

Franchise Registration & Compliance

Compliance with franchise sales laws and business opportunity laws is a challenge which every franchisor and master franchisee (or subfranchisor) in the United States confronts on a daily basis. Our franchise compliance team helps our clients meet their compliance obligations in an efficient, cost-effective way.

Franchisors can be frustrated by the registration process. We understand that frustration, and our goal is to draft Franchise Disclosure Documents (FDDs) and navigate the franchise registration/exemption process to enable our clients to pursue their franchise development strategies. Because of the size of our practice and the number of lawyers, paralegals, and other staff who devote a significant portion of their time to franchise compliance matters, we are in frequent communication with state franchise regulators. This allows us to anticipate and avoid many issues in the franchise registration process, which can cause franchisors to stop franchise sales in certain states until registration issues are resolved.

In addition to understanding the nuts and bolts of the franchise registration and disclosure process, we also have helped to shape the development of the FTC Franchising Rule and the requirements for preparing an FDD. Several of our lawyers have in the past, or are currently on, franchise advisory committees that work with regulators in modifying the registration and disclosure process. In addition, we actively followed and commented on NASAA's recently adopted Multi-Unit Commentary.

We have prepared hundreds of FDDs across all industries, and we file and obtain hundreds of registrations each year. Also, we write FDDs in a way that recognizes that they can be a valuable sales tool. While we believe in drafting easy-to-understand, tough franchise agreements that protect our clients, we also take into account that they need to be fair and attractive to prospective franchisees.

Through our involvement in the International Franchise Association and the ABA Forum on Franchising, our monthly research and writing to create *The Franchise Memorandum by Lathrop GPM*, and our ongoing interaction with our litigation colleagues, we stay on top of developments in the law and alert our clients when state legislatures propose or pass laws, or courts issue decisions, that may be adverse to our clients' interests. We have also delivered countless seminars and written numerous books, chapters, and articles about franchise registration, disclosure, and compliance.

Our Experience

- Prepare unit franchise, area development, area representative and master franchise agreements, and FDDs
- Prepare state franchise registrations, amendments, renewals, annual reports, and exemptions
- Review and revise franchise documents to address best practices and legal developments
- Address investigations and enforcement actions taken by state and federal franchise regulators
- Present franchise law compliance training programs and draft compliance policies and procedures
- Advise on the development and enforcement of franchisee audit policies and procedures
- Work with franchisee associations and advisory councils to address changes in franchise system