

**DECISION 2013 – 12 – 31**  
**TRAVEL AGENCY COMMISSIONER – AREA 3**

Jo Foged  
685 Remuera Road,  
Remuera, Auckland 1050,  
New Zealand

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**Applicant:**

Etihad Aviation Travel and Tours  
Office No. UG-193  
Deans Trade Centre  
Peshawar Cantt  
Pakistan.  
Represented by Mr. Sami Ullah, Managing Partner.

**Respondent:**

Agency Administrator, Geneva  
International Air Transport Association, IATA,  
Represented by Mrs Hwa Ooi Tham, Manager, Agency Management Asia/Pacific  
IATA, Singapore.

**The Case and Decision:**

In brief, the Applicant was disapproved on its application for IATA accreditation based on the criterion published in sub paragraph 2.1.6 of Resolution 818g which reads as follows:-

" The Agency and/or place of business shall not be identified, or represent itself, as an office of an airline or group of airlines, nor have a name the same as that of a Member of IATA, or of IATA."

On questioning IATA SIN on the specific grounds for the disapproval the writer was told that "Etihad Aviation Travel and Tours" was the same as IATA Member Airline "Etihad Airways".

This outcome followed a series of events, according to the Applicant and not challenged by IATA, where they had applied for accreditation in April 2013, had received an agreement in September 2013 acknowledging accurate information, had had its office premises inspected in October 2013, had provided the requested financial guarantee on 18 November 2013 and had received the disapproval letter on 22 November 2013. The Applicant has been in business "for many years "and "are aware of their responsibilities and do not intend to involve in any kind of deceptive market practices." The Applicant went on to list a number of IATA Accredited Agents whose names were similar to that of IATA Member Airlines e.g. Gulf International, United Travel and Tour, Pakistan Express and Saudi Arabian Travel.

The Applicant contacted the writer on 14 December 2013 thus meeting the within 30 days application for review condition detailed in sub paragraph 1.2.2.1 of Resolution 820e and both Parties have agreed to waive their rights to an oral hearing and have allowed the writer to reach a decision based on the written information submitted as provided for in sub paragraph 2.3 of the same Resolution.

In considering this matter the following factors have influenced the writer's decision:-

1. The word "etihad" is a generic term and means "allied" or "united" in Arabic.
2. The Applicant's branding is different from that used by the IATA Member Airline.
3. The word "same" in the Pocket Oxford Dictionary is defined as "identical, not different".

The Applicant's name is not identical to the IATA Member Airline's name, the branding is different and the key word used is generic and not specific. While the use of the word "aviation" in the Applicant's name could be considered inappropriate and more related to an airline rather than a travel agent it is not a word that disqualifies the Applicant under the subject criterion used by IATA.

If sub paragraph 2.1.6 detailed above had included the word "similar" rather than the word "same" then my decision would have been different.

Based on the foregoing it is hereby decided as follows:-

1. The Applicant cannot be disapproved by the use of sub paragraph 2.1.6 of Resolution 818g.
2. On the assumption, to be verified by IATA SIN, that the Applicant has met all the other criteria for accreditation then the Applicant's application is to be approved without delay.

Decided this last day of 2013 in Auckland

**Jorgen Foged**  
**Travel Agency Commissioner Area 3**

**Notes:**

1. As per Resolution 820e, Section 4, any Party has the right, if it considers itself aggrieved by this Decision, to seek review by Arbitration in accordance with the provisions of Resolution 824, Section 14.

2. The Parties are advised that effective from 1 June 2012, according to Subparagraph 2.10 of Resolution 820e, any of them may request an interpretation of this Decision, or for a correction of any error in computation, any clerical or typographical error, or any omission in this Decision. Such request must be made within 15 days of receipt of the electronic version of this Decision.