

Jean-Philippe Turgeon

Partner

Jean-Philippe Turgeon is a partner and the head of our Franchising and distribution group. His practice focuses on franchise law, distribution of goods and services, bankruptcy, and insolvency.

Mr. Turgeon regularly acts for Canadian and foreign franchisors, purchasing groups, manufacturers, distributors, and retailers in matters related to the implementation of business models, development of operational structures, system management and expansion, development of procurement systems, trademark protection, mergers and acquisitions, competition, protection of personal and private information, insolvency, litigation (before civil courts and arbitration tribunals), negotiation and drafting of commercial agreements related to various business models such as franchise, licensing, affiliation, and partnership agreements, assistance and training programs, commercial leases, and all other documentation ensuring the viability of a franchise system.

Mr. Turgeon also acts for financial institutions, manufacturers, and retailers in all matters related to insolvency and corporate restructuring.

Mr. Turgeon frequently speaks and delivers training programs to players in the franchise and retail trade industry and writes articles on subjects of interest to them.



Representative mandates

- Act for Canadian franchisors in the sale and/or acquisition of franchise systems in Canada
- Advise a Québec manufacturer and franchisor on the sale of its manufacturing activities and the restructuring of its operations under the *Bankruptcy and Insolvency Act*.
- Advise venture capital funds and financial institutions on the financing of franchise systems in Canada
- Represent franchisors before civil courts and arbitration tribunals in various conflicts with franchisees, suppliers,

Partner, Lawyer Montréal

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Languages

English
French

Practice areas

Franchising and Distribution

and lessors

Restructuring and Insolvency

- Advise Canadian franchisors on the expansion of their franchise systems in the United States, Europe, and Africa
- Advise Québec franchisors on starting up their franchise systems in Québec
- Represent Canadian and/or foreign franchisors (and purchasing groups) on the expansion of their systems in Canada and/or Québec
- Represent a group of health professionals in Québec in the development of a medical and paramedical services distribution network
- Negotiate and develop infrastructures for the supply, distribution, and/or manufacture of products on behalf of manufacturers, distributors, franchisors, and retailers

Publications

- Co-author, *La propriété intellectuelle en matière de franchise : au-delà de l'enregistrement de vos marques*, in *Les développements récents en droit de la franchise*, 2016
- Co-author, "The Franchisor's Duty to Police the Franchise System", in the ABA Franchise Law Journal, 2016
- "Applicable Law and Jurisdiction in Franchising, Commercial Agency, and Distribution Agreements", for the annual conference of the International Bar Association (Vienna, Austria), 2015
- "Getting Started – Validating the Viability of a Franchise System's Infrastructure", *Canadian Business Magazine*, 2015
- "The implied duty to act in good faith in franchise agreements: the takeaways from the Canadian case Bertico inc. v. Dunkin's brands Canada Ltd." for the International Bar Association, 2015
- "Takeaways from the Dunkin' Donuts Decision", *Canadian Business Magazine*, 2015
- "Ask the Experts: Benefits of franchisee associations", *Canadian Business Magazine*, 2015
- "Ask the Experts: Using English franchise brands in Quebec", *Canadian Business Magazine*, 2015
- L'utilisation des marques de commerce unilingues Anglophones dans l'affichage au Québec : gain majeur pour les détaillants et les franchiseurs hors Québec*, *Conseil québécois de la franchise*, 2014
- "The use of English-only trademarks in Quebec advertising: major win for Best Buy and other

retailers”, for the Canadian Franchise Association, published in Franchise Voice Magazine, 2014

Comment démarrer votre réseau de franchise, for the *Conseil québécois de la franchise*, 2014

“Franchising in Canada (and Quebec): Duality of Laws and Culture”, Lexpert Magazine, 2014

“English Only Storefront Signage in the province of Quebec (Ask the experts)”, *Canadian Business Franchise magazine*, 2014

Franchise : bien comprendre la portée de vos clauses pénales, written for the *Conseil québécois de la franchise*, 2013

L’Association de franchisés atteint ses limites!, written for the *Conseil québécois de la franchise*, 2013

La Cour suprême se prononce en matière de non-concurrence... quel impact pour la franchise?, written for the *Conseil québécois de la franchise*, 2013

“Non-competitive clauses in franchising: should they be interpreted restrictively?”, in *Recent Developments in Franchising*, written for the *Barreau du Québec*, 2013

Conferences

“The Supreme Court of Canada Has Spoken...Now What? Exploring the Fall Out from Dunkin’ Brands v. Bertico Inc.”, Ontario Bar Franchise Law Section Dinner, 2016

“The main challenges with the realization of a debtor-franchisee’s assets”, 15th advanced conference of the Canadian Institute on Restructuring, Insolvency and Bankruptcy (Montréal, QC), 2015

“Applicable Law and Jurisdiction in Franchising, Commercial Agency and Distribution Agreements”, annual conference of the International Bar Association (Vienna, Austria), 2015

“The ABCs of a Successful Franchise Expansion in Quebec, Franchising in Canada: a Duality of Law and Culture”, International Franchise Show (New York, NY), 2015

“Optimizing the “Discovery Day” in Your Franchisee Qualification”, moderator at the annual conference of the Canadian Franchise Association (Niagara, ON), 2015

“Franchising in Canada: a Duality of Law and Culture”, International Franchise Show (New York), 2014

L’éthique et les bonnes pratiques du franchiseur : impératif pour maintenir la croissance de l’industrie de la franchise, 4^{ème} Colloque sur la franchise du CQF (Montréal, QC), 2014

“Environmental impacts on securities in the agri-business industry”, Farm Credit Canada, (St-Hyacinthe, QC), 2014

“Non-competitive clauses in franchising: should they be interpreted restrictively?”, Convention of the Barreau du Québec on franchising, (Montréal, QC), 2013

“Realization of securities in the agri-business industry”, 11th and 13th advanced conference of the Canadian Institute on Restructuring, Insolvency and Bankruptcy, (Montréal, QC), 2011 and 2013

“How to structure your franchise system”, annual conference of a Canadian franchisor, (Montréal, QC), 2011 and 2012

Distinctions

The Best Lawyers in Canada in the field of Franchise law, since 2017

Lawyer of the Year, Best Lawyers, Franchise law, 2018

The Canadian Legal LEXPERT® Directory in the field of Franchise law, since 2017



Jean-Philippe Turgeon



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LAWYER

Education

LL.B., *Université du Québec à Montréal*, 2003

Member of the *Barreau du Québec* since 2004

Boards and Professional Affiliations

Conseil québécois de la franchise

Canadian Franchise Association and its Legislative affairs committee

International Franchise Association and its Legislative affairs committee

American Bar Association and its Antitrust section and Forum on franchising