



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.

CAPABILITIES

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

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

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

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

INSIGHTS

Publications

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.

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.

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.

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

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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

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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.

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.

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.

Different countries, different circumstances . . . but both require attention

8 January 2020

[FRANCAST](#)

Franchisors seeking to expand into Saudi Arabia will face significant regulatory hurdles, and those eyeing Indonesia will generally find a more relaxed regulatory regime.

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.

Events

Previous

COVID-19 – legal considerations for restarting a franchise system

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

Webinar

In New Zealand

DLA Piper New Zealand has been at the forefront of growth in key, franchised businesses in New Zealand.

We work with both franchisee and franchisors and act for clients across a range of industry sectors.

For all proposed franchise structures, we offer the full range of legal advice – from document drafting to dispute resolution.

Internationally, we can assist franchising clients in over 30 countries. DLA Piper is renowned for its expertise in franchising and has been named as the number one in the world in franchise law by the International Who's Who Legal 70.

CAPABILITIES

- Business structuring and franchise type

- Design and implementation of the appropriate franchise system; agreements and documentation
- Protection of assets in the franchise structure
- Property leasing arrangements, insurance issues
- Methodologies for system expansion
- Dispute resolution, litigation
- Orderly franchise terminations
- Master franchise purchases
- Franchise expansion arrangements

EXPERIENCE

Foodstuffs

DLA Piper New Zealand has advised the client on an extensive range of issues and aspects of its business throughout our relationship of over two decades. Foodstuffs, New Zealand's largest supermarketing organisation has a structure which includes a type of franchise, where owner operators work through a cooperative organisation.

Motor Trade Finance Group

DLA Piper New Zealand provided advice to this group on its dealer agreements and franchising.