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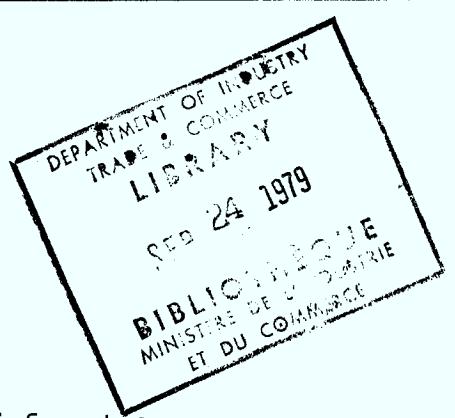


Government
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FRANCHISING -

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Second edition
June 1979

Deuxième édition
juin 1979

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I. INTRODUCTION

This booklet contains a overview of the Canadian franchise sector and listings of information sources on franchising.

Part I of this publication provides a general overview of franchising. Part II provides a listing of bibliographic and other relevant information.

Your local library should stock or be able to assist you in acquiring the majority of the books and/or articles cited in Part II, sections 1, 2, and 3. Government publications can be obtained by contacting the appropriate agencies at the addresses given in section 6.

Several useful franchise directories, magazines, and newsletters are listed in Part II, sections 4 and 5; mailing addresses for these publications are found in section 6. The addresses of several franchise and retail associations are also located here.

As the list of articles and publications contained in this booklet is not exhaustive, the reader is referred to section 7 which contains library reference sources. These may be used to locate additional materials on franchising.

I. INTRODUCTION

Cette brochure donne une vue d'ensemble du secteur canadien des franchises ainsi qu'une liste détaillée des sources d'information franchisage.

La première partie de cette publication donne une vue d'ensemble du franchisage. La deuxième partie fournit une liste détaillée des ouvrages et de toutes autres sources d'information publiées sur le sujet.

Votre bibliothèque municipale devrait posséder la majorité des volumes et articles mentionnés dans les sections 1, 2, et 3 de la deuxième partie ou encore vous aider à vous les procurer. On peut obtenir les publications gouvernementales en communiquant avec les organismes dont l'adresse est fournie à la section 6.

Plusieurs annuaires de franchises, magazines et communiqués de presse sur le franchisage sont énumérés dans les sections 4 et 5, de même que les adresses où on peut se les procurer. A la section 6, sont également fournies les adresses de plusieurs organismes de franchisage et du commerce de détail.

Etant donné que notre liste d'articles et de publications n'est pas exhaustive, le lecteur devra consulter la section 7, qui comprend des sources de référence en bibliographiques pouvant servir à trouver d'autres documents sur le franchisage.

FRANCHISING IN CANADA

Franchising in Canada is developing into a dynamic and mature business activity. It has been a factor in such fields as automobile sales, gasoline distribution, and soft drink bottling and distribution for over half a century; these traditional forms of franchising account for 80% by dollar value of all franchise sales. In the past two decades however, franchising has become a prominent marketing tool for commodities such as food, auto repair, and real estate.

DEFINITION

Franchising is difficult to define because of its great variation in form. It is defined here as:

"An arrangement under which one party grants to another party the right to operate a business in accordance with prescribed operating methods and procedures controlled by the grantor, which business incorporates extensive use of the grantor's know-how expertise and trade marks or other distinguishing marks or names, with the grantor maintaining a continuing interest in the business by advising with regard to its operations, and with the grantor having a continuing right to compensation."

LE FRANCHISAGE AU CANADA

Le franchisage au Canada devient une activité commerciale dynamique et bien établie. Depuis plus d'un demi-siècle, elle s'applique dans des domaines tels que les ventes d'automobiles, la distribution de l'essence et l'embouteillage et la distribution des eaux gazeuses. Ces formes traditionnelles de franchises comptent pour 80 %, en valeur-dollars, de toutes les ventes en régime de franchise. Cependant, depuis vingt ans, le franchisage est devenu un puissant instrument de commercialisation pour les biens de consommation et les services tels que les aliments, le dépannage des automobiles et l'immobilier.

