



## **Tripadvisor’s Comments regarding the Consultation on Draft Guidance on the Protection from Unfair Trading Provisions in the Digital Markets, Competition and Consumers Act 2024 (CMA207con)**

**January 22, 2025**

Tripadvisor welcomes the opportunity to offer the following response to the Competition and Markets Authority’s (CMA) draft guidance on the unfair commercial practices provisions of the Digital Markets, Competition and Consumers Act (the Draft Guidance). Having provided travellers with travel guidance and information for more than two decades, we believe we’ve gained valuable expertise that enables us to provide meaningful feedback on the Draft Guidance.

### **About Tripadvisor**

Tripadvisor is an online travel platform focused on helping travellers benefit from the best of the internet—scale, reach, and the wisdom of crowds. As a platform for traveller reviews and feedback, Tripadvisor has developed an industry-leading approach to trust and safety that maintains the integrity of the reviews and opinions hosted on the platform. This means focused work and investment to ensure that our community of travellers and travel businesses alike can have confidence in the reviews posted to our platform. Tripadvisor does this by employing a platform-relevant approach to fake review detection.<sup>1</sup>

To ensure the content appearing on the platform is relevant to the travel community, Tripadvisor has established detailed policies and community guidelines that govern reviews and user generated content on our platform.<sup>2</sup> Unlike other platforms that host content for varied internet user segments, Tripadvisor’s policies and guidelines were established with a specific community of internet users in mind: travellers/diners and travel/restaurant businesses. That means Tripadvisor’s trust and safety program is designed to allow only content that meets the specific needs

---

<sup>1</sup> “Journey of a Tripadvisor Review.” Tripadvisor LLC.

[https://www.tripadvisor.com/Trust-IVRKC792NqLM-Journey\\_of\\_a\\_review.html](https://www.tripadvisor.com/Trust-IVRKC792NqLM-Journey_of_a_review.html).

<sup>2</sup> “Trust and Safety at Tripadvisor.” Tripadvisor LLC. <https://www.tripadvisor.com/Trust>.

of the travel community and complies with travel-relevant trust and safety standards.

Furthermore, to underscore our commitment to trust and safety we have been transparent on our policies, processes and progress. Notably, Tripadvisor was the first platform to issue a review transparency report in 2019, explaining our content moderation policies and practices and detailing the volume and trends of the review fraud targeting our platform.<sup>3</sup> As an update to this 2019 report, Tripadvisor released its 2023 Review Transparency Report, the third edition in Tripadvisor's ongoing commitment to transparency via reporting.<sup>4</sup> Based on the full year of content submitted in 2022, the report looked at 73 million reviews and opinions shared by the Tripadvisor community, including 30.2 million reviews submitted by 17.4 million members. Some of the notable findings in this edition of the report include:

- 100% of reviews submitted to Tripadvisor were assessed by advanced screening technology. Of those reviews, 2.3 million reviews were moderated by a human either before posting or after posting.<sup>5</sup>
- Due to a diligent, layered approach to moderation, 1.3 million total reviews were identified as fake and removed from the platform in 2022.<sup>6</sup>
- The vast majority - 72% - of fake reviews were caught *before* they were posted, compared to 67.1% in 2020.<sup>7</sup>
- Upholding community standards via enforcement includes a range of potential penalties of users and/or properties. In 2022, Tripadvisor instituted 341 red badge warnings, the most serious penalty on the site, which included a ranking penalty.<sup>8</sup>

Most recently, we announced last year that Tripadvisor protected travellers from more than two million biased reviews in 2023<sup>9</sup>. From the more than 31 million reviews

---

<sup>3</sup> "2019 Tripadvisor Review Transparency Report." Tripadvisor LLC. (September, 17, 2019). [https://www.tripadvisor.com/Trust-lseNku4YFzjo-Transparency\\_report.html](https://www.tripadvisor.com/Trust-lseNku4YFzjo-Transparency_report.html).

<sup>4</sup> "2023 Tripadvisor Review Transparency Report." Tripadvisor LLC. (April 11, 2023). <https://www.tripadvisor.com/TransparencyReport2023>.

<sup>5</sup> Ibid.

<sup>6</sup> Ibid.

<sup>7</sup> Ibid.

<sup>8</sup> Ibid.

<sup>9</sup> "Tripadvisor protected travellers from more than two millions biased reviews in 2023". <https://www.tripadvisor.com/2023ReviewFraudTrends>.

submitted in 2023, our team removed a record 2 million+ biased reviews from the site. In another unprecedented accomplishment – four out of five of those biased reviews never even made it on our site. This achievement underscores our unwavering commitment to guarding the integrity and trustworthiness of reviews on Tripadvisor.<sup>10</sup> Looking ahead, we plan to soon announce our 2025 Review Transparency Report. You can visit [www.tripadvisor.com/trust](http://www.tripadvisor.com/trust) for related announcements and updates.

