



## 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.

### KEY CONTACTS

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- Antitrust and Competition
- Commercial Contracts
- Employment
- Finance
- Intellectual Property and Technology
- International Arbitration
- International Tax Counsel
- 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

## CAPABILITES

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- 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

## EXPERIENCE

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- 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

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### Publications

#### Food and Beverage News and Trends

20 May 2022

#### [FOOD AND BEVERAGE NEWS AND TRENDS](#)

FDA warns about consumption of copycat products that contain THC; Canada tackles food fraud; Kansas enacts meat analog labeling law.

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#### FTC seeks public comments on proposal to expand the regulation of earning claims, including financial performance representations regulated by the Franchise Rule

11 April 2022

#### [FRANCAST](#)

The new rule could potentially impose new requirements on franchisors regarding financial performance representations in addition to those requirements that are already set forth in the Franchise Rule.

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#### California Attorney General issues non-compliance notices regarding loyalty program requirements under the CCPA

7 February 2022

The launch of the investigative sweep of businesses offering loyalty programs builds on recent enforcement efforts and signals the AG's latest CCPA enforcement priority.

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### **Yet more changes in 2022 to California's laws regulating automatic renewals: do your current practices meet the new standard?**

7 February 2022

Important signals of California's intent to remain the country's leader in this space and a reminder for companies doing business in one of the world's largest economies to check whether their current practices meet the new standard.

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### **Food and Beverage News and Trends**

3 February 2022

#### **FOOD AND BEVERAGE NEWS AND TRENDS**

California court postpones effective date of Proposition 12 for pork sales; FDA plans new rule for blockchain-based food tracking; 2022's food trends.

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### **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.

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### **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.

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### **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.

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### **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.

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## **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.

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## **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.

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## **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.

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## **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.

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## **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.

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## **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.

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## **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.

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## **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.

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### **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.

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### **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.

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### **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.

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### **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.

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### **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.

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### **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.

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### **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.

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

11 MAY 2018  
[FRANCAST](#)

Franchisors are taking note of this long-awaited decision.

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## Top franchise cases of 2016

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

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## Events

### Previous

#### IFA Franchise Law Virtual Summit

13 August 2020  
Webinar

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## NEWS

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#### 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.

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#### 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.

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