

Workshop – Exporting Your Franchise System

- **OVERVIEW**
- **STEWART GERMANN WILL COVER THE FOLLOWING TOPICS:**
 - Franchising Laws in other Countries
 - Protection of Intellectual Property
 - Structures
 - Tax Issues
 - Use Experienced Advisors
 - Summary
- **DAVID McCULLOCH WILL COVER THE FOLLOWING TOPICS**
 - What can be exported?
 - Market Research
 - Government Assistance
 - The Price
 - Changes to System
 - Overseas Training
 - Examples of NZ Systems Overseas
 - Get Your Ship in Order
 - Time frame
 - Summary
- **QUESTIONS**



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FRANCHISE LAWS AND OTHER COUNTRIES

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Franchise Laws in Other Countries Continued

- Australia – Mandatory Disclosure
- Canada
- China
- European Countries
- India
- Indonesia
- Japan



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Franchise Laws in Other Countries Continued

- Korea
- Malaysia
- Philippines
- Singapore
- Thailand
- USA



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Protection of Intellectual Property

- In New Zealand we have the Trade Marks Act 2002.
- Australia has a similar Trade Marks Act.
- It is essential that a franchisor's trade marks are registered in each overseas country where the franchisor wishes to do business.



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Protection of Intellectual Property Continued

- In particular, please note the Madrid Protocol and the good news for New Zealand is that it will become a member of that Protocol in late 2007. Expert legal advice must be taken in the area of protection of intellectual property.
- European Union – Community Trade Mark (CTM).
- Madrid Protocol



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Protection of Intellectual Property Continued

- New Zealand Membership
- Convention Priority Filing
- Franchise Association of New Zealand
- See Paper prepared by Baldwins attached to my Paper.



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Legal Structures

- International Markets
- Different Methods
 - Direct Franchising or Unit Franchising
 - Area Development Franchising
 - Master Franchising
 - Conversion Franchising
 - Joint Ventures



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Legal Structures, continued

- Australia
- Which Court has Jurisdiction?



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Tax Issues

- Determine the Legal Structure
- NZ Tax applies to Worldwide Income of NZ Tax Residents
- Double Tax Treaties
- Income Tax Implications for Payments made by the Franchisee
- NZ GST
- See Paper prepared by WHK Gosling Chapman attached to my paper



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Franchising Advisors

- Legal
- Tax
- Consultant
- Bank
- IFA connection
- Summary



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