INDEX

abuse 3.3
Adams, J. 2.53
advice for franchisees 5.23
pre-contractual disclosure 5.23, 6.4
accuracy of information being disclosed 5.32
adequacy of protection 5.24
Australian experience 5.26
consequences of inadequate disclosure 5.38
cooling-off period 5.35
delivery of disclosure documents 5.30, 5.31
documents 5.31
extent of disclosure 5.28
foreign franchisors 5.36
French experience 5.27
inappropriate disclosure 5.28
language 5.33
regular review of the law 5.37
on renewal of franchise 5.29
risk statement 5.34
timing of disclosure 5.30
US experience 5.25
see also education for potential franchisees
agency 2.22–2.23, 2.28, 6.3
distinguishing franchising from commercial agency 2.46–2.49
re-engineering regulatory environment and precedent of commercial agency 4.3
termination of franchise and commercial agency law 3.72–3.73
agreements
analysis of franchise agreements Appendix 2
obligation to execute agreement 3.50
Albania Appendix 3
Aliouche, S. 2.24
Amsterdam Group 1.12, 1.14, 4.7, 5.10, 5.28, 5.38
arbitration 3.30
architecture of franchising 2.34, 2.60, 6.2, 6.3
distinguishing franchising from distribution and commercial agency 2.46–2.49
economic perspective 2.35–2.38
impact of economic contextualisation on 2.55–2.59
impact of sectoral contextualisation on 2.53–2.54
legal perspective 2.39
business format, control and assistance 2.40–2.42
other perspectives 2.43–2.45
tensile stresses that architecture of franchise agreements needs to withstand 2.50–2.52
Athena 2.32, 3.3
Australia 1.2, 2.9, 2.10, 2.19, 6.2, Appendix 3
advice for potential franchisees 5.23
education for potential franchisees 5.21
good faith duty 5.26, 5.46
legal perspective of franchising 2.41
mandatory taxonomy of franchise agreements 5.43
pre-contractual disclosure 5.23, 5.26, 5.31, 5.32, 5.36, 5.39
prohibition of unconscionable conduct 5.46
registration of franchise documentation 5.40
regulation of franchising 3.5, 4.10, 4.12, 4.13
self-regulation 3.24, 3.36
Austria
duty to disclose relevant facts 3.46
good faith duty 3.60
termination of franchise 3.71, 3.72
balance of power 2.31, 2.57
Baskin-Robbins 3.18
Belarus Appendix 3
Belgium 2.41, 2.53
disclosure laws 3.40
good faith duty 3.60
regulation of franchising 3.2, 3.5, 4.2, 4.9, 5.2, 5.12
self-regulation 3.24
best practice, enforcement of 3.29
Big Mac Index 2.17
Blair, R. 2.38, 2.53
Braun, D. 1.6
Brazil Appendix 3
breach of franchise agreement 3.68–3.69
British Franchise Association (BFA) 3.26–3.37, 3.76, 3.77, 4.9, 5.21, 5.23, 6.3
Brown, John Y. 2.23
Bulgaria 3.37, 3.60
business management contracts 2.44
Canada Appendix 3
capital, access to 2.23
care, duty of 3.13, 3.43
Chicago School 3.63
China 3.41, 5.6, Appendix 3
civil law agreements 3.7, 3.8
copyright franchising 2.57, 2.58, 2.59
Coca-Cola 2.2
commercial imperatives 5.7, 6.4
current impact 5.9
identification 5.8
impact on proposals to re-engineer the EU’s regulatory environment 5.10–5.11
maintaining market confidence 5.8, 5.12–5.19
mandatory taxonomy of franchise agreements 5.8, 5.41
Australian experience 5.43
prohibition on unconscionable conduct 5.46
protecting franchisee’s interests 5.45
protection of franchisee’s interests 5.44
US experience 5.42
pre-contractual hygiene and 5.8, 5.20
education for potential franchisees 5.21–5.22
ensuring quality advice for potential franchisees 5.23–5.38
prohibition on misleading or deceptive behaviour 5.39
registration of franchise documentation 5.40, 6.4
Commission of the EU see European Commission
Commission on European Contract Law 1.10
canonical frame of reference (CFR) 1.10
civil law agreements 3.6, 3.8, 3.14
community of interest approach 2.39
competition
between self-regulatory bodies 3.37
unfair 3.65, 6.3
conciliation 3.30
confederation franchising 2.57, 2.59
confidence: market confidence 5.8
confidentiality 3.15, 3.65
pre-contractual relationship and 3.49
conflicts of interest 3.33
consumer protection law 3.47, 3.48
contexts of franchising 2.1
contractual environment 6.3
analysis of contractual environment as regards economic drivers 3.9–3.20, 6.2, 6.3
analysis of contractual environment as regards risk 3.21–3.23
differing approaches of EU member states 3.4–3.8
economic context 2.5–2.20
analysis of contractual environment as regards economic drivers 3.9–3.20, 6.2, 6.3
impact on architecture of franchising 2.55–2.59
historical context 2.2–2.3
impact of sectoral contextualisation on architecture of franchising 2.53–2.54
institutional context 2.4
legal regulatory environment 3.38
pre-contractual relationship 3.39–3.50
