



38<sup>TH</sup> ANNUAL  
**IBA/IFA JOINT  
CONFERENCE**

**SETTING COURSE FOR  
INTERNATIONAL FRANCHISING**

MAY 9-10, 2023  
• GRAND HYATT WASHINGTON •  
WASHINGTON, DC



This is a working brochure and more speakers and session information will be added as it becomes available.

## TUESDAY, MAY 9

2:00 pm – 5:30 pm

### REGISTRATION DESK OPEN

3:00 pm – 4:15 pm

### LEGAL SYMPOSIUM BASIC TRACK: INTERNATIONAL

*Moderator/Speaker:* **Mohammad Alturk**, Partner, Baker & McKenzie LLP  
*Speakers:* **Hannah Fotsch**, Associate, DLA Piper; **Arthur Anastos**, Assistant General Counsel, Little Caesars Enterprises, Inc.

6:00 pm

### RECEPTION AND DINNER

RARE STEAKHOUSE & TAVERN, 1595 I ST NW, WASHINGTON, DC

RARE Steakhouse and Tavern is a quick 10-minute walk from the Grand Hyatt Washington. Cocktails and hors d'oeuvres will be served from 6:00 – 7:00 pm. Dinner will be served at 7:00 pm.

\*One ticket to this reception and dinner is included in the IBA/IFA Conference registration fee. Tickets to just the reception and dinner are also available for purchase.

## WEDNESDAY, MAY 10

7:30 am – 4:00 pm

### REGISTRATION DESK OPEN

7:30 am – 8:00 am

### CONTINENTAL BREAKFAST AVAILABLE

8:00 am – 8:10 am

### WELCOME & INTRODUCTION

Welcome and Introduction by the IBA International Franchising Committee Co-Chairs and IFA.

**Dominic Hui**, Ribeiro Hui, China; **Martine de Koning**, Kennedy Van der Laan, The Netherlands;

8:10 am – 9:25 am

### PLENARY 1: Hot Topics International Franchise Laws

This session will comprise of a series of roundtable discussions on various topics of interest to franchise lawyers and from around the world.

*Session Chair:* **Kendal Tyre**, Nixon Peabody LLP, U.S.A.

#### TABLE 1: Franchising in emerging markets

*Moderator:* **Stewart Germann**, Stewart Germann Law Office, New Zealand

#### TABLE 2: Enforcing IP rights in an increasingly complex global world

*Moderator:* **Melissa Murray**, Bird & Bird, UAE

#### TABLE 3: Fallout of COVID on the franchisor-franchisee relationships”

*Moderators:* **Olivia Gast**, Gast Avocats, France; **Rocio Belda**, Spain

#### TABLE 4: Impact of blockchain technology on international franchising

*Moderator:* **Rob Lauer**, Haynes Boone LLP, U.S.A.

#### TABLE 5: Micro-franchising in the developing world

*Moderator:* **Gustavo Alcocer**, Olivares, Mexico

#### TABLE 6: Navigating supply chain problems

*Moderator:* **Nicola Broadhurst**, Stevens & Bolton LLP, United Kingdom

#### TABLE 7: (International) Franchising: what is it good for - To franchise or not to franchise, that's the question

*Moderators:* **Dagmar Waldzus**, BUSE, Germany; **Lee Plave**, Plave Koch PLC, U.S.A.

#### TABLE 8: The impact of governmental climate change initiatives on franchising networks

*Moderator:* **Raynia Theodore**, MST Lawyers, Australia

#### TABLE 9: What disclosure is given related to financial performance representations

*Moderator:* **Peter Snell**, Cassels Brock & Blackwell LLP, Canada

9:30 am – 10:30 am

## PLENARY 2: ENVIRONMENT, SOCIAL, GOVERNANCE: THE RISE OF “S” IN ESG INITIATIVES OF FRANCHISE SYSTEMS

The “S” or “social” factors of ESG have often played a secondary role to environmental and governance. However, changing consumer preferences, employee attitudes and emerging regulations have prompted franchisors to increase their focus on social issues. More franchises are realizing that social issues should be an integral and more prominent component of their ESG and the management of their businesses. Historically, the lack of focus on social factors is partly due to environmental and governance elements being easier to define and track. Panelist will provide an overview of the social elements of ESG across industries, include a discussion of current and proposed regulatory requirements in certain jurisdictions, the balancing of the individual national concerns and global policies, fiduciary duties, risk management and corporate culture.

