



Franchise

DLA Piper's Franchise practice is a national and international leader in franchise law, having helped to shape the field from its inception. Many of the world's largest and most innovative restaurant chains, hotels, retailers, and service providers rely on us to help them successfully establish franchise or related distribution systems and navigate their expansion into new markets around the globe.

Our global Franchise practice is ranked tier one globally by all major legal directories. With lawyers located in all of the world's key jurisdictions, we are the leading law firm for businesses seeking counsel on franchising matters. For companies that are expanding nationally and for multinationals that are expanding their businesses across the globe, we are the go-to firm, having represented clients in franchise transactions in more than 100 countries. We have considerable experience in assisting established and emerging companies in a wide range of industries, from retail and fashion, food and beverage, and hospitality and leisure to high-technology, consumer, and professional services of all descriptions.

We serve as General Counsel to the International Franchise Association, the major trade association for the franchise industry. Additionally we are affiliate members of other national franchise associations in key global markets, including the British Franchise Association and its affiliation to the European Franchise Federation as well as the Germany Association for Distribution law. We also are closely affiliated with organizations in Australia, China, and Russia. We represent clients across the entire spectrum of businesses that have adopted franchising as a means of distribution and cover a broad scope of size and experience, from entrepreneurs and startup companies that are establishing new programs to the largest franchisors, manufacturers and distributors. Our clients manage franchise networks that range from dozens to thousands of outlets as well as trading globally through online and mobile media channels. While the majority of our clients are franchisors, we also represent multiple-outlet franchisees, area developers, and master franchisees. We also handle franchising joint ventures and a wide variety of franchise-related corporate, real estate, technology, data privacy, finance, environmental, tax, and other matters.

CAPABILITES

- Structuring and documenting franchise programs
- Advising companies on structuring alternative distribution relationships that avoid regulation

KEY CONTACTS

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- Antitrust and Competition
- Commercial Contracts
- Employment
- Finance
- Intellectual Property and Technology
- International Arbitration
- International Tax Counsel
- International Trade
- International Trade, Regulatory and Government Affairs
- Mergers and Acquisitions
- Real Estate
- Technology Transactions and Strategic Sourcing

- Hospitality and Leisure
- Industrials
- Life Sciences
- Consumer Goods, Food and Retail
- Technology

under franchise laws

- Preparing disclosure documents, counseling on applicable registration requirements and compliance with disclosure regulation
- Restructuring existing franchise relationships
- Franchise and dealership terminations and transfers and counseling on compliance with relationship regulation
- Representing franchise and distribution companies in litigation, arbitration, mediation and other alternative dispute resolution techniques
- Structuring advertising funds and developing advertising programs and materials
- Developing supply programs for franchisees
- Expansion into new markets through master franchising, area development relationships, joint ventures and other structures

EXPERIENCE

- Act as franchise counsel to one of the world's leading oil and gas companies on matters relating to its domestic and international mini market chains, and handled the sale of a refinery and related distribution and retail assets in a \$2.5 billion transaction
- Representing a major hotel franchisor in connection with its international franchise operations in nearly 50 countries. This multi-jurisdictional project involved DLA Piper's franchise lawyers advising on local contractual and regulatory issues in each jurisdiction
- Continuing representation in all international franchise matters for global icon fashion retailer which, like some other US brands, does not franchise in the US but is exploring the franchising technique to expand rapidly outside the US
- Served as franchise counsel to a private equity firm in its acquisition of a portfolio of leading food service brands, including some of the leading consumer brands. Provided ongoing counsel for domestic franchise activities and international franchise expansion

AKTUELLES

Publikationen

Food and Beverage News and Trends

13 January 2022

FOOD AND BEVERAGE NEWS AND TRENDS

Disclosure rule on bioengineered food is now in effect; Senate conducts confirmation hearing for top FDA nominee; new plant-based food packaging fights bacteria.

