

Franchising

Specializing in Franchise Issues

Franchising is an important and fast-growing segment of the economy. It involves a broad range of business and legal issues requiring careful planning and structuring to ensure adequate controls and protection. We assist franchisors and their in-house legal counsel on the wide variety of legal and business issues related to establishing and maintaining franchise systems throughout Canada and, in particular, Quebec. The attorneys who are part of the Franchising Sector Team are specialists in Canadian franchising issues and the laws and regulations related to operating a franchise system. We are able to counsel clients regarding Quebec's French language laws and the province's uniqueness as a civil law jurisdiction, unlike the rest of Canada and the United States which are common law jurisdictions.

Our Clientele

Our clients are franchisors who are involved in the restaurant and automotive service industries, the consumer and business sectors, and retail and e-commerce enterprises. They are primarily, but not exclusively, Canadian and U.S. franchisors that require advice not only about the typical issues related to acquiring or establishing franchise systems in Canada, or jurisdictional requirements related to disclosure in Ontario and Alberta, but also about what is essential to operating a franchise in the Quebec business culture.

A Total Package

We are experienced and familiar with current developments in Canadian franchising. We have the breadth and depth of talent to cover all of a client's legal needs, including real estate issues, franchising agreements, leasing and licensing, intellectual property, acquisitions and reorganizations, competition law, litigation, labour law and taxation.

- We offer advice on trademark issues, such as protection and registration, as well as inserting trademark controls in franchise agreements and monitoring the use of trademarks in marketing materials and advertising.
- We provide tax guidance relating to retail sales tax, goods and services tax and income tax.
- We offer advice on labour issues, including wrongful dismissal, union certification and collective bargaining and unfair labour practice complaints.
- We draft and negotiate acquisition agreements related to the purchase of existing franchise claims and real estate.



Dedicated to Excellence

- Specialists in franchising issues
- Knowledgeable about Quebec's language laws and civil law jurisdiction
- Know-how, confidence and experience that gets the job done
- A pragmatic business-oriented approach
- Providing value-added services
- A vast network of business contacts familiar with franchising issues
- Introduction to local providers of services required by franchisors
- Active participation in the Canadian Franchise Association (both National and Quebec Division), the International Franchise Association and the American Bar Association Franchise Forum

Our Expertise extends to:

- Drafting and negotiating franchise agreements
- Franchising disclosure documents, territorial agreements and area franchise agreements
- Quebec's language laws
- Real estate, including property acquisition, negotiation and preparation of retail leases
- Negotiation and preparation of distribution and license agreements
- Trademark and copyright registration and licensing
- Litigation
- Mergers and acquisitions and joint venture agreements

Value-Added Services

We do not limit our services solely to legal issues. Providing value-added services to clients is of paramount importance to us. Our attorneys also possess the business acumen and know-how to assist clients beyond the legal issues. Through a vast network of business contacts, we provide access to the expertise that is vital to the success of franchising enterprises.

Routinely, we handle a wide variety of other business-related matters such as referrals to experts in finding locations and setting up the required registrations with various tax authorities. When our clients are ready to open their doors, they not only know about the laws related to franchising, they are confident they will be kept abreast of all the relevant day-to-day business, language and consumer issues.

Our Approach

Our approach to providing legal services is to focus on individual needs and issues. We take the time to learn and understand a client's business. By doing so, we are able to be responsive to all that is relevant. We not only advise clients of developments in the law, we provide creative solutions to problems specifically related to their business. We are mindful of the fact that franchising is a business and make a long-term commitment to our clients to help them create the partnerships they need to grow and succeed.

Staying One Step Ahead: Other Sector Teams address the highly specialized needs of the corporate finance and securities, venture capital, life sciences, licensing and technology, energy and real estate sectors.

