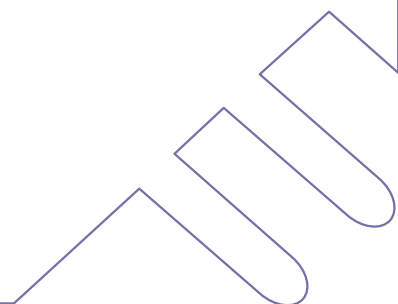




FRANCHISING



# From seedling to plantation

## Support at every stage of the franchising process

Recent market growth of the Australian franchising sector has generated significant opportunities for franchisors and franchisees alike. Yet where there's opportunity, there's always risk and a need for answers.

The award-winning Donaldson Walsh (DW) Franchising team has the expertise, skills, passion and contacts to help you successfully navigate the issues throughout the lifecycle of a franchise or licensing business model.

These issues include establishing a franchise system, raising capital, completing mergers and acquisitions, resolving disputes and rejuvenating, maintaining and purchasing existing businesses and franchises. We also have expertise in advising on international franchise transactions and overseas operations.

We will work closely with you to provide practical solutions that achieve sustainable benefits.

This approach is reflected in the local and international success of our clients, many of whom are award winning and acclaimed franchisees, master franchisees and franchisors including from Outside Concepts, Hair Machine, Jumping J-Jays, Agi-kleen, Jim's test n Tag, Essential Beauty, the Cheesecake Shop and Cartridge World.

## SERVICES PROVIDED

DW's capable Franchising team is able to assist you with:

- Agreements for franchise systems and other business models
- Australian Consumer Laws
- Brand protection and intellectual property
- Business expansion and remodelling
- Business structures and taxation
- Competition and Consumer Act (formerly the *Trade Practices Act*) and Competition Law
- Coordinating consultants and media experts
- Crisis management - including terminations, product recalls and ACCC investigations
- Disclosure Documents and Code Compliance
- Dispute resolution
- Due diligence
- Industrial Relations
- International and national systems
- Mediation and litigation
- Non-franchise licences and product distribution
- Occupational Health & Safety
- Retail leasing advice
- Training.





*left to right: Tim Duval, Mirella Angelino, Christopher Bruce, Richard Phillips and Lisa Dowdy.*

## MEET THE TEAM

### **Richard Phillips**

direct +61 8 8229 0969  
RPhillips@dwlaw.com.au

Richard leads the firm's award-winning Franchise practice, overseeing the work of our specialist team. His expertise in the area of franchising includes advising franchisees and franchisors on documentation, commercial transactions, leases and preparing franchise agreements.

As an experienced commercial solicitor, Richard also specialises in contractual and property issues, finance and banking and general business dealings.

### **Mirella Angelino**

direct +61 8 8229 0973  
MAngelino@dwlaw.com.au

Mirella's expertise lies in franchising and related areas of commercial property, trade practices compliance, mediation, business transactions and intellectual property.

Her experience in advising both franchisees and franchisors for many established brands allows her to quickly understand client issues from both sides of the business.

### **Christopher Bruce**

direct +61 8 8229 0971  
CBruce@dwlaw.com.au

Chris practices in the Corporate & Commercial team specialising in franchising and intellectual property commercialisation.

He advises on all aspects of the franchise relationship, with an emphasis on seeking commercial solutions, is an active FCA member and regularly presents on franchise-related issues.

### **Lisa Dowdy**

direct +61 8 8229 0964  
LDowdy@dwlaw.com.au

Lisa's experience in property and small business has given her a solid background in commercial transactions, allowing her to complete front and back-end transactional franchise work. She also advises franchisors and franchisees on leasing and licence issues.

### **Tim Duval**

direct +61 8 8229 0953  
TDuval@dwlaw.com.au

Tim draws on his direct experience in small business, particularly in the wine industry, to help franchisees and franchisors enhance their operations' efficiency. He also advises on a wide range of franchise documentation.



## OUR EXPERIENCE

The DW Franchising team works closely with franchisors, franchisees and their accounting, tax and other franchising advisors to provide advice on establishing, operating and selling franchises in Australia, Asia, Europe and the USA.

These include franchises in the service, food, manufacturing, telecommunications, tourism, home services, transportation, life assurance, immigration, entertainment, security, training and real estate industries. We also handle all types of transactions for both franchisors and franchisees.

In the process of advising you on legal and business issues, we work alongside your existing accounting advisers, as well as other specialist franchising consultants you may need.

We have established relationships with franchising professionals in the major international markets, who can provide you with in-country legal documents, advice on franchise compliance and recruitment.

### Some highlights include:

- Winning the FCA's Supplier of the Year Award at the 2009 & 2010 Excellence in Franchising Awards

- Winning the Corporate INTL Franchising Law Firm of the Year (Australia) 2010
- Providing strategic advice on the implementation of major franchise systems in the retail industry, which included advising on entering the market in Europe and USA
- Advising franchisors on licensing international franchise systems for operation in to Australia and New Zealand
- Advising a retail food franchisor on the national expansion of its Queensland enterprise, including addressing issues of international procurement and employment issues
- Speaking at the first International India Summit for Franchising New Delhi, and other international conferences
- Advising a bidder for a national sporting franchise on structuring, tax, tender construction, due diligence and probity issues
- Advising the buyer of the franchise rights to a national product retail franchise operation
- Developing a New Zealand market entry strategy for an IT services franchise
- Establishing a Hong Kong-based franchise/licence service provider consultancy with planned expansion into other Asian countries
- Completing an exclusive licence for products from Sweden for the support of an Australian franchise system
- Advising on a national and linked international licence and distribution system for a public wine company, and
- Assisting in US negotiations for global rights for an Australian confectionary business.

## KNOWLEDGE SHARING INITIATIVES

We regularly share the knowledge we gain through our professional experience and our active participation in industry groups, such as the Franchise Council of Australia.

To keep you up to date, we produce the *DW Report* and *Franchise Newsflashes* and articles.

These regular reports provide commentaries and updates on recent case law, legislative and Code changes, and informative analysis, reviews and news. You can download copies of these reports from [www.donaldsonwalsh.com.au](http://www.donaldsonwalsh.com.au).



## LIKE TO TALK?

If you would like to discuss a franchising opportunity or issue with any member of our team, please don't hesitate to contact them directly by phone or e-mail (see "Meet the team" section on the previous page).

Or, if you have a more general legal enquiry, simply contact us through any of the channels listed here and we'll put you in contact with the most appropriate Practitioner.

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