

# Asia Franchise

## & Business Opportunities

亚洲特许经营  
加盟连锁 · 投资良机

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POLAR  
PUFFS & CAKES™

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Whether you are an established or emerging franchise, ADA's franchise management system can help you manage your franchisees, communicate effectively with them and monitor their performance to help them succeed.

Grow your franchise operations using digitization with ADA — specially developed for you to ensure a smooth and seamless business expansion with performance transparency.

**ADA stands for Asiawide Digital Advantage™**



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+65 67432282

Contact: Gregory Cheong ☎ +65 93676458 🌐 [gregory@asiawidefranchise.com.sg](mailto:gregory@asiawidefranchise.com.sg)



# R&B 巡茶



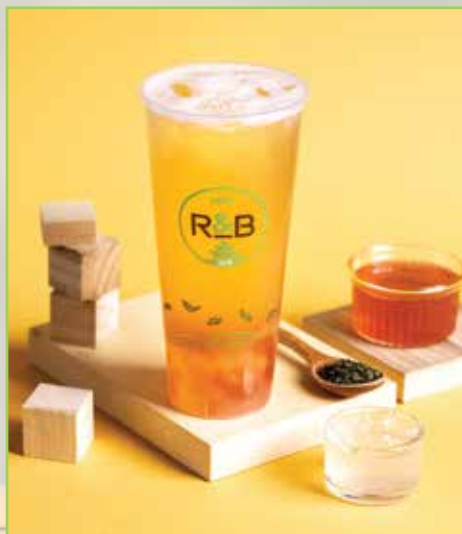
The mention of bubble tea immediately reminds people of Taiwan. Two young Taiwanese, Rex and Bruce, created their own fragrant bubble tea R&B Tea R&B 巡茶 in 2004 and brought it to China. It flourished and has since operated more than 800 outlets in Suzhou, China and other places. R&B 巡茶 entered the Singapore market in 2017, and it caused a huge sensation with its first extra-large one-litre fruit cup, bursting with fresh fruits. Driven with the guiding principle of continuous innovation, R&B 巡茶 launched the well-known brown sugar series of drinks – for example, Brown Sugar Boba Milk with Cheese Brûlée” and “Frog Meets Milk” and so on. This series uses an exclusive brown sugar formula combined with delicious slow boiled pearls. The rich taste has established the popularity of R&B 巡茶, with this series ranked among the best in many polls.

In view of the importance consumers placed in attaining a healthy lifestyle, R&B 巡茶 has adjusted their menu which features fruit teas including the latest addition ‘Lychee Tea’ to cater to different demands. R&B 巡茶’s product line also includes high-quality teas from all over the world. Starting with China, the birthplace of tea, R&B 巡茶 purchases the best quality tea in every season in various tea-growing areas around the world, dedicating to everyone the best quality tea. R&B 巡茶 has expanded into the United States, Macau, Philippines, Indonesia and other countries in Southeast Asia with more than 1,000 outlets.

Savoring tea is like savoring life. R&B 巡茶 abides by its goal of Sharing a Cup Happiness with all its customers.

一提到珍珠奶茶就让人想到了台湾。两位台湾年轻人Rex 和 Bruce于2004年自创了浓郁的珍珠奶茶R&B巡茶, 并把它带到了中国发扬光大。已在中国苏州等地经营了八百多家的R&B巡茶店于2017年进入了新加坡市场, 首次推出的特大一公升水果杯, 满满的新鲜水果, 满满的幸福感当时就引起了轰动。秉持着不断创新理念, R&B巡茶在隔年又推出了众所周知的黑糖珍珠系, 如“老虎出巡”和“青蛙撞奶”等。这个系列采用了独家黑糖配方与珍珠慢熬结合, 浓郁又香醇的口感成功打响了R&B巡茶的知名度, 在多家民调中都获得了名列前茅的成绩。近期在追求健康生活的趋势下, R&B巡茶也紧跟顾客口味上的转变, 菜单上也陆续提供多种清爽的酸奶饮品和荔枝水果茶迎合了不同的需求。

R&B巡茶的原材料囊括了世界各地的好茶, 在全世界的各个产地, 每个季节收集最好品质的茶叶, 以奉献给大家最佳的品质。现今R&B巡茶已经扩展到美国, 澳门, 菲律宾, 印度尼西亚及东南亚其它国家并超过一千间奶茶店。品茶如品人生, R&B巡茶坚持初心, 给您一杯幸福的茶。