In addition to staying committed to transparency, we believe we have a responsibility to draw on our two decades of review-hosting experience in support of others' review integrity efforts. That's why, in 2022, Tripadvisor leveraged its leadership in trust and safety by convening the first conference of review hosting platforms to share best practices for addressing fake reviews.<sup>11</sup> This conference led to the launch of the Coalition for Trusted Reviews (CFTR) in 2023, which is the first-ever cross-industry collaboration committed to protecting access to trustworthy consumer reviews worldwide.<sup>12</sup>

Together, CFTR members are defining best practices for hosting online reviews and strengthening fake review detection efforts, with the goal of stopping fake reviews at the source. The CFTR was pleased to convene its most recent industry conference in London in October 2024 where policymakers, trust and safety professionals, CMA officials and others committed to stopping fake reviews came together to promote trustworthy reviews.<sup>13</sup> We look forward to continuing to build out CFTR's role in supporting a feedback economy that consumers can rely on.

### **Tripadvisor's Response to the Draft Guidance on Prohibition of Fake Reviews**

Tripadvisor appreciates the CMA's work to protect consumers from unfair commercial practices – including review fraud. We believe that guidance of this nature can support businesses hosting reviews to achieve a reasonable and

---

<sup>10</sup> Ibid.

<sup>11</sup> "The #1 Top-Rated 5\* Conference on Earth: A Gathering of Professionals Fighting Fake Reviews." Tripadvisor LLC. (October 25, 2022). [https://www.tripadvisor.com/Trust-lkMJkkMDGxFk-Fraud\\_summit\\_registration.html](https://www.tripadvisor.com/Trust-lkMJkkMDGxFk-Fraud_summit_registration.html).

<sup>12</sup> Amazon, Booking.com, Expedia Group, Glassdoor, Tripadvisor, Trustpilot Launch First Global Coalition for Trusted Reviews. (October 17, 2023). <https://www.prnewswire.com/news-releases/amazon-bookingcom-expedia-group-glassdoor-tripadvisor-and-trustpilot-launch-first-global-coalition-for-trusted-reviews-301958304.html>.

<sup>13</sup> "About Us." Coalition for Trusted Reviews. <https://www.coalitionfortrustedreviews.com/> (January 22, 2025)

proportionate standard for review hosting that ultimately benefits consumers by ensuring they can rely on review content to make informed decisions. Altogether, Tripadvisor's experience and role as an established player in the feedback economy informs the following perspective regarding the Draft Guidance:

1. **The Draft Guidance correctly targets bad actors:** As the CMA well knows, bad actors that employ tactics to "tip the scales" and deceive consumers via review manipulation create major challenge for all websites hosting reviews. This includes the buying and selling of fake reviews. Whilst most businesses play by the rules, our findings, as shared in our 2023 Review Transparency Report, confirm businesses are motivated to submit fake reviews in an effort to boost their online profile.<sup>14</sup>

As Tripadvisor shared with the then-Department for Business, Energy and Industrial Strategy (BEIS) in its October 2021 consultation on competition and consumer policy, we believe that a specific legal prohibition on the commissioning and/or incentivisation of fake reviews will increase the trust consumers have in platforms such as Tripadvisor, and will increase the benefit that they gain from our services.<sup>15</sup> For that reason, Tripadvisor appreciates the Draft Guidance's clear prohibitions on the submitting or commissioning of fake or concealed incentivised reviews (B.17-B.18) and on fake review brokers, who submit fake reviews or concealed incentivised reviews on behalf of businesses (B.22-B.23). Guidance like this is useful to platforms, businesses and consumers in that it clarifies it is a banned practice to buy, sell, incentivize without disclosure, or otherwise manipulate review and rating content.

To more directly benefit consumers, Tripadvisor recommends the CMA expand these guidelines to better address truly bad actors by incorporating provisions that ensure consumers are protected against review suppression via threats of harm or legal action. Specifically, Tripadvisor has seen in the UK and in jurisdictions across the world how threats of Strategic Lawsuits Against Public Participation (SLAPPs) and other tactics can be used by displeased businesses to censor and intimidate customers that leave a negative, but legitimate review. Individual

---

<sup>14</sup> "2023 Tripadvisor Review Transparency Report." Tripadvisor LLC. (April 11, 2023). <https://www.tripadvisor.com/TransparencyReport2023>.