*Moderator:* **Martine de Koning**, Kennedy van der Laan, the Netherlands

*Speakers:* **Kendal Tyre**, Nixon Peabody LLP, U.S.A.; **John Lancaster**, Choice Hotels, U.S.A.

10:45 am – 11:05 am

## REFRESHMENT BREAK

11:05 am – 12:05 pm

## CONCURRENT INTERACTIVE WORKSHOPS

### WORKSHOP 1

**It is All Mine, But You Can Use it for Now! Key Issues and Options for Data-related Provisions in International Franchise Agreements**

Most franchise systems love to collect and use data gathered through their operations, especially customer data. Franchisors and their marketing teams have historically wanted to own and control all uses of data, even if generated through the efforts of the franchisee, and many international

franchise agreements reflect a franchisor-centric data ownership and use framework. But with the world more focused than ever on data protection, and catastrophic data breaches making the news almost nightly, many franchisors and their legal counsel are rethinking their data-related policies and provisions in their international franchise agreements. This workshop will discuss issues and options that franchisors must consider when developing their policies and agreement provisions concerning data ownership, data collection, processing, use and transfer, the use of a separate data processing agreement, and finally data breaches.

*Moderators:* **Rob Lauer**, Haynes Boone LLP, U.S.A.; **Melissa Murray**, Bird & Bird, UAE

*Speaker:* **Phil Colman**, MST Lawyers, Australia

### WORKSHOP 2

#### Success Stories

International franchising is no easy task. It can be costly, difficult and time-consuming. Franchisors must navigate a host of complexities, such as determining the best international structure and which countries to enter, selecting international franchisees, finding expert local counsel to ensure local laws are understood and complied with, and adapting the franchise system to local tastes. Each one of these tasks is essential to achieving international success. In this workshop you will hear first-hand about best practices from franchisors who have successfully navigated these complexities to grow their franchise system globally.

*Moderators:* **Alan Greenfield**, Greenberg Traurig, LLP, U.S.A.; **Olivia Gast**, Gast Avocats, France

*Speakers:* TBA

### WORKSHOP 3

#### Arbitration, Enforcement and Provisional Measures

Arbitration is the most frequent choice in international franchise agreements. However franchisors, when they reach this stage, sometimes experience practical difficulties which they have previously underestimated. For instance, the competent Courts of the

franchisee's country may disregard the arbitration clause and declare to have jurisdiction over the case; or the arbitral award may be declared not enforceable in the franchisee's country; or the franchisor fails to obtain precautionary measures against the franchisee.

*Moderator:* **Silvia Bortolotti**, BBM Partners, Italy  
*Speakers:* **Pascal Hollander**, Hanotiau & Van Den Berg, Brussels; **José Massas**, Basham, Ringe y Correa, S.C., Mexico City

12:05 pm - 12:50 pm

## LUNCHEON

12:50 pm – 1:35 pm

## PANEL DISCUSSION: IN-HOUSE COUNSELS' PERSPECTIVE OF NEGOTIATION WITH POTENTIAL FRANCHISEES

*Session Chairs:* **Dominic Hui**, Ribeiro Hui, China ; **Don Wray**, Domino's Pizza LLC, U.S.A  
*Speaker:* **Brian J. Forgas**, Hilton Worldwide, U.S.A

1:45 pm – 2:45 pm

## CONCURRENT INTERACTIVE WORKSHOPS

### WORKSHOP 1

**It is All Mine, But You Can Use it for Now! Key Issues and Options for Data-related Provisions in International Franchise Agreements**

*See initial listing on page 2 for full description.*

### WORKSHOP 2

**Success Stories**

*See initial listing on page 2 for full description.*

### WORKSHOP 3

**Arbitration, Enforcement and Provisional Measures**

*See initial listing on page 2 for full description.*

2:45 pm – 3:00 pm

## REFRESHMENT BREAK

3:00 pm – 4:15 pm

## PLENARY 3: NEWS FROM AROUND THE WORLD

A panel of expert franchise law practitioners from select countries around the world will discuss recent and topical legal developments affecting franchising in their countries.

