are effective as of April 1, 2019 in the United States and May 1, 2019 for EMEA and Asia Pacific. The promotions were made across many of the firm's practice areas in 43 different offices throughout 20 countries.

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#### DLA Piper advises Merlin Entertainments on the A\$174 million sale of Australian ski resorts

13 MAR 2019

DLA Piper has advised Merlin Entertainments, a global leader in location based entertainment, on the A\$174 million sale of its Australian ski resorts, Hotham and Falls Creek, to US ski resort operator Vail Resorts, Inc.

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