



FRANCHISING

The Franchise Practice Group at Kaufman & Canoles has a history of success in representing both franchisors and franchisees. Our attorneys have served as counsel for large and small franchisors, as well as multi-unit and single unit franchisees. Come to us for legal advice including: becoming a franchisor, operating your franchise system, evaluating a franchise, setting up the best legal entity for your franchise, negotiating a fair lease, or contract and employment issues. We can also help you with complex issues such as franchise disputes or protection of your intellectual property.

WHO WE ARE

The Franchise Practice Group at Kaufman & Canoles has demonstrated depth and experience in franchising in the United States and internationally. Our Franchise Practice Group attorneys are well-versed in the federal and state laws relevant to franchised businesses. Our involvement in the business communities ensures that we stay in touch with the needs of area businesses, and years of experience in franchise matters guarantees that we are particularly familiar with the special needs of franchise clients. Our members have been recognized in Best Lawyers in America (Franchise Law), Virginia Super Lawyers (Franchise and Distribution Law) and Chambers USA, and have been active in the International Franchise Association's Legal/Legislative Committee. Furthermore, one attorney on our Franchise Practice Group has been granted the prestigious Certified Franchise Executive (CFE) designation from the International Franchise Association.

WHAT WE DO

Whether you're new to franchising, or in an established franchise relationship, our attorneys can provide you with the sound advice you need; from getting your new business started and operating your franchise system, to dispute resolution and litigation. We regularly help our clients navigate various issues that arise in connection with starting, managing and operating their franchises and franchise system.

You face many challenges in establishing your franchised business and in keeping your franchise running smoothly. We can provide you with legal advice on any aspect of your franchise operation. We work to find practical and efficient solutions to meet your business needs.

OUR TRACK RECORD

The Franchise Practice Group has a history of success in representing both franchisors and franchisees. Our attorneys have served as counsel for large and small franchisors as well as multi-unit and single unit franchisees in the United States and internationally.

The Franchise Practice Group can assist you:

With Franchise Consulting

- Advice and counseling on the operation of a franchise business including development and enforcement of system standards and franchise compliance training and counseling.

With Franchise Documentation

- Preparing and registering Franchise Disclosure Documents ('FDDs'), franchise and development agreements
- Reviewing and negotiating FDDs, franchise and development agreements
- Reviewing and negotiating personal guarantees
- Assisting with franchise registration and renewals

With Referrals to other Professionals Knowledgeable about Franchising

- CPAs
- Banks, asset lenders, venture capital companies
- Real estate leasing agents
- Franchise consultants
- Operations manual writers
- Lead generation & franchise sales professionals

With Formation of a Business Entity and Business Licensure

- Business entity selection, limited liability companies, corporations, partnerships, joint ventures
- Tax planning
- Employee benefits
- Business licenses
- Alcoholic Beverage Control licenses
- Specialized professional licenses

With Litigation and Dispute Resolution

- Advice and assistance in termination of franchise relationships
- Litigation over failed franchise relationships
- Disputes over payment of royalties or liquidated damages
- Bankruptcy advice and counseling

With Business Contracts

- Asset and equipment leases
- Service contracts
- Employment contracts

With Leasing or Property Acquisition

- Negotiating real estate purchase contracts and leases
- Obtaining land use permits, variances, and conditional use permits

With Protecting Intellectual Property

- Copyrights
- Trade secrets
- Enforcement of covenants not to compete

REPRESENTATIVE MATTERS

- Provide general franchise advice and consultation to franchisors
- Represent franchisors as general counsel in drafting franchise disclosure documents, franchise and related agreements, franchise registration issues, and on trademark matters
- Represented franchisees in cases involving franchisor's breach of franchise agreement
- Regularly represent hotel franchisees in negotiations and litigation with franchisors over liquidated damages provisions
- Regularly represent franchisees in purchasing and selling single unit and multiple unit franchises
- Regularly represent franchisees (area developers and single unit) in evaluating franchise offerings and related work (setting up a legal entity, negotiation of leases) for start-up franchisees