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Table of Contents

Part 1: INTRODUCTION

- Chapter 1: What is Franchising?
- Chapter 2: A Brief History of Franchising
- Chapter 3: Introduction to the Law in Canada
- Chapter 4: Identifying the Parties and Understanding the Business

Part 2: THE LAW

- Chapter 5: Franchise Law in Alberta
- Chapter 6: Franchise Law in Ontario
- Chapter 7: Franchise Law in Prince Edward Island
- Chapter 8: Franchising in Other Canadian Jurisdictions
- Chapter 9: Franchise Law in the United States
- Chapter 10: The Disclosure Requirement

Part 3: THE DOCUMENTS

- Chapter 11: Annotated Franchise Agreement
- Chapter 12: Annotated Disclosure Document

Part 4: IS THIS FAIR?

- Chapter 13: The Courts and the Franchise Relationship
- Chapter 14: Franchise Disputes, Litigation and Class Actions
- Chapter 15: ADR and Franchising

Part 5: OTHER LEGAL CONSIDERATIONS

- Chapter 16: How Should I Own My Business?

RESOURCES

Butterworths

Canadian Franchise Law Handbook

Daniel F. So, LL.B.

Avoid Franchise Pitfalls

In theory, franchising can be a win-win business method. For a franchisee, investing in a franchise means buying a proven business system. This in turn translates into less start up time, lower capital requirements with respect to operations, product development and promotion of brand awareness — and an increased chance of success compared to those people who go into business as independents. For a franchisor, franchising a business means revenue growth with limited capital investment.

In practice however, franchising can only be a mutually profitable arrangement if both parties satisfy their obligations — especially those they are required by law to meet.

Introducing Butterworths *Canadian Franchise Law Handbook*. This publication explains the rights and obligations of franchisees and franchisors pursuant to the three governing statutory regimes in Canada, (namely those in place in Alberta, Ontario and in short measure, Prince Edward Island) and canvasses franchise regulation in the rest of Canada and the U.S. Whether you represent franchisees or franchisors or wish to purchase a franchise, this book will help you identify and resolve issues before they become problems and increase the likelihood that both sides will prosper.

Features and Benefits

For Franchisees:

- Basics — determine if your business, or prospective business, is actually a franchise
- Research — learn where to find important background information on franchisors
- Critical documents — decipher the meaning of extremely complex clauses
- Negotiation — discover which contract terms are negotiable, and which aren't
- Termination — know when, and how you can cancel your contract

For Franchisors:

- Presale disclosure — know what to disclose, when to disclose, and how to disclose
- Franchisee relationships — build lasting, profitable relationships with franchisees
- Non-compliance — deal effectively with defaulting franchisees
- Fair-dealing requirements — meet your legal responsibilities
- Dispute resolution — avoid litigation with other problem-solving methods

Special Features

Precedents:

- Sample Franchise Agreement plus clause-by-clause annotation
- Sample Disclosure Document plus clause-by-clause annotation

Full text of key legislation:

- *Alberta Franchises Act*
- *Ontario Arthur Wishart (Franchise Disclosure) Act*
- *Prince Edward Island Franchises Act*

Easy-to-use flowcharts:

- Are you buying a franchise?
- Does franchise law apply to your business?

Who Should Buy

- **General Law Practitioners** who need to know issues arising in franchise law, disclosure requirements for franchisors, and how to avoid liability as legal advisors.
- **Current and Prospective Franchisees** who need to understand what each side can and cannot do in a franchise relationship.
- **Directors of Franchise Sales/Expansion** who must be alert to their disclosure and good faith responsibilities in ongoing relationships with franchisees.
- **Franchise In-house Counsel** who need to know the support and disclosure obligations of franchisors towards their franchisees and prospective franchisees.
- **Franchise Brokers and Consultants** who must be aware of liability as franchisor's affiliates when matching franchisees with franchisors.

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About the Author

Daniel Felix So, LL.B., is an Associate Lawyer with McKenzie Lake LLP in London, Ontario. He specializes in franchise and intellectual property law, representing franchisors, franchisees, and franchisee associations. Daniel is an adjunct professor in the Faculty of Law at the University of Western Ontario, and is the official legal advisor and featured speaker at the National Franchise and Business Opportunities Show. He has also written numerous articles on franchise law for various publications.

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