



## Hostelería y ocio

La hostelería y el ocio representan un sector internacional multimillonario que abarca una amplia gama de servicios con exigencias comunes. Nuestro extraordinario alcance global y experiencia específica en el sector se deben a nuestro equipo local de expertos, con experiencia nacional e internacional, que conocen en profundidad las complejidades inherentes a este área.

Nuestro despacho fue uno de los primeros en crear un equipo global dedicado al sector de la hostelería y el ocio. Tras años de experiencia, y con mucha experiencia en el sector, asesoramos tanto a inversores, como a promotores, propietarios y operadores en sus operaciones dentro del área de la hostelería y el ocio.

Conocemos los distintos problemas que pueden surgir en esta área y prestamos nuestro asesoramiento en cuestiones tales como: desarrollo, adquisición y enajenación, disposiciones contractuales; franquicias y operaciones de gestión y externalización; contratos operativos y de gestión; societario, joint ventures y constitución de fondos; financiación y reestructuración; contratos comerciales, de outsourcing y de franquicia; los convenios relativos a tecnología de seguridad en la protección de datos; publicidad y marcas; juegos y apuestas, o eventos deportivos importantes.

Entre nuestros clientes se encuentran propietarios, gestores, franquiciadores, promotores y prestamistas; hoteles con presencia nacional, regional y mundial; empresas dedicadas a la explotación de centros vacacionales; aparthoteles; operadores deportivos y de ocio (campos de golf, parques temáticos y de atracciones, spas, gimnasios, complejos de ocio, cines, puertos deportivos, clubs nocturnos, casinos y establecimientos de juego).

Asimismo representamos a servicios de juego y apuestas online, operadores de hostelería y catering como centros de conferencias, organizadores y promotores de grandes eventos deportivos tales como los Juegos Olímpicos y los Juegos de la Commonwealth.

Además de nuestra experiencia específica en el sector, nuestros clientes de hostelería y ocio se benefician de nuestras principales áreas de servicios, tanto si sus inversiones y operaciones se realizan a nivel local como a nivel

### CONTACTOS

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### SERVICIOS RELACIONADOS

- Media, Sport, Gaming and Entertainment
- Real Estate

mundial.

Con frecuencia patrocinamos y somos ponentes y participantes en conferencias sectoriales de todo el mundo, incluyendo el Hotel Investment Forum de Berlín, la Americas Lodging Investment Summit de California, la Hotel Investment Conference Asia Pacific de Hong Kong, y la Arabian Hotel Investment Conference en Dubai.

En EE. UU. nuestro grupo dedicado al sector de la hostelería, la restauración y el ocio ocupa un puesto privilegiado en la categoría de hospitalidad, restauración y ocio de Chambers USA, la guía de los principales abogados de empresa de América.

Últimamente hemos actuado en más operaciones en el sector que cualquier otra firma de abogados, asesorando a empresas de ámbito global, regional y nacional y a personas físicas con un alto poder de inversión. Nuestra experiencia incluye:

- Publicidad y marca – Nuestros abogados ayudan al Savoy Hotel Group a gestionar su cartera internacional de marcas comerciales y en materia de violaciones de derechos de marca.
- Societario, joint ventures y fondos – Ayudamos al InterContinental Hotels Group (IHG) a constituir una joint venture con Brack Real Estate Group para desarrollar un proyecto mixto en el Lower East Side de Manhattan, en Nueva York, que estará encabezado por el Hotel Indigo de IHG.
- Desarrollo, adquisición y disposición – Asesoramos a la Corporación Pública de Inversiones (en representación del Fondo de Pensiones de Empleados Públicos) en una joint venture para la adquisición de la urbanización icónica V&A Waterfront, en Ciudad del Cabo. La operación fue valorada en 1.200 millones de dólares, la mayor operación de activo único inmobiliario hasta la fecha en Sudáfrica.
- Financiación y reestructuración – Representamos al Alternative Hotel Group en la reestructuración de su cartera como consecuencia de la reorganización de la deuda y equity del Grupo con Lloyds Banking Group por valor de 1.700 millones de libras esterlinas, incluyendo una de las mayores permutas de deuda por capital de la historia empresarial británica.
- Cotratos de franquicia, de externalización y comerciales – Maxim's Caterers, la mayor empresa de servicios de alimentación de Hong Kong, recurrió a nosotros para que la representáramos en sus contratos de merchandising, en los de marca conjunta y promoción de Hong Kong, Macao y el sur de China, y también para obtener nuevos derechos en el oeste de China.
- Grandes eventos deportivos – Nuestros abogados ayudaron a la Autoridad Pública Olímpica en sus contratos de infraestructura para los Juegos Olímpicos de Londres del 2012.
- Contratos y operaciones de gestión – Capital Partners recurrió a nosotros para que los ayudáramos a desarrollar, negociar y estructurar los contratos hoteleros y de complejos turísticos de las marcas Ritz Carlton (3), Canyon Ranch, Mandarin Oriental (2), Six Senses y Marriott Residences en Rusia, Kazajistán y Turquía.

## NOVEDADES

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### Publicaciones

#### Hotel Management Agreements

13 July 2021

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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#### Employers in Puerto Rico must comply with new breastfeeding room requirements

25 February 2021

Requiring employers to provide a private, safe and hygienic space.

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#### Puerto Rico: Employers must establish workplace harassment protocols – guidelines are available

23 February 2021

Employers in Puerto Rico have until August 2, 2021 to adopt protocols on workplace harassment.

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### **Boardroom Brexit: What the deal means for trade in services**

31 December 2020

#### **BOARDROOM BREXIT**

The TCA has substantial sectoral coverage, including professional and business services (e.g. legal, auditing, architectural services), delivery and telecommunication services, computer-related and digital services, financial services, research and development services, most transport services and environmental services.

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### **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: El marco legal para el arbitraje**

26 de octubre de 2020

Leyes fundamentales que facilitan la resolución de disputas comerciales en Puerto Rico

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### **Puerto Rico enacts act prohibiting workplace harassment**

28 August 2020

The law creates a new course of action for employees and imposes additional responsibilities on employers. It is effective immediately.

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### **Puerto Rico tightens restrictions and sanctions for businesses to control continued spread of COVID-19**

26 August 2020

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The Executive Order aims to significantly tighten restrictions to control the continued spread of COVID-19.

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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 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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## Amid spike in positive cases, Puerto Rico tightens restrictions for businesses and tourism

21 July 2020

The restrictions impact certain businesses, particularly in the food and beverage, entertainment and tourism industries.

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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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## Australia tightens rules on foreign investment

17 June 2020

In this article we summarise the tax-related developments from early June 2020, as Australia takes a more stringent approach towards compliance procedures involving foreign investments.

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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.

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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

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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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### **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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## **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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## **Is it time for Puerto Rico's minimum wage to increase?**

8 October 2019

Bill 2264 would increase the minimum wage for private sector employees in Puerto Rico to \$8.25 per hour.

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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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## **EVENTOS**

### **Reciente**

#### **Embracing Digital Evolution**

15 September 2021

Webinar

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## **NOTICIAS**

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### **DLA Piper lawyers named Acritas Stars**

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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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