self-regulatory environment
determinants 3.25
elements 3.27–3.31
failings 3.32–3.37
relationship with legal regulatory environment 3.26
<table>
<thead>
<tr>
<th>Index</th>
</tr>
</thead>
<tbody>
<tr>
<td>contractual environment of franchising 6.3</td>
</tr>
<tr>
<td>analysis of contractual environment as regards economic drivers 3.9–3.20, 6.2, 6.3</td>
</tr>
<tr>
<td>differing approaches of EU member states 3.4–3.8</td>
</tr>
<tr>
<td>contributory negligence 3.44</td>
</tr>
<tr>
<td>cooling off period 3.47, 5.35</td>
</tr>
<tr>
<td>co-ordination franchising 2.57, 2.59</td>
</tr>
<tr>
<td>Cooter, R. 5.23</td>
</tr>
<tr>
<td>corporate chains, reducing disadvantages franchisors suffer compared to 5.17–5.19</td>
</tr>
<tr>
<td>covenants, restrictive see restrictive covenants</td>
</tr>
<tr>
<td>Coverall 2.59</td>
</tr>
<tr>
<td>Crossick, S. 1.6</td>
</tr>
<tr>
<td>culpa in contrabendo doctrine 3.45</td>
</tr>
<tr>
<td>Cyprus 3.46</td>
</tr>
<tr>
<td>Czech Republic 3.46, 3.60, 3.71</td>
</tr>
<tr>
<td>damages 3.43, 3.45</td>
</tr>
<tr>
<td>Darling, Alistair 3.24</td>
</tr>
<tr>
<td>de minimis franchises 5.15</td>
</tr>
<tr>
<td>decentralisation 2.36</td>
</tr>
<tr>
<td>deception: prohibition on misleading or deceptive behaviour 5.39</td>
</tr>
<tr>
<td>definitions of franchising 2.42, 5.2–5.6, 5.47</td>
</tr>
<tr>
<td>Denmark 3.37, 3.60</td>
</tr>
<tr>
<td>Deutsche Bank 2.8</td>
</tr>
<tr>
<td>Diaz, O. Bueno 1.14</td>
</tr>
<tr>
<td>Directives</td>
</tr>
<tr>
<td>Draft Proposed Franchise Directive 5.47, 6.4, Appendix 1</td>
</tr>
<tr>
<td>economic context of franchising 2.5–2.20</td>
</tr>
<tr>
<td>analysis of contractual environment as regards economic drivers 3.9–3.20, 6.2, 6.3</td>
</tr>
<tr>
<td>analysis of contractual environment as regards risk 3.21</td>
</tr>
<tr>
<td>risks to franchisees 3.23</td>
</tr>
<tr>
<td>risks to franchisors 3.22</td>
</tr>
<tr>
<td>impact on architecture of franchising 2.55–2.59</td>
</tr>
<tr>
<td>economic contribution of franchising 1.1–1.4, 1.5, 2.4, 2.5, 2.59, 6.2, 6.5</td>
</tr>
<tr>
<td>economic perspective on architecture of franchising 2.35–2.38</td>
</tr>
<tr>
<td>economic rationale of franchising 2.21</td>
</tr>
<tr>
<td>analysis of contractual environment as regards economic drivers 3.9–3.20, 6.2, 6.3</td>
</tr>
<tr>
<td>franchisees 2.26–2.27</td>
</tr>
<tr>
<td>franchisors 2.22–2.25</td>
</tr>
<tr>
<td>education for potential franchisees 3.31, 5.21</td>
</tr>
<tr>
<td>delivery of education to potential franchisees 5.22</td>
</tr>
<tr>
<td>minimal level of education 5.22</td>
</tr>
<tr>
<td>electronic commerce 3.10, 5.19</td>
</tr>
<tr>
<td>Emerson, R. 2.33</td>
</tr>
<tr>
<td>empirical research into regulatory environment 3.75–3.76</td>
</tr>
</tbody>
</table>
re-engineering regulatory environment and employment law, termination of franchise and enforcement of best practice enforcement of decisions environment of franchising see contexts of franchising Esso Petroleum 3.43 Estonia duty to disclose relevant facts ongoing franchisor/franchisee relationship regulation of franchising European Civil Code Study Group European Commission Action Plan for a more coherent European contract law breaking down barriers to trade in the EU harmonisation of EU law and 4.7 European Franchise Federation (EFF) ‘exchange of benefits’ approach exclusion and exemption clauses failure of franchising Federal Trade Commission (USA; FTC) fees paid to franchisor finance: self-regulatory organisations Finland Fleet Mobile Tyres food franchises foreign franchisors Fortnum & Masons Foto Quelle fractional franchises France advice for potential franchisees disclosure laws empirical research into regulatory environment failures of franchising good faith duty termination of franchise and harmonisation of EU law and legal perspective on franchising obligation to execute agreement pre-contractual disclosure prohibition of unconscionable conduct regulation of franchising termination of franchise commercial agency law and contractual right to terminate employment law and good faith duty post-termination restrictive covenants Franchising Council of Australia (FCA) Franchising Europe fraud fraudulent misrepresentation prohibition on misleading or deceptive behaviour Fraud Trials Committee Report free riding Georgia Germany breach of franchise agreement confidentiality consumer protection law duty to disclose relevant facts empirical research into regulatory environment failures of franchising good faith duty goodwill protection of franchisee’s interests