DEFINITION

Toute définition est difficile à cause de la diversité des formes de franchisage. Nous avons retenu ici la définition ci-après:

"Entente en vertu de laquelle une partie accorde à une autre partie le droit d'exploiter une entreprise, conformément aux méthodes et procédures d'exploitation prescrites et contrôlées par le concessionnaire. Ce genre d'entreprise fait un grand usage du savoir-faire, de l'expertise et des marques de commerce du concessionnaire ou de toutes autres marques ou noms caractéristiques, le concessionnaire ne cessant jamais de s'intéresser au dit commerce en donnant des conseils quant à son bon fonctionnement et conservant toujours un droit de compensation."

Franchising involves a partnership agreement in which the franchisor grants to the franchisee the right to use trade names, trademarks, operating methods, and marketing techniques for initial and continuing payments. The franchisee receives the benefits of belonging to an established business firm while maintaining control of his or her business interest. Franchising also allows the franchisor to expand more quickly as franchisees provide a major portion of the financing of new outlets and, at the same time, offer highly motivated management.

Le franchisage comporte un accord de société selon lequel le franchiseur reconnaît au franchisé le droit d'utiliser ses noms et marques de commerce, ses méthodes d'exploitation et ses techniques de commercialisation moyennant versements initiaux et continus. Le franchisé bénéficie de son adhésion à une firme établie tout en conservant le contrôle de son intérêt commercial. Le franchiseur peut par ailleurs développer son commerce plus rapidement puisque les franchisés fournissent une grande partie du financement des nouveaux débouchés tout en assurant une gestion très motivée.

MARKET CONCENTRATION

There are approximately 350 business format franchisors operating about 17,000 establishments in Canada. Of these firms, 160 are Canadian owned and almost all of the remaining companies are based in the United States. The Canadian franchisors operate 10,866 establishments with the largest 18 domestic firms accounting for approximately 60% of these outlets as shown in the following table.

CONCENTRATION DU MARCHÉ

Le Canada compte approximativement 350 franchiseurs (business format) exploitant environ 17 000 établissements commerciaux. Sur ce nombre, 160 appartiennent à des canadiens et presque toutes les autres firmes ont leur siège aux Etats-Unis. Les franchiseurs canadiens exploitent 10 866 établissements, les 18 plus grandes firmes nationales comptant pour environ 60 % de ces débouchés comme l'indique le tableau suivant.

SIZE AND DISTRIBUTION OF CANADIAN FRANCHISORS REPARTITION DES FRANCHISEURS CANADIENS PAR ORDRE D'IMPORTANCE

	Number of Companies Nombre de sociétés	% Total % du total	Total No. of Establishments Total des établissements	Company Owned Propriété du franchiseur	Franchisee Owned Propriété du franchisé
1001 and over 1001 et plus	0	0	0	0	0
501 - 1000	3	15.7	1,702	428	1,274
151 - 500	15	44.5	4,840	739	4,101
51 - 150	26	22.2	2,416	122	2,294
11 - 50	67	15.3	1,659	378	1,281
1 - 10	49	2.3	249	50	199

