



Legal Update: Aviation, Maritime & Tourism

July 2019

Dear Clients,

We are pleased to provide you with important recent updates from the international Aviation, Maritime & Tourism sector.

Update on the District Court's Judgment with respect to an appeal in which it was requested to recognize the service of pleadings on Booking Israel as lawful service on Booking.com B.V.

The District Court recently rendered its judgment in an appeal against the decision of the Registrar of the District Court (within the framework of C.A. 6771-01-18). The appellant (the Applicant in the main proceeding) was appealing the rejection of its motion requesting the Court to recognize the service of pleadings on Booking Israel (Respondent 1 in the main proceeding) as lawful service on Booking.com BV (Respondent 2 in the main proceeding), a foreign company based in the Netherlands.

In its decision on the appeal, the Court held that contrary to what was rendered in a previous ruling with respect to Booking Israel, Booking Israel provides more than technical services and support to Booking.com BV and in fact it serves as a marketing unit for Booking.com BV, and in addition the two entities have a commercial relationship and shared financial interests. The Court arrived at this conclusion after hearing the cross-examination of Booking.com BV's affiant who testified that Booking Israel contacts businesses in Israel in the Hebrew language, introduces Booking.com to them and consults with them on how to increase their commercial activity by using Booking.com.

In its decision, the Court also referred to a notice on Booking.com's LinkedIn page which advertised an open position for an employee in its development office in Tel Aviv. Booking.com BV's affiant confirmed the publication of the notice. The Court established that the above-mentioned notice conflicted with Booking.com BV's argument that it did not have a development center in Israel and therefore the burden was on Booking.com BV to explain how the notice did not relate to Booking Israel - which the Court found it failed to do.

In light of all of the above, the Court held that Booking.com BV and Booking Israel had an intensive commercial relationship and that it is not sufficient that Booking.com BV's Terms and Conditions provide that the support company in Israel is not allowed to receive court documents on its behalf. The Court also held that both Booking.com BV and Booking Israel are part of the same business. Therefore, the Court determined that the service carried out on Booking Israel was to be considered as lawful service on Booking.com BV.

Sincerely,

Fischer Behar Chen Well Orion & Co

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