

Miller Canfield Attorneys Help Franchises Expand Into Poland

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In Poland franchising agreements are not governed by a single piece of legislation, but fall under a series of specific regulations, among others - general provisions of the Civil Code, competition and consumer protection law, intellectual property rights, tax and labor law. In addition, the laws of European Union, mainly the anti-trust law (art. 81 of the EC Treaty) and vertical restraints regulations (i.e. the Block Exemption Regulation 2790/1999/EC) are applicable.

Our specialized and experienced attorneys provide a broad scope of services for the establishment of franchise relationships in compliance with all applicable regulations, according to the official European Commission Guidelines on Vertical Restraints and the European Code of Ethics for Franchising and also evaluate the projected agreements on the basis of existing case-law.

We draw from the experience of Miller Canfield's lawyers based in offices throughout United States and Canada to provide rapid and cost-effective solutions for our clients. Miller Canfield also advice in modifying the franchising structure to improve tax reduction strategies and efficiency of operation.

We help our clients to properly build organizational structure of their business, based on various models of franchise agreements, also master franchising, to meet their specific needs. We provide assistance in terminating their business relationships, and when necessary provide excellent representation of their interests in litigation and arbitration.

The solutions and services we provide include:

- preparation of franchise agreements and franchise license documents, including particularly: the conditions of trademarks and company name use, know-how, additional services provided by the franchisor, fees charged by the franchisor, noncompete clauses and post-term noncompete agreements, liability issues,
- ensuring functioning of the franchise system compliant with applicable regulations of Polish and European Union law, the European Code of Ethics for Franchising and international treaties,
- preparation of complete documentation for particular transactions,
- development of the strategy of co-operation within franchise system in form of an operation manual for the franchisee, comprising the employment procedures, particularly confidentiality issues, standards for the products and services and complaints procedures,
- preparation of employment agreements, consultancy and brokerage agreements,
- advise on leasing, sub-leasing, land acquisition and management arrangements,
- intellectual property rights protection, including trade names, trademarks, service marks, copyrights and patents,
- complex legal services for the franchisees, obtaining approvals and permits necessary to conduct their activity, preparation of standard agreements and procedures and representation in judicial and administrative proceedings,
- providing tax reduction strategies within the franchise system,
- collection, bankruptcy and insolvency matters.

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For more information we invite you to contact one of our lawyers: Wojciech Babicki: babicki@pl.millercanfield.com,
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