

# BULGARIAN FRANCHISE ASSOCIATION

11-12 Oct 1996

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## NATIONAL AND INTERNATIONAL FRANCHISE LAW SEMINAR

10.10.1996

Registration

11.10.1996

9:00 Opening and welcome

9:15 **Dr. Flohr:** Point A I., A II., A III., A IV., A V.\*

10:30 Coffee break

10:20 **Dr. Flohr:** Point B.I./1.2.3./ \*

12:00 Lunch break

13:30 **Olivier Gast:** "*Countries where disclosure is a legal obligation. The EC (France and Spain) and the USA - international comparison*"

14:40 **Dr. Flohr:** Point B II. /1.2.3.4.5./\*

15:00 Coffee break

15:20 **Dr. Flohr:** Point B III. /1. 2. 3./\*

16:30 End of the first day

12.10.1996

9:00 **Dr. Flohr:** Point C. I.\*

10:30 Coffee break

10:50 **Dr. Flohr:** Point C. II. III. \*

12:00 Lunch break

13:30 **Dr. Flohr:** Point D I. II.III.\*

Discussion

15:00 Coffee break

15:20 **Sascho Penov:** Tax Aspects of the franchise contract

16:00 Discussion with the participants

16:30 Closing remarks

19:30 Closing cocktail-party

\* These are the points from Dr. Flohr's programme which Mrs Boryana Yotova gave you.

NATIONAL AND INTERNATIONAL FRANCHISE LAW  
SEMINAR

11.10.1996

9:00 Opening and welcome

9:15 **Dr. Flohr:**

*A. Legal Fundamentals*

- I. Legal fundamentals of the franchise law in the Anglo-American legal system*
- II. Legal fundamentals of the franchise law in the European legal system*
- III. EC group directions on franchise agreements*
- IV. European Franchise Code of Practice*
- V. National franchise law in Bulgaria*

10:30 Coffee break

11:00 **Dr. Flohr:**

*B. Legal organization of franchise contracts*

- I. Legal fundamentals for concluding of a franchise agreement*
  - 1. Franchise prospectus of the franchisor*
  - 2. Other information on the franchise system*
  - 3. Franchisor's disclosure obligations prior to the contract conclusion*
    - a) information about the structure of the franchise system*
    - b) turnover and net profit of the franchise system*

12:00 Lunch break

13:30 **Olivier Gast:**

*Countries where disclosure is a legal obligation. The EC (France and Spain) and the USA - international comparison.*

14:40 **Dr. Flohr:**

*II. Rules on disclosure of information*

- 1. Obligations for disclosure for pre-agreements. International comparison.*
  - a) countries where disclosure is a legal obligation*
  - b) countries where disclosure is imposed by a national franchise association*
  - c) future development of rules on disclosure*
- 2. Franchisors' obligations for disclosure in Germany*
- 3. The right of actions for damages caused by non-disclosure according to the pre-agreement*
- 4. Joint liability of the franchisee*
- 5. Possibilities for exoneration from responsibility*

15:00 Coffee break

15:30 **Dr. Flohr:**

*III. The franchise system after the concluding of the franchise agreement*

- 1. The franchise agreement*
  - a) the franchisor*
  - b) the franchisee*
  - c) the system of fees in franchise systems*
  - d) know-how transfer in franchise systems*
  - e) contractual and post-contractual prohibition on competition*
  - f) professional defensive rights*
  - g) obligations for observing strict secrecy*
  - h) termination of the agreement and consequences arising on termination*
- 2. Franchise supply system*
  - a) fundamentals of the franchise supply system*
  - b) franchisor's ability for supplies*
  - c) franchisee's obligation to make all purchases from the franchisor - challenge to franchisee's independence*
  - d) the supply systems and the cartel law*
  - e) the supply systems and financial responsibility*
  - f) franchisee's claims when*
    - the supply system does not function*
    - goods of poor quality are supplied*

17:00 End of the first day