



CLASSIFICATION OF HOLIDAY HOMES AND GUEST ROOMS

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OFFERING HOLIDAY HOMES ONLINE CHECKLIST

- There are certain points you should note when you offer your holiday home(s) online:
- Your website should include a legal notice (**publication information**) stating who owns the website, with the owner's address (mailing address) and his email address. If you have a company identification number (*Unternehmensidentifikationsnummer* – UID) it should also be included. In case the property is listed in the Commercial Register, please include the responsible commercial registry and the Commercial Register number. The same applies to VAT numbers. This type of information creates additional confidence. – If the website is directed at guests from abroad, this information, to the extent available, should unquestionably be provided. Additionally, it should also indicate who is responsible for the content of the website.
- A **data protection provision** must be published. Whenever anyone visits a website, certain data about the visitor are regularly recorded and evaluated according to specific criteria. The data protection declaration should therefore state which data are recorded and evaluated, and for what purpose. You will find details on the website of the Federal Data Protection and Information Commissioner (FDPIC), www.edoeb.admin.ch – Data protection –E-commerce section.
- If the holiday home can be booked via the website, the data protection provision must also state how these personal data are processed.
- **Advertising via email:** The following points should be noted by anyone wishing to canvass (previous) tenants via bulk email (automated sending of 30 or more emails is enough to count as bulk email, according to Philippe Barman writing in "Jusletter", 2.4.2007): mailing without explicit consent is permitted if the advertising refers to the sender's own similar rental offers. The sender must be mentioned clearly and unambiguously in the emails. The recipient must be given the option of refusing further advertising at no cost and with no problems (e.g. via a link for this purpose in the email).
- Email advertising may be sent to prospects who have not yet booked only if they have explicitly stated their agreement to this in advance, e.g. by an explicit order or by clicking on a box for this purpose on the website.
- **Online bookings:** If the holiday home can be booked online, receipt of the booking must be confirmed to the customer immediately after the booking is placed. This confirmation of receipt must not be confused with the confirmation for the rental agreement. The confirmation of the rental agreement may also be issued later on.

- For online bookings, the **individual steps** leading to the booking must be stated in a **diagram** to ensure that the customer understands which step confirms the booking. And before the booking is sent off, the customer must be given the chance to review and correct all the information entered.
- The **general conditions of agreement** must be provided on the website in the form of a PDF file and a clearly visible link must be created. The customer must be able to download and print out the conditions of agreement. In the event of an online booking, the sentence “The general conditions of the lease agreement apply” must be entered on the “booking page” (see below) prior to the button “Book: payment is required”. The customer must accept this sentence by clicking a corresponding box. The “general conditions of the lease agreement” must be provided as a link to the General Terms and Conditions to enable the customer to call up, save and/or print out the terms of the lease with a mouse click. An additional agreement for WLAN requires the same procedure.
- If the rental agreement can be completed online, the customer will make an offer. According to the sample conditions of agreement, the customer is bound to such offer for five business days. This means that the lessor must accept and confirm the booking within these five business days (otherwise the customer is released from the offer).
- The booking button must be labelled with the text "**Book: payment is required**", even for websites purely targeting Swiss customers. See paragraph below.
- **Foreign customers:** If the website is also targeted at foreign customers and online bookings can be made via the internet, the booking button must be labelled with the text "Book: payment is required". You are advised to use this text only, due to provisions that are applicable throughout the EU. Otherwise, it is possible that no contract will be concluded.
- You should seek advice if you are targeting your website at an international audience, i.e. by using features such as prices in euros, information on travelling to the destination from abroad, text in English, or by stating the international dialling code for the telephone number.
- Correct advertisements and the booking procedure have become more complicated due to the Lugano Convention, which stipulates the competent courts in Europe, and the strict EU consumer protection provisions . That’s why guidance is that important.