

Franchise & Distribution

The Franchise and Distribution practice brings together attorneys with significant experience in franchising, distribution law, intellectual property, general corporate law and litigation. We understand the complex array of regulatory and rights-related issues facing franchisors, franchisees, manufacturers, suppliers and distributors.

In addition to offering comprehensive business and transactional advice to clients, our skilled team of litigators have helped clients through some of the most significant and high-stakes dealer and franchise cases throughout the country.

CAPABILITIES

Our attorneys are seasoned in representing franchisors, franchisees, franchisee associations and distributors in many areas of the law, including:

- Assessment of franchise concepts
- Compliance with federal and state franchise laws
- Expansion and divestiture of franchise and distribution businesses
- Intellectual property use, licensing, registration and protection
- Preparation and negotiation of franchise, dealer, distributor and supplier agreements
- Dispute resolution and litigation
- Acquisition and financing of franchise and distribution businesses
- Establishing and managing franchise, dealer and distribution systems and networks
- Advice regarding application of franchise, distributor, business opportunity and sales representative laws
- Warranty disputes with manufacturers
- Termination and renewal of franchises, distributors and dealers, and wrongful termination claims

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EXPERIENCE

- Representing businesses in a variety of industries -- including convenience stores, food services provider, public insurance adjuster, walk-in medical clinics, home remodeling, and medical services provider -- in the establishment of a franchise system and preparation of franchise offering (and related documents and ongoing representation) with respect to compliance, termination, renewal matters and intellectual property.
- Updating franchise offering documents and agreements for national franchisors, and assisting with obtaining state franchise registrations and exemptions.
- Representing a nationwide distributor of beauty supply products in the management and operation of its distributorship network, establishment of a franchise system and dual distribution business model.
- Represented a Harley-Davidson franchisee in a suit seeking to stop Harley from enacting new policies that, if adopted, would have prevented our client from selling Harley-related merchandise online through third-party websites and to international customers.
- Advising manufacturers and suppliers in the personal health care product and audio equipment businesses on the application of franchise relationship laws.
- Represented Burger King Corporation in a federal court trial that included a multimillion-dollar claim that Burger King and Wendy's conspired to violate antitrust laws in connection with a franchisee's attempt to sell its restaurants.
- Representing the developer of smart cards that store personal health information (PHI) in establishing a distribution system.
- Represented numerous hair care franchisees in various disputes with franchisor.
- Represented manufacturers of motorcycles and marine watercraft in the establishment and operation of dealership systems.
- Advising multiple auto dealerships in the operation of their businesses and relationships with manufacturers.
- Represented multiple automobile dealerships in arbitration proceedings for reinstatement after their dealership agreements had been terminated by major car manufacturers under bankruptcy provisions.

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RELATED CAPABILITIES

Auto & Truck Dealership

Business Litigation

Intellectual Property & Technology

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Private Business

NEWS

Chavez, Barnard Examine Social Media's Legal Risk for Companies, Third Parties in *Bloomberg Law*
08.04.2023

Kaplan Recognized by *St. Louis Small Business Monthly* on 2023 "Best M&A Providers" List
03.01.2023

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