ANALYSIS OF CANADIAN OWNED FRANCHISORS BY BUSINESS CATEGORY
 ANALYSE DES FRANCHISEURS CANADIENS PAR GENRE D'ENTREPRISE

	No. of firms Nombre de firmes	% of Total % du total	Total No. of Establishments Nombre total d'établissements	Company Owned Propriété du franchisseur	Franchise Owned Propriété du franchisé
Auto Products & Services Automobile: produits et services	23	8.4	910	49	861
Business Aids & Services Aides et services commerciaux	7	1.6	169	69	100
Construction, Home Improvements, Maintenance & Cleaning Services Construction et perfectionnement des habitations, services d'entretien et de nettoyage	4	0.6	71	1	70
Convenience Stores Dépanneurs	5	11.3	1 233	678	555
Educational Products & Services Enseignement: produits et services	4	0.2	22	0	22
Hotels and Motels Hôtels et motels	4	1.9	206	37	169
Laundry & Dry Cleaning Services Blanchissage et nettoyage à sec	3	0.8	84	0	84
Rental (Auto) Services Location (automobiles)	3	4.9	530	70	460
Restaurants Restaurants	40	13.7	1 494	169	1 325
Retailing, Non-Food Commerce de détail (produits non alimentaires)	46	34.6	3 755	561	3 194
Retailing, Food other than Convenience stores Commerce de détail (magasins d'aliments autres que les dépanneurs)	15	20.6	2 242	35	2 207
Miscellaneous Divers	6	1.4	150	48	102

PROVINCIAL DISTRIBUTION

The following table gives a breakdown of Canadian franchise headquarters by province.

PROVINCIAL ANALYSIS OF FRANCHISING (CANADIAN OPERATORS)
ANALYSE PAR PROVINCE DES FRANCHISES (EXPLOITANTS CANADIENS)

PROVINCE PROVINCE	No. of Franchisers Nombre de franchiseurs	*No. of Establishments *Nombre de franchisés	Company Owned Propriété du franchiseur	Franchise Owned Propriété du franchisé
Alberta Alberta	11	1,052	26	1,026
British Columbia Colombie-Britannique	20	698	143	555
Manitoba Manitoba	11	633	139	494
New Brunswick Nouveau-Brunswick	5	272	42	230
Newfoundland Terre-Neuve	1	3	1	2
Nova Scotia Nouvelle-Ecosse	2	56	4	52
Ontario Ontario	95	7,220	1,298	5,922
P.E.I. I.-P.-E.	0	0	0	0
Quebec Québec	15	932	64	868
Saskatchewan Saskatchewan	0	0	0	0

* This represents the number of establishments that the franchisors headquarters in a given province operate, not the number of establishments located in that specific province. For example, the 5 franchisors headquartered in New Brunswick operate 272 establishments across Canada.

Le tableau suivant ventile les sièges sociaux de franchises par province.

FOREIGN FRANCHISORS IN CANADA

In 1977, 182 U.S. franchisors operated 5,672 establishments in Canada. The breakdown of these establishments by category is given in the following table.

* Cette colonne illustre le nombre total d'établissements exploités par les franchiseurs, ayant leur siège social dans une province donnée. Par exemple, les cinq franchiseurs dont les sièges sociaux sont au Nouveau-Brunswick exploitent 272 établissements d'un bout à l'autre du Canada.

PROPRIETE ET CONTROLE

En 1977, 182 franchiseurs américains exploitaient 5 672 établissements au Canada. Le tableau suivant les ventile par catégorie.

U.S. FRANCHISORS IN CANADA - 1977
FRANCHISEURS AMÉRICAINS AU CANADA: 1977

TYPE OF FRANCHISE GENRE DE FRANCHISE	NUMBER NOMBRE	PERCENT OF TOTAL POURCENTAGE DU TOTAL
Business Aids and Services Aides et services commerciaux	667	11.7
Construction, Home Improvement, Maintenance, & Cleaning Services Construction et perfectionnement d'habitations, services d'entretien et de nettoyage	521	9.2
Fast Food Restaurants Restaurants à service rapide	1,074	18.9
Campgrounds, Hotels and Motels Terrains de camping, hôtels et motels	202	3.6
Recreation, Entertainment and Travel Récréation, divertissement et voyages	41	0.7
Rental Services (Auto-Truck) Location (automobiles et camions)	501	8.8
Laundry and Dry Cleaning Blanchissage et nettoyage à sec	326	5.7
Auto Products and Services Automobile: produits et services	1,259	22.2
Retailing (Non-Food) Commerce de détail (produits non alimentaires)	683	12.0
Educational Products and Services Enseignement: produits et services	304	5.4
Rental Services (Equipment), Convenience Stores and Miscellaneous Location (équipements), dépanneurs et divers		
Retailing (Food other than convenience Stores Commerce de détail (magasins d'aliments autres que les dépanneurs)	94	1.6
Totals Totaux	5,672	100.0

Source: U.S. Department of Commerce, Franchising in the Economy 1977-1979, Table 15.