334

Mark Abell - 9781781952351
Downloaded from Elgar Online at 12/21/2018 08:40:07PM via free access
<table>
<thead>
<tr>
<th>Index</th>
</tr>
</thead>
<tbody>
<tr>
<td>protecting franchisor’s interests 5.44</td>
</tr>
<tr>
<td>regulation of franchising 3.5, 5.9</td>
</tr>
<tr>
<td>self-regulation 3.37</td>
</tr>
<tr>
<td>right to withdraw from franchise 3.47</td>
</tr>
<tr>
<td>termination of franchise</td>
</tr>
<tr>
<td>commercial agency law and 3.72</td>
</tr>
<tr>
<td>contractual right to terminate 3.68</td>
</tr>
<tr>
<td>employment law and 3.71</td>
</tr>
<tr>
<td>good faith duty and 3.70</td>
</tr>
<tr>
<td>post-termination restrictive covenants 3.74, 6.3</td>
</tr>
<tr>
<td>unfair competition 3.65</td>
</tr>
<tr>
<td>unfair contract terms 3.66, 5.44</td>
</tr>
<tr>
<td>Gerstenhaber, Moshe 2.36</td>
</tr>
<tr>
<td>good faith duty 1.15, 3.52, 5.44, 5.46, 6.3</td>
</tr>
<tr>
<td>Australia 5.26</td>
</tr>
<tr>
<td>comparison of different concepts 3.60</td>
</tr>
<tr>
<td>English law 3.53</td>
</tr>
<tr>
<td>France 3.58–3.59, 3.60, 6.3</td>
</tr>
<tr>
<td>termination of franchise and 3.70</td>
</tr>
<tr>
<td>Germany 3.6, 3.13, 3.54–3.57, 3.60, 5.46, 6.3</td>
</tr>
<tr>
<td>impact on termination of franchise 3.70</td>
</tr>
<tr>
<td>goodwill 3.19, 3.22</td>
</tr>
<tr>
<td>grant of franchise 3.10</td>
</tr>
<tr>
<td>Gras, Guy 2.8</td>
</tr>
<tr>
<td>Greece 3.5, 3.37, 3.46, 3.60, 3.71</td>
</tr>
<tr>
<td>Hamley’s 2.48</td>
</tr>
<tr>
<td>Hamme, A. V. 1.6</td>
</tr>
<tr>
<td>harmonisation of EU law 4.5</td>
</tr>
<tr>
<td>Directives and 4.6, 4.8</td>
</tr>
<tr>
<td>European Civil Code 4.7</td>
</tr>
<tr>
<td>Harper Beauty Shops 2.2</td>
</tr>
<tr>
<td>historical context of franchising 2.2–2.3</td>
</tr>
<tr>
<td>Hooters 3.3</td>
</tr>
<tr>
<td>Housden, J. 2.35, 2.46</td>
</tr>
<tr>
<td>Hungary 3.46</td>
</tr>
<tr>
<td>independence of parties 2.36, 2.46</td>
</tr>
<tr>
<td>Indonesia 3.41, 3.51, Appendix 3</td>
</tr>
<tr>
<td>information asymmetry 2.28, 2.30, 3.22</td>
</tr>
<tr>
<td>institutional context of franchising 2.4</td>
</tr>
<tr>
