

Life as a Franchise Clerk

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Franchise Law

Franchise Transactions

Private Practice vs In-House

Achievement

INTRO

Pros/Cons

TIMELINE

Q & A



FRANCHISE LAW

Franchise Law

- Provincially regulated in six provinces: Ontario, Prince Edward Island, New Brunswick, Manitoba, Alberta, British Columbia
- Self regulated sector
- Reliance on the provincial court system to enforce and develop the law

Franchise Law

- What is a franchise?
- What does franchise law protect?
- Pre-sale disclosure (s5 AWA)
- Duty of good faith and fair dealing (s3 AWA)
- Right to associate (s4 AWA)
- Right to rescind (s6 AWA)

Franchise Law

Franchise Disclosure Document (s5(4))

- a) All material facts;
- b) Financial Statements:
- c) Copies of all proposed franchise agreements and other agreements
- d) Prescribed statements and certificates;
- e) Other information as prescribed



FRANCHISE TRANSACTIONS

Franchise Agreements

- Grant of the licence (IP and system)
- Exclusivity vs rights reserved
- Term
- Premises
- Fees and reporting (banking and audit)
- Training
- Obligations (authorized staff, full time, joint employer protection, cybersecurity, Manual)

Franchise Agreements

- Advertising (promotions and programs)
- Manual and system changes
- Restrictive covenants
- Transfers
- Intellectual property
- Default (specific remedies) and termination



**PRIVATE
PRACTICE**

IN-HOUSE

What to expect in private practice

- Franchisee
 - Meetings (franchise business model, incorporations)
 - Critical review memorandum
 - All franchise documents (ancillary, purchase)
 - Ongoing requirements (manual, changes, notices)
 - Franchisee associations / Franchisor advisory councils
 - Defaults and disputes
 - Rescission claims
 - Court actions

What to expect in private practice

- Franchisor
 - Meetings (strategy, structure, IP, incorporations)
 - Drafting franchise documentation (ancillary, purchase)
 - Communication to finalize documentation
 - Ongoing requirements (disclosure, manual, notices, renewal, PPSA registrations, updates in law)
 - Disputes and defaults
 - Franchisee associations / Franchisor advisory councils
 - Review rescission claims
 - Court actions

What to expect in-house

- Meetings and strategy
- Minute books and incorporations
- Review application materials (initial contact with candidates)
- Prepare initial drafts of franchise documents (ancillary)
- Manage outside counsel and service providers
- Record keeping (minute books, charts, PPSA registrations)
- Manual, monitoring (fees), notices, renewal
- Manage franchisee interactions
- Franchisee associations / Franchisor advisory councils
- Disputes and defaults