欲知更多加盟详情请联系吴珮瑜女士和李东先生。

Please get in touch with us if you are interested in our franchise opportunities:

Ms Jayne Goh at [jayne.goh@koufu.com.sg](mailto:jayne.goh@koufu.com.sg) and Mr. Jet Li at [jet.li@koufu.com.sg](mailto:jet.li@koufu.com.sg)

## Publisher 出版

Asiawide Trends Pte Ltd  
亚洲新趋势私人有限公司  
140 Paya Lebar Road  
#09-20 AZ@PayaLebar  
Singapore 409015  
Co. Reg. No.: 198902080E

Tel 电话: (65) 6743 2282

Fax 传真: (65) 6743 1139

Email 电邮: albert@asiawidefranchise.com.sg

Website 网站: www.asiawidefranchise.com.sg

Facebook: @AsiawideFranchiseConsultants

Twitter: @Asia\_Franchise

Linkedin: asiawide-franchise

## Printer 印刷

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## Media Reps 广告代理

Contact: albert@asiawidefranchise.com.sg

## Editor-In-Chief 总编辑

Albert Kong 江进兴

We welcome views and comments from our readers. Correspondence should be addressed to Editor-In-Chief at the above address.

我们欢迎读者提供意见，来信寄上述地址，注明杂志编辑收。

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# Note from the Editor 编辑的话



Albert Kong 江进兴  
Editor

The life cycle of Fortune 500 companies is 40 years. Most European and American companies have a life cycle of 12.5 years, while the average life cycle of companies in many developing countries is less than 5 years. This not only reflects the lack of competitiveness of these companies, but also reflects the reality of lack of leadership in these companies.

Napoleon once said, "There are only bad generals and no bad soldiers." It is difficult to win a battle without a good commander. For an enterprise, leadership is of course also very important. Jack Welch said: "Leadership is more important than strategy." Without excellent leadership, there will be no excellent execution!

James Kouzes and Barry Posner repeatedly emphasized in their book "The Leadership Challenge (1987)" that "leadership", a human behavior that plays an important role in the development of history, and no matter the circumstance, the essence remains the same. Kouzes and Posner summarise their program about what leadership is, and what they believe are the Five Practices of Exemplary Leadership®:

1. Model the Way
2. Inspire a Shared Vision
3. Challenge the Process
4. Enabling Others to Act
5. Encourage the Heart

In franchising, leadership, too, is vital for the network to survive and thrive, especially during this trying period.

Asiawide Franchise Consultants (AFC) is thrilled, in spite of the challenging environment posed by the pandemic, to have added three more strategic partners to its

worldwide network of franchise consultant partners: 1) Croatia - Dr. Ljiljana Kućec; 2) France -- Louis Malta-Bey; 3) Pakistan -- Muhammad Naeem Younas. It is hoped that with more quality partners, AFC will be able to provide its clients around the world even better service so that their customers can achieve their objectives in a more efficient manner.

世界500强企业的寿命周期是40年，欧美企业大部分是12.5年，而许多发展中国家的企业寿命周期平均不到5年。这不仅反映出了这些企业竞争力不强的问题，更反映出了这些企业领导力欠缺的现实。

拿破仑曾经说过“只有糟糕的将军，没有糟糕的士兵”。如果没有一个好的统帅是很难打胜仗的。对于一个企业来说，领导力当然也是十分重要的。杰克·韦尔奇说：“领导力比战略更重要”。没有卓越的领导力，就不会有卓越的执行力！

詹姆斯·库泽斯和巴里·波斯纳在《领导力》一书反复强调，“领导”这个在历史发展中扮演着重要角色的人类行为，其内核始终如一、万变不离其宗。以下是卓越领导应具备的五种习惯行为——以身作则、共启愿景、挑战现状、使众人行、激励人心。

经营特许经营生意也一样，领导力对于整个网络的生存和发展也至关重要，尤其是在这个艰难时期。

尽管冠状病毒疫情带来了非常挑战性的环境，但爱思威特许经营顾问公司（AFC）仍为其全球特许经营合作伙伴网络中又增加了三个战略合作伙伴而感到兴奋：1) 克罗地亚-Ljiljana Kućec博士；2) 法国-路易·马耳他·贝（Louis Malta-Bey）；3) 巴基斯坦-穆罕默德·内姆·尤纳斯Muhammad Naeem Younas。AFC希望继续吸引更多优质的合作伙伴，为全球客户提供更好的服务，从而使各个客户能够更有效地实现其扩充市场目标。



Asiawide Franchise Consultants Pte Ltd's website has a new look. Do visit us at [www.asiawidefranchise.com.sg](http://www.asiawidefranchise.com.sg) or scan the QR code on this page.