New California law adds significant restrictions for recycling claims on products and packaging: action steps

6 January 2022

The law affects any product or packaging that fails to meet a California regulator's strict recyclability criteria. Compliance is crucial.

Mark it: 4 big trademark, copyright and advertising trends we are watching for 2022

4 January 2022

The significance of these trends will only grow in the coming months.

Compliance tips for marketing health benefits in alcohol

19 October 2021

As companies craft their marketing strategies around these alcohol products, they may wish to consider the impact of product classification on their claims.

Trial court rejects claim that 7-Eleven misclassified franchisees as independent contractors

21 September 2021

FRANCAST

Findings may help guide other franchisors attempting to rebut future misclassification claims by their franchisees.

New York eviction and foreclosure moratoria update

7 May 2021

The extension further extends the moratorium on foreclosures and evictions against qualifying New York commercial tenants and borrowers.

Preliminary injunction granted in Cal Chamber lawsuit concerning acrylamide Prop 65 warning

1 April 2021

California's Eastern District federal court found that Prop 65's acrylamide warning requirement was likely unconstitutional and preliminarily enjoined new lawsuits alleging failure to warn for acrylamide exposure in food and beverages.

Employee and independent contractor classification: Still the top legal issue in franchising

30 March 2021

Franchising rests on a basic premise that franchisees are independent contractors and not employees.

California Prop 65: OEHHA proposes changing popular short-form warning

3 February 2021

Businesses selling products in California that utilize short-form Proposition 65 warnings may have to be re-label yet again or risk enforcement actions.

Understanding the OECD's guidance on the transfer pricing implications of the COVID-19 pandemic

5 January 2021

A practical look at the new OECD guidance.

Franchisor consolidations after COVID-19

22 December 2020

Consolidations will continue in an opportunistic way, but will be moderated by a recognition that consolidation can be risky.

Puerto Rico: Legal and practical aspects of international arbitration

26 October 2020

Parties benefit from this legal framework to solve their disputes when conducting business in Puerto Rico.

Expanded NYC Earned Safe and Sick Leave Law imposes additional obligations on employers

8 October 2020

New York City's amended Earned Safe and Sick Leave mirrors new, more generous statewide requirements.

Amendments to Ontario franchise law take effect

17 September 2020

[FRANCAST](#)

These are welcome changes which help align Ontario's legislation with other jurisdictions and with the expectations of franchisors.

Department of Labor Opinion Letter spells death knell for driver reimbursement claims under the FLSA

9 September 2020

The Opinion Letter provides substantial latitude to employers when reimbursing employees who use their personal vehicles in connection with their jobs.

SBA creates administrative process for appealing PPP loan decisions

2 September 2020

Under the process, a borrower may challenge written decisions by the SBA regarding ineligibility and loan forgiveness.

Valuing franchise companies for the purpose of sale in times of uncertainty: Use of earn-out provisions

29 July 2020

[FRANCAST](#)

To consummate a sale of a company in the COVID-19 era requires creative thinking, and one approach worth considering in this context is the earn-out.

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.

Lockdown in Puerto Rico modified to allow greater commercial activity

28 May 2020

Puerto Rico's lockdown order is extended, but a number of additional businesses are being allowed resume operations, with certain limitations.

Covid-19: Advertising guidance for brands (UK)

30 April 2020

The outbreak of COVID-19 is an unprecedented and rapidly-evolving challenge to businesses in all sectors. In the context of advertising, marketing and social media communications, the overwhelming regulatory focus has been on preventing the exploitation of consumers and on limiting the spread of misinformation.

Strengthening franchise systems post COVID-19: Strategic acquisitions

23 April 2020

[FRANCAST](#)

For franchise companies looking for strategic opportunities, a discussion of transaction structures.

Puerto Rico's Emergency Paid Sick Leave Act is in force

16 April 2020

The Act will also apply in case of future epidemics in which the Puerto Rican government declares a state of emergency.

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.