<td>intellectual property rights 3.10</td>
</tr>
<tr>
<td>International Chamber of Commerce 2.4</td>
</tr>
<tr>
<td>model for International Franchising Contract 1.11</td>
</tr>
<tr>
<td>International Franchise Association (IFA) 2.19, 2.37</td>
</tr>
<tr>
<td>International Monetary Fund (IMF) 2.19</td>
</tr>
<tr>
<td>international trade: breaking down barriers to trade in the EU 4.1–4.2</td>
</tr>
<tr>
<td>Internet</td>
</tr>
<tr>
<td>e-commerce 3.10, 5.19</td>
</tr>
<tr>
<td>education for potential franchisees and 5.22</td>
</tr>
<tr>
<td>Ireland 3.46</td>
</tr>
<tr>
<td>Italy 2.4, 2.10, 2.13</td>
</tr>
<tr>
<td>disclosure laws 3.40, 3.41</td>
</tr>
<tr>
<td>failures of franchising 3.3</td>
</tr>
<tr>
<td>good faith duty 3.60</td>
</tr>
<tr>
<td>legal perspective on franchising 2.42</td>
</tr>
<tr>
<td>ongoing franchisor/franchisee relationship 3.51</td>
</tr>
<tr>
<td>pre-contractual disclosure 5.28</td>
</tr>
<tr>
<td>regulation of franchising 3.2, 3.5, 4.9, 5.6</td>
</tr>
<tr>
<td>right to withdraw from franchise 3.47</td>
</tr>
<tr>
<td>Jani-King 2.55, 2.59</td>
</tr>
<tr>
<td>Japan 2.2, Appendix 3</td>
</tr>
<tr>
<td>Johnson, Howard 2.2</td>
</tr>
<tr>
<td>KallKwik 3.13</td>
</tr>
<tr>
<td>Kazakhstan Appendix 3</td>
</tr>
<tr>
<td>Kentucky Fried Chicken (KFC) 2.23</td>
</tr>
<tr>
<td>Kindervilla 3.3</td>
</tr>
<tr>
<td>Klick, J. 2.33</td>
</tr>
<tr>
<td>Kobayashi, B. H. 2.33</td>
</tr>
<tr>
<td>Korah, V. 1.6</td>
</tr>
<tr>
<td>Korea (South) Appendix 3</td>
</tr>
<tr>
<td>Lafontaine, F. 2.38, 2.53</td>
</tr>
<tr>
<td>language issues 5.33</td>
</tr>
<tr>
<td>Latvia 3.60</td>
</tr>
<tr>
<td>lease agreements 2.44</td>
</tr>
<tr>
<td>legal perspective on architecture of franchising 2.39</td>
</tr>
<tr>
<td>business format, control and assistance 2.40–2.42</td>
</tr>
<tr>
<td>other perspectives 2.43–2.45</td>
</tr>
<tr>
<td>Legrand, P. 4.7</td>
</tr>
<tr>
<td>Letter Station 3.3</td>
</tr>
<tr>
<td>licence agreements 2.43, 2.44</td>
</tr>
<tr>
<td>LighterLife 5.22</td>
</tr>
<tr>
<td>Lithuania 3.5, 3.41, 3.46, 3.51</td>
</tr>
</tbody>
</table>

