

BULGARIAN FRANCHISE ASSOCIATION

2

11.12.01.1996

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., AIII., 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