爱思威特许经营顾问私人有限公司的网站有一个全新的面貌。请立即访问[www.asiawidefranchise.com.sg](http://www.asiawidefranchise.com.sg)浏览此页面上的二维码。



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Note: the e-version of this magazine can be assessed via  
<http://bit.ly/AFCAFBO> or by scanning the QR code on this page.





# P O L A R

## PUFFS & CAKES™

**Y**ou will be hard-pressed to find an adult in Singapore who does not recognise the brand Polar Puffs & Cakes, especially when it comes to pastries and Sugar Rolls. It is such a ubiquitous feature in many malls, that it may be strange not to see it in the estate.

Established back in 1926, Polar Café's very first outlet was located on 51 High Street where the iconic Capitol Piazza and Capitol Theatre are located.

It was the go-to place in the then

downtown for the best curry pastry puffs, and a selection of ice-cream and chilled refreshments.

It was a popular joint for politicians, lawyers and businessmen due to its strategic location near the trading harbour, Collyer Quay (within the current CBD).

Having witnessed and endured the turbulent period of World War II, Polar Café went on to open a second outlet in December 1986, and many more subsequently (they have 29 outlets - as at end of March 2021). Polar Café has since grown in tandem with the progress of Singapore, with its products becoming a staple to many, and rebranded as Polar Puffs & Cakes in 1995.

To cater to the increasing demand for its puffs and cakes, the company invested in a

sophisticated factory in 1998 which meets the high standards of HACCP.

In 2015, the highest circulated newspaper in Singapore named Polar Puffs & Cakes' signature Curry Puff as Singapore's #1 curry puff. With over 100 varieties of pastries, cakes and other confectioneries, the brand takes pride in selecting the best ingredients to produce quality handmade pastries that are baked fresh daily.

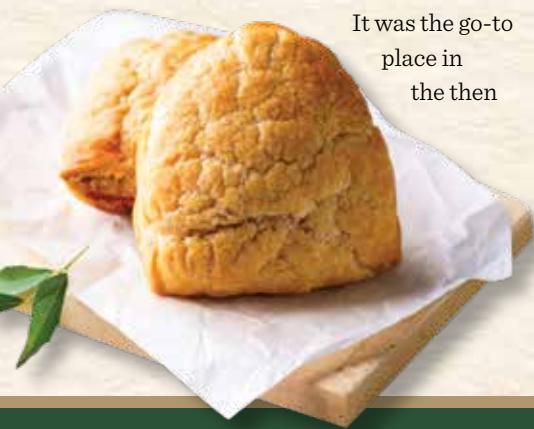
Due to its popularity, many parties have approached Polar Puffs & Cakes in collaboration. These include credit card companies, trade associations and clubs that wish to offer Polar Puffs & Cakes' products to their members.

Their Polaris membership (with entitlements to discount and other benefits) is very popular, and the number of members increases by the day.

"The Polar Family wants to let as many people as possible around the world to enjoy our super delicious curry puffs, chicken pies, sausage rolls, swiss rolls, moon cakes, and many other sorts of confectionaries (with options of popular cartoon characters licensed from Disney and Sanrio, etc.). We aim to be top in every aspect—be it our products, customer service, or our carbon footprint," shared Mr. Francis Looi, CEO of Polar Puffs & Cakes



**Interested parties who wish to collaborate, please reach Polar Puffs & Cakes at [franchise@polarpuffs.com.sg](mailto:franchise@polarpuffs.com.sg)**







在新加坡，Polar Puffs & Cakes是一个家喻户晓的老字号。当提及咖喱泡芙和蛋糕种类的美食时，Polar Puffs & Cakes是一个大部分新加坡成年人都会知晓的品牌。他们的分店分布在全岛各地，它的存在犹如一个象征性的标志。

Polar Café（旧名称）的第一家分店建于1926年，位于High Street街51号（现为标志性的Capitol Piazza商场和Capitol剧院所在地，也是当年的市中心）售卖着最好的咖喱泡芙以及各种冰淇淋和冰镇点心。

基于它的地理位置靠近当时的贸易港(名为科利尔码头Collyer Quay;如今的金融区内)，成为了许多政治家、律师和商人经常聚集的地方。

经历了第二次世界大战的动荡时期后，Polar Café 第二家分店于1986年12月开幕，随后又开设了其余的分店（截至2021年3月底，已有29家分店），其食品很快成为许多人的熟悉的味道。Polar Café 于1995年更名为Polar Puffs & Cakes。