335
Index

McCormick Harvesting Machine Company 2.2
McDonalds 5.12, 5.16
McGregor, H. 4.7
Malaysia 3.41, 3.51, Appendix 3
Malta 3.60
management systems 2.22
mandatory taxonomy of franchise agreements 5.8, 5.41
Australian experience 5.43
prohibition of unconscionable conduct 5.46
protecting franchisee’s interests 5.45
protecting franchisor’s interests 5.44
US experience 5.42
market confidence 5.8, 5.12–5.19
marketing plan approach 2.40, 2.42, 5.2, 5.4
Marriott 5.16
Martinek, M. 2.57, 2.58, 2.59
mediation 3.30
Mendelsohn, M. 1.6, 2.26
Mexico Appendix 3
minimum standards 5.6
misrepresentations 3.23
duty not to misrepresent facts 3.43–3.44
duty to disclose relevant facts 3.45–3.46
prohibition on misleading or deceptive behaviour 5.39
Moldova 3.41, Appendix 3
moral hazard 2.28, 2.30, 3.22
Morley, Octavia 5.22
multi-channel sales strategy 5.17, 5.19
multilevel marketing systems 3.56
National Westminster Bank 3.31
nature of franchising 1.1–1.4
negligence, contributory 3.44
Nehf, James P. 4.7
Netherlands 2.10, 2.13, 3.46, 3.60, 3.71
Network of Excellence 1.10
no reliance clauses 3.43
non-competition agreement 3.16, 3.22
non-members of franchising associations 3.36
Norenkai system 2.2
obligations in franchising
franchisee 3.14
franchisor 3.13
obligation to execute agreement 3.50
Olsen, Kerry 3.8
ongoing franchisor/franchisee relationship 3.51
good faith duty 1.15, 3.52
comparison of different concepts 3.60
English law 3.53
France 3.58–3.59, 3.60
Germany 3.6, 3.13, 3.54–3.57, 3.60
impact of prohibited terms 3.66
impact of unfair competition and confidentiality law 3.65
regulation of vertical restraints 3.61–3.64, 5.18
Organisation for Economic Cooperation and Development (OECD) 1.7, 3.63, 5.18, 5.19
over-regulation 5.1
partnership franchising 2.57, 2.58, 2.59
Penrose Effect 2.23
Pentos Group 3.3
performance targets 3.12
monitoring 3.14
Pierre Victoire 2.32, 3.3
Poland 3.60
Portalis, J.-E.-M. 4.2
Portugal 2.10, 2.13, 2.15, 3.46, 3.60, 3.72
post-termination restrictive covenants 3.74, 6.3
pre-contractual relationship 6.3
advice for potential franchisees 5.23, 6.4
accuracy of information being disclosed 5.32
adequacy of protection 5.24
Australian experience 5.26
consequences of inadequate disclosure 5.38
cooling-off period 5.35
delivery of disclosure documents 5.30, 5.31
documents 5.31
extent of disclosure 5.28
foreign franchisors 5.36
French experience 5.27
inappropriate disclosure 5.28
language 5.33
regular review of the law 5.37
on renewal of franchise 5.29

336
Index

risk statement 5.34

timing of disclosure 5.30

US experience 5.25

commercial imperatives and 5.8, 5.20, 6.4

education for potential franchisees 5.21–5.22

ensuring quality advice for potential franchisees 5.23–5.38

prohibition on misleading or deceptive behaviour 5.39

registration of franchise documentation 5.40, 6.4

corporate transparency 3.49

franchise-specific disclosure laws 3.39

architecture of franchise-specific laws 3.40

comparison of basic elements 3.41

obligation to execute agreement 3.50

registration of franchise documentation 5.40, 6.4

prohibition on misleading or deceptive behaviour 5.39

registration of franchise documentation 5.40, 6.4

representations 3.23

duty not to misrepresent facts 3.43–3.44

duty to disclose relevant facts 3.45–3.46

right to withdraw 3.47–3.48

prescribed system approach 2.40

Prichard Jones, K. V. 2.53

pricing 5.17

vertical price restraints 3.61–3.64, 5.18

Prontaprint 3.13

Pronuptia 5.18

public goods 2.29

pyramid selling 2.2, 3.56

quality 3.49

ensuring quality advice for potential franchisees 5.23–5.38

franchisee's obligations and 3.14

Quest 4 Finance 3.43

Ramada 2.55

rationale of franchising see economic rationale of franchising

Rawlinson, F. 1.6

reasonableness test 3.43

registration of franchise documentation 5.40, 6.4

regulation of franchising 1.4–1.5, 1.6–1.7, 1.13, 3.1, 3.77, 6.1, 6.3

analysis of contractual environment as regards economic drivers 3.9–3.20, 6.2, 6.3