<sup>15</sup> "Tripadvisor's Feedback to the Department for Business, Energy & Industrial Strategy on the publication titled: Reforming Competition and Consumer Policy: Driving Growth and Delivering Competitive Markets that Work for Consumers". Tripadvisor LLC. (October 1, 2021)

consumers – faced with threats of harm and/or the option of either defending a lawsuit based on something as common as a review – have no choice but to retract their speech from the public view.<sup>16</sup> Whilst this phenomenon has been acknowledged in Parliament, the CMA will recall that the attempt to pass anti-SLAPP legislation ultimately failed.<sup>17</sup>

- The CMA should clarify its definition of a fake review (B.9) to ensure a genuine experience with a product or trader qualifies to be reviewed even if the experience wasn't experienced in its entirety or paid for by the reviewer.*** In its Draft Guidance, the CMA defines a fake review as, “a consumer review ‘that purports to be, but is not, based on a person’s genuine experience’”. Tripadvisor believes it would be pro-consumers for the CMA to further clarify that a “genuine experience” may include reviews of products or traders, even if the experience was not completed in its entirety, or paid for by the reviewer.

Tripadvisor believes in the right to write and in that spirit, our policy is to allow users to, in some cases, review products or services they did not experience in their entirety. For example, Tripadvisor has seen many reviews over the years reporting experiences “at the threshold” and before technically or fully consuming the product or service. Therefore, Tripadvisor believes that actually completing a transaction or experiencing all aspects of the entire service should not be a requirement to leave a review, and some level of flexibility should be afforded to ensure these experiences can still be reviewed. To illustrate, consider the following scenarios: a same-sex couple is denied a hotel stay or a diner sees a rodent upon entering a restaurant and decides to leave. Both examples may not include the guests actually experiencing the service in its entirety, but are useful experiences for future potential guests to be made aware of.

Additionally, before a review can be published, Tripadvisor screens every review against our sophisticated review screening system and requires reviewers to certify that they are reviewing their own experience; however, Tripadvisor is not a closed platform and accordingly doesn't require reviewers to provide a receipt or

---

<sup>16</sup> See for example, this well-known case from 2017:

<https://www.mirror.co.uk/news/uk-news/threatened-jail-just-writing-bad-10440459>

<sup>17</sup> See former MP Wayne David's remarks during the debate on the Strategic Litigation Against Public Participation Bill, 23 February 2024,

<https://hansard.parliament.uk/Commons/2024-02-23/debates/63C19F38-BAD2-499E-8DB7-006C497EF613/StrategicLitigationAgainstPublicParticipationBill#contribution-6A5F4288-3DFB-4C8C-B2AA-6B337104E974>, Column 952

a proof of purchase to prove a genuine experience. This is because Tripadvisor believes every customer experience counts and, in practice, the person that pays the invoice is not necessarily the only customer at a table or traveler in the room.

Furthermore, requiring users to present evidence they consumed the service when writing a review for a business, including via a proof of purchase, would not promote the integrity of review content for several reasons:

- Such a requirement could expose platforms to new and potentially heightened fraud risks, including enhanced abilities for traders to engage in review manipulation (i.e. review boosting);<sup>18</sup> and
- Such a requirement restricts the freedom of expression of all people who had an experience with an accommodation service and want to leave a review.
- Adding this requirement could disadvantage smaller businesses or certain establishments (i.e. free or public points of interest), where generating a receipt or proof of purchase may be impossible or a more complicated endeavour.

For the reasons articulated here, Tripadvisor recommends the definition of a fake review (B.9) be clarified to ensure the ‘genuine experiences’ can include experiences that weren’t experienced in its entirety or paid for by the reviewer.

3. ***The Draft Guidance should clarify expectations on publishers that syndicate review content:*** As the CMA knows, the review ecosystem includes publishers that deploy a *direct publication* model where consumers leave a review directly on a platform like Tripadvisor, as well as the *third party or syndicated publication model*, where review content is syndicated or licensed from another publisher by a third-party. Tripadvisor primarily deploys the direct publication model; however, we also syndicate and/or license our review content to third-parties and, to a much smaller extent, receive review content from third-parties too.

Many review “publishers”, as defined in the DMCC, come to direct publishers like Tripadvisor to obtain our review content via a syndication model because, among other things, they value the expertise behind our review moderation operations

---

<sup>18</sup> “The Impact of Fake Reviews on Online Visibility: A Vulnerability Assessment of the Hotel Industry.” Information Systems Research, vol. 27, no. 4, 2016, pp. 940–61. Lappas, Theodoros, et al. JSTOR. (December 2016), <https://www.jstor.org/stable/26652537>.

and the trust associated with our brand. (We will call such publishers “secondary publishers” here.) Based on this experience, it is our view that secondary publishers should be allowed to rely on direct publishers from whom they receive review content to satisfy some, if not all, of their obligations related to prevention and removal of banned reviews and false or misleading consumer review information.