American involvement in the Canadian franchise sector has been increasing rapidly during the last decade and this growth is expected to continue in the foreseeable future.

Source: U.S. Department of Commerce, Franchising in the Economy 1977-1979, Tableau 15.

La participation américaine au secteur canadien des franchises a augmenté rapidement depuis dix ans; on s'attend à ce que cette expansion se poursuivra dans un avenir prévisible.

European and Japanese franchisors are present in Canada, in such market sectors as automobile dealerships, musical instrument stores, fireplace sale and installation outlets, and bridal boutiques. These firms are also expected to continue to expand within the Canadian market. The Japanese offer strong potential competition for Canadian franchisors as a number of their trading houses are quickly gaining franchising expertise through joint venture partnerships in Japan with large, sophisticated U.S. franchisors.

INTERNATIONAL MARKETS

Approximately 22 Canadian based franchisors have 1412 establishments in the U.S., Japan, Australia, New Zealand, Belgium, the Caribbean nations, Singapore and Tahiti with the majority of these outlets being located in the United States. Several of these firms are considering further foreign expansion and some Canadian franchisors that do not presently operate abroad are considering this possibility.

The greater part of future international expansion by Canadian franchisors is expected to be directed towards the U.S. because of its lucrative market, geographic proximity, similarity to Canada, and lack of entry barriers. Europe and, perhaps, Japan may also become important areas of expansion for Canadian franchisors in view of the success of the American franchise firms located there.

Des firmes européennes et japonaises accordent aussi des franchises au Canada, dans des secteurs comme le commerce d'automobiles, d'instruments de musique, la vente et l'installation de foyers, et l'exploitation de boutiques spécialisées. On s'attend aussi à ce que ces firmes continueront de s'agrandir sur le marché canadien. Les Japonais offrent de fortes possibilités de concurrence aux franchiseurs canadiens étant donné que bon nombre de leurs grandes maisons d'import-export acquièrent rapidement des compétences en franchisage grâce à des entreprises à participation au Japon avec de grands franchiseurs américains sophistiqués.

MARCHES INTERNATIONAUX

Quelque 22 franchiseurs ayant leur siège au Canada comptent 1 412 établissements aux Etats-Unis, au Japon, en Australie, en Nouvelle-Zélande, en Inde, en Belgique, en Irlande, aux Antilles, à Singapour et à Tahiti, la majorité de ces débouchés étant situés aux Etats-Unis. Plusieurs firmes aimeraient conquérir d'autres marchés étrangers et quelques franchiseurs canadiens qui n'oeuvrent pas encore à l'étranger songent à s'internationaliser.

La part du lion de l'expansion internationale future par les franchiseurs canadiens devrait être orientée vers les Etats-Unis, à cause du marché lucratif, de la proximité géographique, de sa ressemblance au Canada, et du peu d'obstacles à l'entrée des marchandises. L'Europe et peut-être le Japon, en vue du succès déjà réalisé par les franchiseurs américains dans ces régions, pourraient aussi devenir importants pour le franchiseur canadien désireux d'étendre ses opérations.

Problems Canadian franchisors may encounter when operating in foreign markets include:

- 1) limitations on royalty payments or licensing and trademark contracts;
- 2) lack of facility for registering trademarks;
- 3) a lack of legal protection for safeguarding franchise agreements;
- 4) limitations or prohibitions of tie in arrangements;
- 5) prohibitions on the ownership of real estate by foreigners;
- 6) import restrictions on equipment; and
- 7) Exchange and price controls.

There are not, however, foreign regulations that specifically restrict the operation of franchise firms.