analysis of contractual environment as regards risk 3.21–3.23

differing approaches of EU member states 3.4–3.8

difficulties 3.2

Draft Proposed Franchise Directive 5.47, 6.4, Appendix 1

empirical research into regulatory environment 3.75–3.76

focusing regulation where it is needed 5.14–5.16

legal regulatory environment 3.38

ongoing franchisor/franchisee relationship 3.51–3.66

pre-contractual relationship 3.39–3.50

need for regulation 3.3

over-regulation 5.1

re-engineering regulatory environment 4.14, 5.1, 5.47, 6.5

accentuating influence of commercial imperatives on EU's legal eco-systems 5.7–5.11

breaking down barriers to trade in the EU 4.1–4.2

defining franchising 5.2–5.6, 5.47

difficulties to be encountered 4.9

empirical evidence 4.4

lessons to be learned from other franchising regimes 4.10–4.13

maintaining market confidence 5.8, 5.12–5.19

mechanisms available for harmonisation of EU law 4.5–4.8

precedent of commercial agency 4.3

self-regulation 2.2, 3.24–3.25, 3.76, 4.1, 6.3

determinants of self-regulatory environment 3.25

elements of self-regulatory environment 3.27–3.31

337
failings in self-regulatory environment 3.32–3.37
self-regulatory environment’s relationship with legal regulatory environment 3.26
vertical price restraints 3.61–3.64, 5.18
relationships
termination see termination of franchise
see ongoing franchisor/franchisee relationship; pre-contractual relationship
renewal of franchise 3.11
pre-contractual disclosure and 5.29 representations
pre-contractual 3.23
duty not to misrepresent facts 3.43–3.44
duty to disclose relevant facts 3.45–3.46
rescission 3.44
research see empirical research into regulatory environment
resource scarcity theory 2.23
restaurants 2.53
restrictions on franchising 1.6–1.7
restrictive covenants 3.22
post-termination 3.74, 6.3
Rexall drugstores 2.2
Ribstein, L. E. 2.33
risk aversion 2.23
risks inherent in franchising 2.60, 3.21, 5.21, 6.2
franchisees 2.32–2.33, 3.23
franchisors 2.28–2.31, 3.22
risk statement 5.34
Ritter, L. 1.6
Romania 3.5, 3.40, 3.41, 3.51, 3.60, 5.46
Rose, S. 1.6
Rubin, P. 2.36, 2.37
‘rule of reason’ approach 1.7
Russia 3.41, 3.51, Appendix 3
Rynams 2.32, 3.3
sales
multi-channel sales strategy 5.17, 5.19
sale of goods contracts 2.44, 2.52
Schlentrich, M. 2.24
Schmitz, D. A. 1.6
self-regulation 2.2, 3.24–3.25, 3.76, 4.1, 6.3
determinants of self-regulatory environment 3.25
elements of self-regulatory environment 3.27–3.31
failings in self-regulatory environment 3.32–3.37
self-regulatory environment’s relationship with legal regulatory environment 3.26
service agreements 2.44
service variation, franchisee’s obligations and 3.14
ServiceMaster 2.2
shared marketing plan approach 2.40, 2.42, 5.2, 5.4
shareholders’ agreements 2.43
sharp practice 3.3
Singer Sewing Machine Company 2.2, 3.3
Slovakia 3.46
Slovenia 3.60
small and medium-sized enterprises (SMEs) 5.12
Smart, Brian 3.36
sophisticated franchisees 5.16
Spain 1.14, 2.10, 2.13, 2.25, 2.29
advice for potential franchisees 5.21, 5.23
disclosure laws 3.40, 3.41
empirical research into regulatory environment 3.76
failures of franchising 5.21
good faith duty 3.60
legal perspective on franchising 2.42
pre-contractual disclosure 5.32, 5.39
registration of franchise documentation 5.40
regulation of franchising 3.3, 3.5
self-regulation 3.37
Spencer, Robin 3.8
standards, minimum 5.6
Study Group on a European Civil Code 1.9, 1.11, 1.14–1.15, 4.7
subordination franchising 2.57, 2.58, 2.59
support in franchising 3.13
Sweden
disclosure laws 3.40
pre-contractual disclosure 5.30
regulation of franchising 3.2, 3.3, 3.5, 4.9
self-regulation 3.24
Index

