

Franchises & Distribution

Sheehan Phinney's franchises and distribution law practice group counsels clients on franchising, licensing, and distributorship arrangements. We also advise clients on other matters that can affect distribution, such as sales representative laws, business opportunity laws and antitrust laws.

Our services extend to clients seeking to establish new franchise businesses as well as those seeking to modify or restructure existing franchise systems. We offer guidance on both regulatory compliance and transactional aspects of franchising, covering preparation of disclosure documents, registration materials, franchise agreements and related documentation. Our transactional services also encompass the negotiation and documentation of real estate acquisitions, leases, debt and equity financing, and licensing, as well as advice concerning taxation, employment, and other business issues.

Our practice group also represents franchisees. We have counseled numerous prospective and existing franchisees on entity formation, acquisition of franchises, negotiation of franchise and related agreements, lease arrangements, financing and related aspects of the franchise acquisition, and ongoing matters such as employment and contract issues.

In those cases where creating a franchise is not the optimal method for expanding delivery of products or services, we can assist with other arrangements such as trademark licensing. Our practice group has drafted and negotiated numerous trademark and intellectual property license agreements. We can guide clients through the process of ensuring that the license arrangement maintains sufficient control over the trademarks and the quality of the goods or services being offered without inadvertently crossing over into the regulated franchise area.

Sometimes the most efficient and economical method for delivery of goods and services is a distribution agreement. We have drafted and negotiated many of these types of agreements, adapted to meet the varying needs of our clients, and involving both domestic and foreign parties. When matters develop that implicate foreign law, our Lex Mundi affiliation gives us a direct line to leading law firms throughout the world.

If disputes arise, we are able to draw upon the skills and experience of our litigators to handle all aspects of the controversy, from settlement negotiations to mediation, arbitration and court proceedings. Our litigation team handles cases in state and federal courts at both the trial and appellate levels.

Practice Area Chair
Douglas G. Verge

Members

- Alexander H. Pyle
- Douglas G. Verge