International expansion



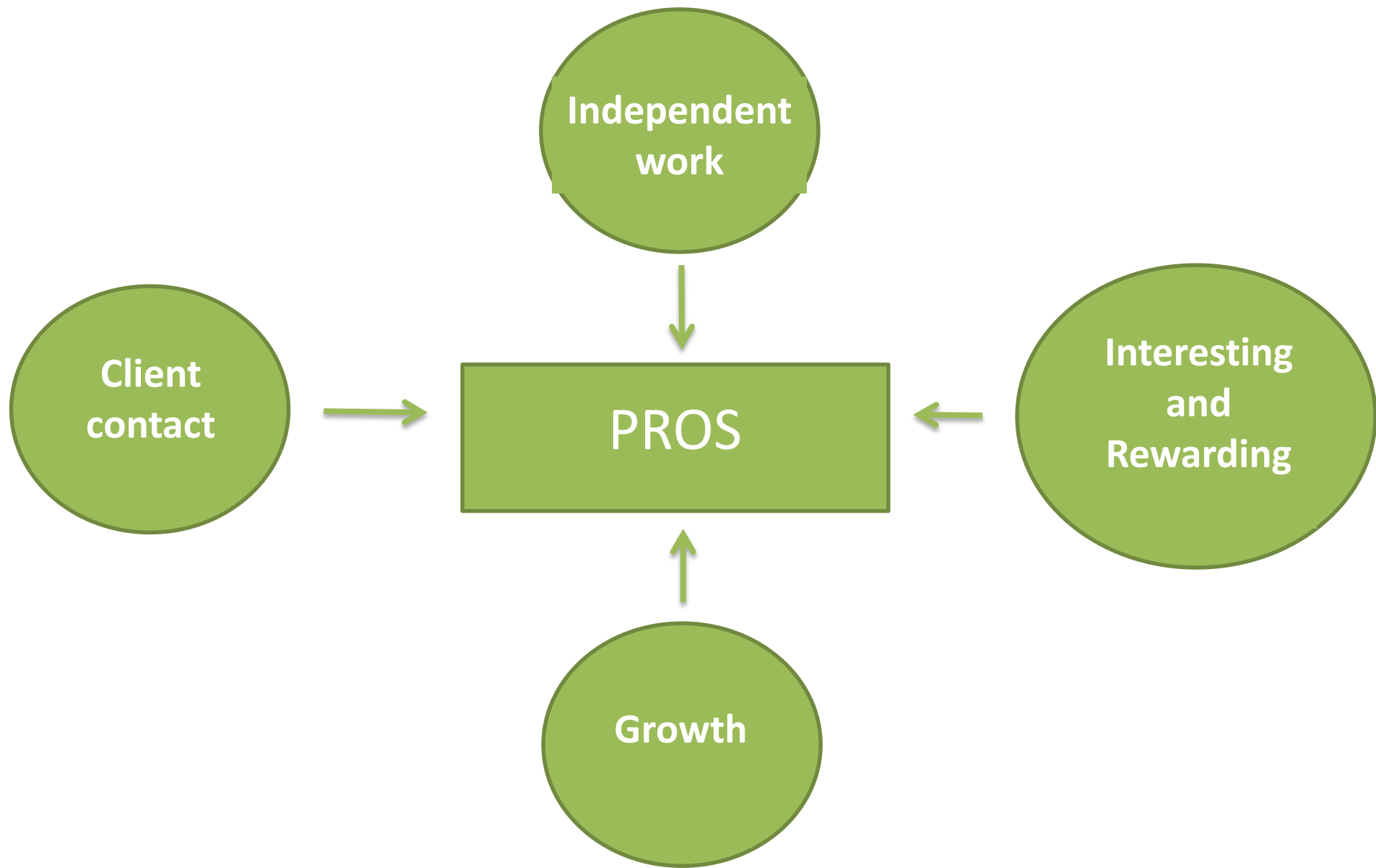


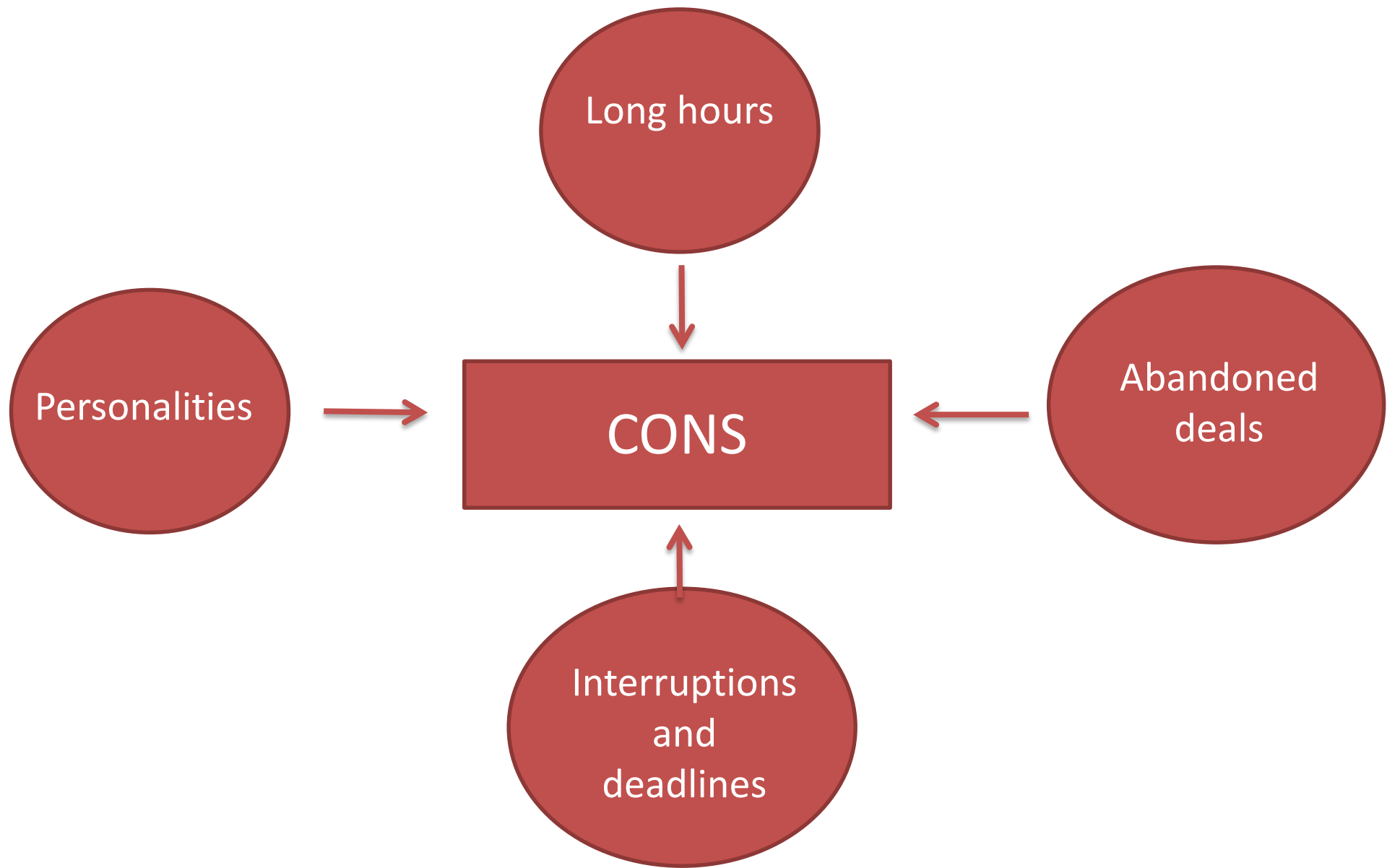
ACHIEVEMENTS

- **Business growth**
- **Drafting skills**
- **Transaction experience**
- **Corporate knowledge**
- **Resolving issues**
- **Building client relationships**

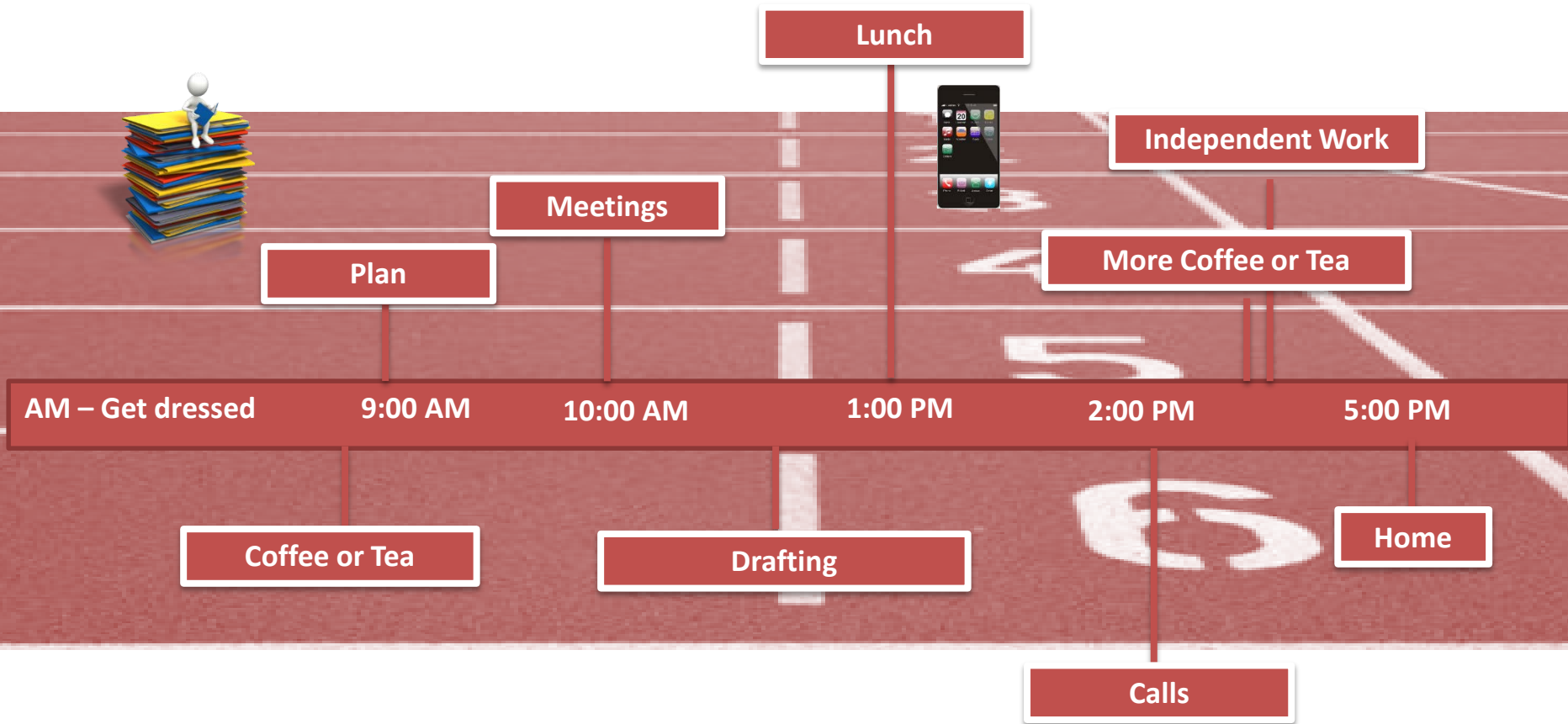
PROS / CONS







Franchise Clerk Work Day



A modern office lounge with a large blue circle containing the text 'Q + A'. The lounge features a brown sofa, a white coffee table with magazines, and a black armchair. In the background, there is a glass-walled conference room with a wooden wall and a view of a city skyline. The floor is made of light-colored wood tiles.

Q + A