FDA COVID-19 updates for the food and beverage industry

13 April 2020

[FOOD AND BEVERAGE NEWS AND TRENDS](#)

FDA issues guidance to serve as a food safety resource during the COVID-19 pandemic, plus other late-breaking developments in the food and beverage sector.

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.

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.

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.

COVID-19: Key Questions Franchisors Are Asking

6 April 2020

[FRANCAST](#)

Succinct responses for franchise systems.

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.

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.

Coronavirus: DHS Response to COVID-19 - What US Employers Need to Know

29 March 2020

Key questions and answers related to the new DHS guidance.

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.

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.

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.

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.

Coronavirus: New York State enacts emergency paid sick leave law, effective immediately (United States)

20 March 2020

To be eligible for the benefits available under the Act, an employee must be subject to a mandatory or precautionary order of quarantine or isolation.

COVID-19 and food – FDA position (United States)

19 March 2020

For help considering potential impacts of FDA touchpoints.

Coronavirus: Federal government stimulus response – Massive stimulus package may move through US Congress at “warp speed”

19 March 2020

The economic stimulus package taking shape may be the biggest one ever.

US employee benefits and the coronavirus

17 March 2020

Some of the many benefit plan issues that employers are facing.

Coronavirus: Congress expected to pass expanded paid leave (United States)

16 March 2020

The paid leave requirements in the current version of the Families First Coronavirus Response Act.

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.

Game changer – DOL and NLRB issue final rules interpreting joint employer status

5 March 2020

The new rules narrow the circumstances under which businesses may be considered joint employers under the FLSA and NLRA.

California issues CCPA proposed modified regulations 2.0

12 February 2020

Version 2.0 adds clarity to the proposed California Consumer Privacy Act regulations.

New obligations targeting human trafficking for employers in California – and across the US

11 February 2020

Employers across the United States should consider these new obligations and carefully determine what actions they may be required to take in the workplace.

Brazil's new Franchising Law allows parties to settle their disputes by arbitration

27 January 2020

The new framework aims to allow the expansion of franchising in Brazil through more legal certainty, transparency and simplification.

Law à la Mode: Beauty Trends: 5 Key Beauty M&A deals; Street art and fashion; Word from the industry's mouth; The rise in innovative retail services; and more

20 MAY 2019

LAW À LA MODE

The Moroccan editorial team is delighted to bring you the 28th edition of Law à la Mode, the legal magazine produced by DLA Piper's Consumer Goods & Retail Sector Group for clients and contacts of the firm worldwide.

California's Prop 65 regulator moves to counteract court ruling, exclude Prop 65 cancer warnings for coffee

21 JUN 2018

If the regulation is adopted, coffee will not require a cancer warning label after all.

California Supreme Court adopts broad "ABC" test for determining employment relationship

11 MAY 2018
[FRANCAST](#)

Franchisors are taking note of this long-awaited decision.

Top franchise cases of 2016

30 MAR 2017
Joint employer and employee misclassification claims remained hot in franchising throughout 2016.

Seminare und Veranstaltungen

Vergangene

IFA Franchise Law Virtual Summit

13 August 2020
Webseminare

COVID-19 – legal considerations for restarting a franchise system

4 May 2020 | 2:00 - 3:00 ET
Webinar

2020 IFA Annual Conference

9 February 2020
Orlando

NEWS

DLA Piper lawyers and practices ranked in latest Chambers edition

1 June 2021
DLA Piper today announced that the firm received 216 lawyer rankings and 94 firm rankings in *Chambers USA's* 2021 guide.

DLA Piper named Real Estate Firm of the Year and Franchise Firm of the Year by *Who's Who Legal* for 16th consecutive year

11 November 2020

DLA Piper is pleased to announce that *Who's Who Legal* has named the firm its Real Estate Firm of the Year and Franchise Firm of the Year, both for the 16th consecutive year.

DLA Piper lawyers and practices ranked in latest Chambers edition

8 May 2020

DLA Piper today announced that the firm received 172 lawyer rankings and 71 practice rankings in *Chambers USA's* 2020 guide.