INDUSTRY ORGANIZATION - FRANCHISING ORGANIZATION

The Association of Canadian Franchisors (A.C.F.) located in Toronto, represents approximately fifty franchisors. A number of franchisors operating in Canada belong to the International Franchise Association (I.F.A.) located in Washington, D.C. There is a well established link between the A.C.F. and the I.F.A. Both organizations are primarily concerned with representing the interests of their

Les franchiseurs canadiens risquent d'avoir les problèmes suivants lorsqu'ils exploitent les marchés étrangers:

- 1) les limitations imposées aux paiements de redevances ou aux contrats de licence et de marque de commerce.
- 2) le manque de facilités pour l'enregistrement des marques de commerce;
- 3) le manque de protection juridique pour la sauvegarde des accords de franchise;
- 4) les limitations ou les interdictions d'arrangements conditionnels;
- 5) les interdictions touchant la possession de valeurs immobilières par des étrangers;
- 6) les restrictions sur les importations d'équipements; et
- 7) la réglementation du change et des prix.

Cependant, il n'y a pas de règlements étrangers restreignant formellement les opérations des franchiseurs.

ORGANISATION DE L'INDUSTRIE - ORGANISATION DES FRANCHISEUR

L'Association canadienne de franchiseurs (A.C.F.), située à Toronto, représente environ cinquante franchiseurs. Plusieurs franchiseurs œuvrant au Canada font partie de l'International Franchise Association (IFA), située à Washington (D.C.). Il y a une liaison bien établie entre l'ACF et l'IFA. Les deux organismes s'occupent surtout de faire pression auprès des gouvernements sur la

membership on government regulation of franchising and developing educational programs for their members.

FRANCHISEE ORGANIZATION

Nineteen franchisee organizations in the U.S. have formed the National Franchise Association Coalition. The Coalition acts as a liaison between the franchisee organizations, publishes a newsletter, and represents franchisee interests with legislative, regulatory, and other bodies. Major issues of interest to U.S. franchisees at this time are government legislation and the franchisor's powers to terminate or fail to renew a franchise.

No comparable organization exists in Canada at the present time.

MAJOR ISSUES

- Government Regulation

The Canadian franchising industry is quite concerned about the possibility of additional regulation of franchising. Alberta is the only province that presently regulates franchising although several other provinces are considering introducing legislation.

Reputable franchisors are not entirely against legislation and regulations protecting the public from unscrupulous operators but, they are concerned by the costs and delays posed by these especially if they were not uniform from province to province. These franchisors are however, opposed to legislation regulating the post-contract relationship of the franchisor and

réglementation des franchises et d'élaborer pour leurs membres des programmes d'éducation.

ORGANISATION DES FRANCHISES

Dix-neuf organismes de franchisés aux Etats-Unis ont formé un groupe appelé National Franchise Association Coalition. Son siège à Fox Lake (Illinois), assure la liaison entre les associations de franchisés, publie un bulletin de nouvelles et fait pression dans l'intérêt des franchisés. Les grands problèmes qui préoccupent maintenant les franchisés américains sont les lois et les règlements du gouvernement et la réduction du droit du franchisseur de mettre fin à la franchise ou de ne pas la renouveler.

Actuellement, il n'existe pas d'organisme semblable au Canada.

PRINCIPAUX PROBLÈMES

- Réglementation gouvernementale

Le secteur canadien du franchisage s'inquiète passablement beaucoup de la possibilité d'accroissement des lois provinciales régissant le franchisage. L'Alberta est la seule province qui réglemente actuellement le franchisage, mais plusieurs autres provinces songent à adopter des lois pertinentes.

Les franchiseurs de bonne réputation ne s'opposent pas entièrement à des lois et règlements qui protégeraient le public des exploitants sans scrupules, mais il craignent les frais et les retards qu'entraîneraient une telle réglementation surtout si elle n'était pas uniforme d'une province à l'autre. Cependant, ces franchiseurs s'opposent à des lois qui réglementeraient le

franchisee; they are particularly concerned with limitations placed on the right of the franchisor to terminate the franchise for cause. Franchisors feel that the unrestricted right to terminate an unsatisfactory franchise is essential for the reputation and goodwill of the franchisor and his associated trademarks and tradenames.