Conversely, if the CMA were to implement the expectation that secondary publishers must deploy the same trust and safety operations as the direct publishers from where they obtain review content, direct publishers would have to share sensitive user data and sensitive trade secrets with the secondary publisher to enable the secondary publisher to deploy duplicative trust and safety operations. This seems both unnecessary and potentially detrimental to consumers, who risk broader data disclosure, as well as the consumer feedback ecosystem, which relies on the ability of platforms to syndicate review content.

To address this issue, Tripadvisor recommends improving B.52 to clarify that a “reasonable and proportionate” measure might involve the reliance on the resources and capabilities of a trusted, specialist third party to provide sufficient “prevention and removal steps” to prevent and remove banned reviews and false or misleading consumer review information. Tripadvisor believes that adopting this approach aligns with the CMA’s view that, “There is unlikely to be a one size fits all or ‘tick box’ approach, which is appropriate for all publishers to deploy to prevent and remove from publication banned reviews or false misleading consumer information.” (B.27)

- 4. *The Draft Guidance embeds much needed flexibility to ensure competition and innovation can exist in the review-hosting ecosystem:*** Tripadvisor agrees with the CMA’s view that there is no one-size-fits-all approach to review trust and safety (B.27). This is especially important to our platform because, as described above, Tripadvisor is a travel platform and accordingly has established policies and guidelines with a specific community of internet users in mind: travellers/diners and travel/restaurant businesses.<sup>19</sup> For that reason, Tripadvisor strongly holds that public policies like this Draft Guidance must protect consumers from review fraud by incorporating a level of flexibility that enables platforms to enact platform-relevant policies and practices. More specifically:

---

<sup>19</sup> “Trust and Safety at Tripadvisor.” Tripadvisor LLC. <https://www.tripadvisor.com/Trust>.

- By calling for “reasonable and proportionate” steps to address the prohibited practices (B.24), the CMA correctly focuses the Draft Guidance on preventing the negative effects of fake and concealed incentivised reviews rather than proscribing specific tactics to promote content integrity.
- B.53(a) correctly assesses that a publisher’s business model, including actions to protect the platform from fake reviews, will look different for platforms open to reviews by non-paying consumers of a product or customers of a trader.
- Tripadvisor applauds the CMA for ensuring the flexibility embedded into the Draft Code preserves the ability of consumers to leave reviews anonymously. As the CMA knows, many internet users broadly value online anonymity for a range of reasons and in a range of online applications, including preserving privacy, avoiding online and real world harassment, and protecting a person from being linked to sensitive topics, issues, or conditions.<sup>20</sup> Fostering open and frank customer reviews is one online activity where anonymity often plays an important role. Besides the many sincere and positive reasons consumers prefer to be able to engage online anonymously, many reviewers believe that they can be more open and honest in an anonymous context than if they identified themselves.<sup>21</sup>

5. ***The Draft Guidance should clarify that publishers are not required to disclose policies and procedures when such disclosures would empower fraudsters to circumvent platform trust and safety measures:*** For the benefit of consumers, the Draft Guidance requires publishers to share policies and provide details on the publisher’s approach to addressing the publisher’s unique risks. As stated above, to promote transparency, Tripadvisor reports information on its trust and safety processes and outcomes, including details around fraud detection on the platform.<sup>22</sup> We agree transparency further enhances confidence in the reviews appearing on our website; however, we would caution the CMA against any interpretation of the Draft Guidance that results in requirements that platforms

---

<sup>20</sup> “3 Undeniable Reasons Why You Need Online Anonymity”. By Georgina Torbet. MakeUseOf.com. April 3, 2020. <https://www.makeuseof.com/tag/3-undeniable-reasons-need-online-anonymity/>

<sup>21</sup> “Are anonymous reviews good or bad?” By Tom Ryan. Retail Wire. August 29, 2014. <https://www.retailwire.com/discussion/are-anonymous-reviews-good-or-bad/>

<sup>22</sup> “2023 Tripadvisor Review Transparency Report.” Tripadvisor LLC. (April 11, 2023). <https://www.tripadvisor.com/TransparencyReport2023>.



publish sensitive internal policies and procedures that are used to support fraud-fighting operations. Given the fact that fraudulent and deceptive content is sometimes generated by sophisticated fraud rings, platforms that publish reviews must be able to develop and deploy anti-fraud efforts without having to disclose that information publicly, where it can be leveraged by fraudsters to contravene trust and safety efforts.

### **Closing**

Thank you for the opportunity to comment on the CMA's Draft Guidance. While we agree with the spirit of the Draft Guidance, it is our hope that some of our proposed enhancements can be incorporated to improve industry alignment and provide platforms publishing review content with protections against review fraud. We are happy to answer any questions you may have about this submission, and look forward to working with you to support a vibrant, healthy and pro-consumer ecosystem.