The 14th Annual Franchise Law Conference
Regulation Nation: Franchising in an Era of Increasing Regulation
Franchise Law

Date: Tuesday, November 18, 2014 | 8:30 am to 5:00 pm
Location: Twenty Toronto Street Conferences and Events
20 Toronto Street, 2nd Floor, Toronto

Program Chairs: David Shaw, Blake, Cassels & Graydon LLP
Pascale Cloutier, Miller Thomson LLP

As the Arthur Wishart Act (Franchise Disclosure), 2000 marks its fourteenth year of regulation of franchising in Ontario, franchisors and franchisees are sharing the challenges of complying with new regulations governing their industries while maintaining their focus on operating profitable businesses.

The OBA Franchise Law section is once again bringing you the very latest developments and emerging trends in this challenging and constantly evolving area of the law presented by a stellar faculty of speakers. Hear about the impact of new and potential regulation on franchising, get tips you can use right away to draft agreements and disclosure documents and learn the very best practices for enforcing non-competes and when to use arbitration to resolve disputes.

Join your colleagues for a full day of learning and networking at this eagerly anticipated and always well attended annual event.

8:00am Registration and Coffee
8:30am Welcome and Opening Remarks
8:40am Plenary 1 - Regulation Nation - A Look at New and Potential Regulation and Legislative Developments Impacting Franchising

This plenary session will provide an overview and/or update on the following areas of recent or pending legislative and regulatory development:
- Moderators: David Shaw, Blake, Cassels & Graydon LLP
  Pascale Cloutier, Miller Thomson LLP
- Panelists:
  Chad Finkelstein, Dale & Lessmann LLP
  Lisa Bolton, Sherrard Kuzz LLP
  Wendy Mee, Blake, Cassels & Graydon LLP
  Ian Macdonald, Gowling Lafleur Henderson LLP
  Joseph Adler, Hoffer Adler LLP
  Pascale Cloutier, Miller Thomson LLP

  (1) Menu Labelling (Nutritional Information)
  (2) Protect Your Brand without becoming a Co-
  (3) Canada’s Anti-Spam Legislation
  (4) Privacy and Data Protection
  (5) Competition Act Considerations
  (6) Amendments to the Trade-Marks Act
  (7) French Language issues in Quebec

10:00am Markus Cohen, Q.C. Memorial Award
10:10am Networking Break
10:25am Roundtables (choose two)
Each roundtable will explore one or more topics related to franchising (with an emphasis on regulations affecting franchising)
- (A) Marketing in the CASL Era
  Helen Fotinos, McCarthy Tétrault LLP
- (B) Protect Your Brand without becoming a Co-
  Employer
  Lisa Bolton, Sherrard Kuzz LLP
- (C) Complying with Menu Labelling Requirements
  Chad Finkelstein, Dale & Lessmann LLP
- (D) Mediation of Franchise Disputes
  Steven Goldman, Goldman Hine LLP
- (E) Document Management in Litigation
  Jeffrey Hoffman, Gowling Lafleur Henderson LLP
- (F) Disclosure Issues Q & A
  Dixie Ho, Morrison Brown Rosenventh LLP
- (G) Privacy and Data Protection
  Wendy Mee, Blake, Cassels & Graydon LLP
- (H) Gift Cards
  Dan Vukovich, M&M Meat Shops
- (I) Competition Act Considerations
  Ian Macdonald, Gowling Lafleur Henderson LLP
- (J) Amendments to the Trade-Marks Act
  Joseph Adler, Hoffer Adler LLP
- (K) Building and Adapting the Brand
  David Kornhauser, MacDonald Sager Manis LLP
- (L) Acting for U.S. Franchisors entering Canada
  Andrea Marrocco, Dickinson Wright LLP
11:30am Networking Break
11:40am Breakout - Workshops (choose one)

Larry Weinberg, Cassels Brock & Blackwell LLP
Andraya Frith, Osler, Hoskin & Harcourt LLP

- Tips stemming from recent case law, including how to update provisions related to the duty of good faith, releases, governing law and rebates
- How to help the franchisor avoid being found to be the employer of its franchisees or of its franchisees’ employees
- Addressing compliance with CASL and PIPEDA
- Best practices when preparing a national FDD and how to customize an FDD for site specific information and resales
- Addressing financial performance representations in large commercial franchise transactions
- Improving assignment provisions, including minority share transfers and assignment by the franchisor

Questions? pd@oba.org
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This program contains 2.25 Professionalism Hours
This program is eligible for up to 5.75 Substantive Hours
The OBA has been approved as an Accredited Provider of Professionalism Content by The Law Society of Upper Canada.

In-Person | Webcast

PROGRAM REGISTRATION IS ONLINE www.oba.org/pd
[ B ] Best Practices for Enforcing Non-Competes and Other Restrictive Covenants

Jennifer Dolman, Osler, Hoskin & Harcourt LLP
Adam Ship, McCarthy Tétrault LLP

- Latest word from the courts on over-breadth and unenforceability
- Enforcing non-competes against non-signatories (non-arm’s length third parties)
- In-term versus post-term covenants
- Litigation strategy when dealing with breaches

12:50pm  Break - Serve Box Lunch

1:05pm  Professionalism Lunch Plenary: Pros and Cons of Arbitration to Resolve Franchise Disputes (with box lunch)

Justice Graeme Mew, Ontario Superior Court of Justice (Toronto)
Allan Dick, Sotos LLP
Frank Zaid, ADR Chambers
Lawrence Theall, Theall Group LLP

- The case for arbitration of franchise disputes
- Pros and Cons of arbitration
- How to make arbitration successful
- Practical Tips for drafting an arbitration clause in a Franchise Agreement
- Examples of successful programs in particular industries

2:20pm  Professionalism Plenary: Lawyer Conduct Disclosed: Potential Liability of Franchise Counsel for Failure to Comply with Franchise Disclosure Requirements

Karen Granofsky, LawPRO
David Altschuller, Teplitsky, Colson LLP
Darrell Jarvis, Fasken Martineau DuMoulin LLP

- Identifying and avoiding the risks
- What is the required level of experience?
- What is the required amount of due diligence?

3:20pm  Networking Break

3:35pm  Plenary Session: "Annual Legal & Legislative Update"

Derek Ronde, Cassels Brock & Blackwell LLP
John Yiokaris, Sotos LLP

This plenary session will highlight the past year’s important court decisions relating to the franchise relationship and key legislative developments affecting franchising, with an emphasis on the practical implications of such developments.

4:50pm  Closing Remarks

4:55pm  Lucky Ticket Draws

5:00pm  Reception