- Construction of Regional Shopping Centers

The reduction in the construction of large shopping centers in Canada has reduced expansion possibilities for franchisors specializing in shopping center locations. Such firms may have to accept a reduced expansion rate in the future or turn to alternative locations, such as neighbourhood shopping centers.

- Labour Costs, Productivity, and Turnover

The success of individual franchised establishments are significantly affected by such factors as labour costs, employee productivity and staff turnover rates. Many of franchisors, particularly those involved in the fast food industry, have difficulties in keeping productive staff. As is the case in all sectors of the economy, franchisors are concerned about the effect of unemployment insurance and other social welfare programs on the availability, cost, and motivational levels of the labour force.

rapport post-contractuel entre franchiseur et franchisé; ils craignent notamment les limitations du droit du franchiseur de mettre fin à la franchise pour de bonnes raisons. Les franchiseurs estiment que le droit illimité de mettre fin à une franchise insatisfaisante est essentiel à la réputation et à l'achalandage du franchiseur et de ses marques et noms de commerce associés.

- Construction des Centres Commerciaux Régionaux

Le déclin de la construction des grands centres commerciaux au Canada a réduit les possibilités d'expansion pour les franchiseurs qui cherchent en particulier des emplacements de centre commercial. Ces firmes devront désormais accepter un moindre rythme d'expansion ou trouver d'autres endroits, tels que les centres commerciaux de quartier.

- Frais de main-d'œuvre, productivité et roulement

Les chances de succès d'une entreprise qui emploie le franchisage sont accrues par des facteurs tels que le coût de la main-d'œuvre, la productivité des employés et du roulement minime de personnel. Beaucoup de franchiseurs notamment ceux de l'industrie des aliments-minute, ont du mal à garder un personnel productif. Ainsi, les franchiseurs s'inquiètent de l'effet des programmes de bien-être social sur la disponibilité, le coût et la motivation de la main-d'œuvre.

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Washington, D.C., International Franchise Association. Annual.
(No charge when ordered in small quantities.)

Directory of Franchising Organizations. New York, Pilot Books.
Annual. (U.S. \$4.00 per copy including postage.)

The Franchise Annual: Complete Handbook and Directory. St.
Catherines, Ontario, International Franchise Opportunities.
Annual. (\$12.95 per copy including postage.)

United States Department of Commerce. Franchise Opportunities
Handbook. Washington, D.C., U.S. Government Printing Office.
Annual. (U.S. \$6.90 per copy including postage.) Stock No.
003-009-00256-7.

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Washington, D.C., U.S. Government Printing Office. Annual. (U.S.
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Continental Franchise Review. Denver, Colorado, National Research
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Franchising World. Washington, D.C., International Franchise Associa-
tion. Monthly. (U.S. \$75.00 per annum for non-IFA members.)

Info Franchise Newsletter. St. Catherines, Ontario, International
Franchise Opportunities. Monthly. (\$36.00 per annum.)

Monday Report on Retailers. Toronto, Maclean-Hunter Ltd. Weekly.
(\$169.00 per annum.)

6) IMPORTANT ADDRESSES/ADRESSES IMPORTANTES

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Suite 101, 562 Eglinton Avenue East
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The Association sponsors educational seminars on franchise related issues.

L'Association parraine des séminars d'information sur des questions reliées au franchisage.

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Direction des services de distribution (88)
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Renseignements et avis généraux peuvent être disponibles à ce ministère.

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International Franchise Association
Suite 1005, 1025 Connecticut Avenue, N.W.
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Worldwide association publishes the newsletter: "Franchising World" and a membership directory. Seminars on franchise related issues are sponsored as well.

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