

Franchising Expertise at Stephens Lawyers & Consultants

Successful franchise expansion requires planning and knowledge of the market and legal system. Stephens Lawyers can get you there.

Stephens Lawyers represents leading Australian franchisors with operations in over 20 countries. The firm also works with internationally based franchisors operating in a diverse range of industries including entertainment, restaurants, hotels and other personal services, to technology and e-commerce.

Stephens Lawyers partner Katarina Klaric, has extensive experience in international franchising and is profiled in the Law Business Research Publication " *An International Who's Who of Franchise Lawyers*".

The law regulating the franchise industry has undergone recent change in Australia. Without accurate advice and correct documentation, businesses risk contravention of the Code and the Trade Practices Act, and invalid agreements.

Franchising arrangements require careful scrutiny of intellectual property rights, effects on competition, consumer protection, risk and liability issues. Stephens Lawyers has extensive experience in the preparation of disclosure documentation and franchise agreements.

Disclosure documents and franchise agreements must comply with the *Franchising Code of Conduct* and the *Trade Practices Act* and State laws regulating business practices.

The firm also provides advice on the establishment of innovative franchising and distribution systems with sound legal foundations.

Successful expansion requires strategic planning combined with an understanding of the market and regulatory system. Stephens Lawyers have assisted franchisors with expansion of their operations into Australia and international markets.

In Australia intellectual property rights are protected by statute and common law. The trade mark, design and patent registration system is administered by IP Australia. Companies operating in the e-commerce environment will also have to register their domain name as a 'com.au' for Australian purposes.

Stephens Lawyers provides advice on all aspects of intellectual property matters including the development and implementation of programs for the protection of copyright, trade marks, patents, designs, confidential information and trade secrets. The firm can also assist with the registration of trade marks and domain names and the maintenance of registrations.

The firm's litigation and dispute resolution practice has extensive expertise in dealing with infringements or unauthorised use of intellectual property. The practice also deals with franchising disputes, such as:

- Non-compliance with the system
- Non payment of fees and profitability
- Territorial and marketing issues

- Misrepresentation and unconscionable conduct issues