*Moderator:* **Tao Xu**, DLA Piper LLP (US), U.S.A

*Speakers:* **Leela Baskaran**, Skrine, Malaysia; **Sarah Bush**, International Franchise Association, U.S.A.; **Stewart Germann**, Stewart Germann Law Office, New Zealand; **Maria Hajiyerou**, Kim & Chang, South Korea; **Iain Irvine**, Vardon Legal, Australia

4:15 pm

## CONFERENCE ADJOURNS

## EARN CREDITS

Your attendance at the IBA/IFA Conference qualifies you for Continuing Professional Development (CPD) credits. The conference has been accredited by the Solicitors Regulation Authority of England & Wales. The number of CPD points/hours available may vary for other bar associations and law societies depending on their criteria. If CPD accreditation is required by delegations from other countries, the IBA will be pleased to supply a certificate of attendance. Contact the Conference Department (confs@int-bar.org) or +44 (0) 20 7842 0090 at the IBA for more information.

In addition, you will also earn Continuing Legal Education Credits (CLE's) in most US states by attending this conference. Details on how to obtain credits will be available onsite at the IFA Registration Desk.

You will earn 2 Participation credits toward completion of the Certified Franchise Executive (CFE) accreditation by attending the IBA/IFA Joint Conference.



# GENERAL INFORMATION

**LANGUAGE:** The working language of the conference will be English.

## VENUE: Washington, DC

One of the world's most talked-about destinations, Washington, DC attracts nearly 18 million visitors each year. It is a hub for American politics and history. There are a multitude of free museums to take advantage of, but the real attractions are the memorials and monuments dedicated to great American leaders. Additionally, Washington, DC is considered one of the best culinary destinations in America. The aromas of world-class cuisine invite hungry patrons with promises of delectable dishes at restaurants throughout the city. The options are as varied as the population, with everything from exquisite fine dining to curbside street food. May is the ideal time to visit Washington, DC. We invite you to enjoy pleasant springtime weather and beautiful gardens and parks throughout the city!

## SOCIAL PROGRAM & DINNER:

This year's reception and dinner will be held in the heart of Washington, DC. While the location will be announced soon, it will be a short walk from the Grand Hyatt Washington. Cocktails and hors d'oeuvres will be served from 6:00 pm - 7:00 pm. Dinner will be served at 7:00 pm. Each conference registration includes a ticket to the reception and dinner. If you would like to purchase additional Reception and Dinner only tickets for guests, these are available at US \$300 per ticket.

## HOTEL INFORMATION

You may reserve your hotel room at the Grand Hyatt Washington, Washington, DC by clicking this link: <https://www.hyatt.com/en-US/group-booking/WASGH/G-LEGL> or calling 1-800-233-1234 and indicating you are attending the IFA 2022 Legal Events. Our room rate for a standard room is \$359 (single or double). **The deadline for making reservations is April 8, 2023** (or when the IFA room block is filled, whichever is first.) Once the room block is sold out, reservations will be accepted based on availability. For more information about the Grand Hyatt Washington, click here <https://www.hyatt.com/en-US/hotel/washington-dc/grand-hyatt-washington/wasgh>.

## PRE-REGISTRATION & PAYMENT OF FEES:

**Pre-registration for the IBA/IFA Joint Conference closes May 5.** If you are not able to meet this deadline, please register at our onsite Registration Desk beginning Tuesday afternoon at the Grand Hyatt DC Hotel (there will be a \$100 onsite processing fee). To register for all programs and events described in this brochure, please visit the Conference's website <https://www.franchise.org/events/2023-ibaifa-joint-conference>. Payment of fees should be in US dollars, by check or bank draft drawn on a US bank and made payable to the International Franchise Association (Federal Tax ID #36-6108621) or by Visa, Mastercard, American Express or Discover Card. If you would like to pay by wire transfer, please contact the IFA Offices at 202-622-0763 for account information.

## Conference Registration Fees

**Full Conference Attendee:** US \$800/person

**Full conference registration fee includes:**

- Attendance at all educational sessions.
- Conference working materials.
- Reception and Dinner on Tuesday, May 9.
- Continental Breakfast on Wednesday, May 10.
- Refreshment Breaks on Wednesday, May 10.
- Lunch on Wednesday, May 10.
- Conference registration lists that will be distributed to all attendees and sponsors, and include their names, companies, titles, phone numbers and email addresses.\*

*\* If you do not want your information included on the registration lists, please email [events@franchise.org](mailto:events@franchise.org).*

**Cancellation:** Full refunds (minus a \$99 administration fee) will be granted for registrations cancelled at least 14 days in advance of the conference. No refunds will be permitted for cancellations less than 7 days in advance or for "no-shows." All requests for refunds must be made in writing to the IFA at [events@franchise.org](mailto:events@franchise.org).