termination of franchise 3.71
Taiwan Appendix 3
targets see performance targets
taxonomy see mandatory taxonomy of franchise agreements
term of franchise 3.11
termination of franchise 3.20, 3.67
commercial agency law and 3.72–3.73
contractual right to terminate 3.68–3.69
employment law and 3.71
good faith duty and 3.70
performance targets and 3.12
post-termination restrictive covenants 3.74, 6.3
territory of franchise 3.10
encroachment 2.33, 3.10, 3.23
Thompson, D. N. 2.36
tied house system 2.3
tied products/services 3.18, 3.23
trade: breaking down barriers to trade in the EU 4.1–4.2
trademarks 5.5
training 3.13
transaction costs 2.24
transfer of franchisee’s business 3.17
Ukraine 3.51, Appendix 3
Ullen, T. 5.23
unconscionable conduct, prohibition of 5.46
unfair competition 3.65, 6.3
unfair contract terms 3.66, 5.44
UNIDROIT (International Institute for the Unification of Private Law) 2.4
definition of franchising 2.42
model franchise disclosure law 1.11, 5.10, 5.11, 5.28
Study of Franchise Regulations 1.8
uniform pricing 5.17
United Kingdom 1.2, 2.2, 2.3, 2.7, 2.10, 2.13, 2.16, 2.53, 5.17
advice for potential franchisees 5.21, 5.23
confidentiality 3.49, 3.65
disputes 2.51, 3.30
duty not to misrepresent facts 3.43
duty to disclose relevant facts 3.46
economic drivers 2.25, 2.27
education for potential franchisees 5.22
electronic commerce 5.19
empirical research into regulatory environment 3.76
failures of franchising 3.3, 5.21
good faith duty 3.53
harmonisation of EU law and 4.7
legal development 4.7
legal perspective on franchising 2.39
pre-contractual disclosure 5.24, 5.39
regulation of franchising 3.5, 5.9
commercial imperatives 5.7
right to withdraw from franchise 3.48
risks inherent in franchising 2.29, 2.33
sophisticated franchisees 5.16
termination of franchise
commercial agency law and 3.73
contractual right to terminate 3.68
employment law and 3.71
post-termination restrictive covenants 3.74
unfair contract terms 3.66
United States of America 1.2, 2.2, 2.3, 2.9, 2.10, 2.19, 2.20, 2.33, 6.2, Appendix 3
definitions of franchising 5.4, 5.5
disclosure laws 3.41
economic context of franchising 2.56
economic drivers of franchising 2.24
good faith duty 5.46
harmonisation of law in 4.7
legal perspective on franchising 2.39
mandatory taxonomy of franchise agreements 5.42
pre-contractual disclosure 5.25, 5.28, 5.31, 5.34
price restraints 3.63, 5.18
prohibition of unconscionable conduct 5.46
registration of franchise documentation 5.40
regulation of franchising 3.5, 4.10, 4.11, 4.13, 5.1
renewal of franchises 3.11
risks inherent in franchising 2.29
sophisticated franchisees 5.16
value creation 2.24
van Gerven, Walter 4.7
Venezuela Appendix 3
vertical integration, franchising and 1.5
Index

vertical price restraints, regulation of 3.61–3.64, 5.18
Vietnam 3.51, 5.6, Appendix 3
visits to franchisee 3.13
Weinberg, Larry 3.8
Whittaker, S. 3.60
Wienerwald 3.3
withdrawal from franchise, pre-contractual relationship and 3.47–3.48

World Intellectual Property Organisation 2.4
Wyndham 5.12
Yves Rocher 5.18
Zimmerman, R. 3.60
Zwo24 3.3