为了满足日益增长的需求量，公司于1998年投资了一间设备完善的食物制造工厂，该工厂更获得了HACCP的高标准认证。

发行量最大的海峡时报在2015年报道Polar Puffs & Cakes的咖喱泡芙票选为新加坡第一咖喱泡芙（#No.1 Curry Puff）。Polar Puffs & Cakes 拥有100多样的糕点、蛋糕和其他烘焙食品，所选择的食材都是最好的。他们以每天手工制作的新鲜烘焙食品以及优质的糕点而感到自豪。

由于它们受欢迎的程度极高，许多品牌已经与Polar Puffs & Cakes享有长期的合作关系。

其中包括信用卡公司、行业协会和俱乐部，它们希望向它们的会员推广

Polar Puffs & Cakes烘焙食品。

Polar Puffs & Cakes 的会员计划也得到了顾客的青睐，会员能享有折扣优惠和其他专享福利，同时会员的参加人数也与日俱增。

“公司高层管理希望尽可能让全世界许多人士都能享受到我们超级美味的咖喱泡芙、鸡肉泡芙、香肠泡芙、瑞士卷、月饼以及许多其他种类的蛋糕（当中也包括了经过如迪斯尼Disney和三丽鸥Sanrio公司许可的热门卡通人物图像设计蛋糕）。我们的目标是在各方面都能名列前茅——无论是我们的产品、客户服务，还是我们的碳足迹，” Francis Looi 首席执行官分享道。

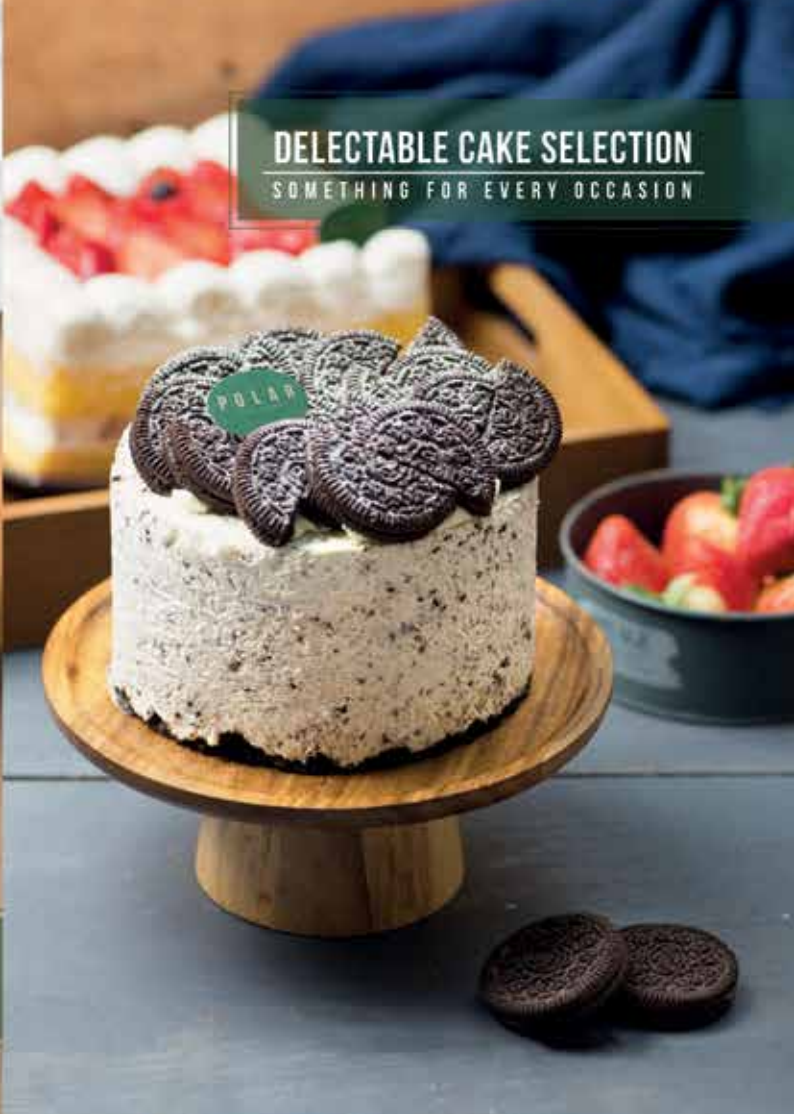
希望合作的各方，请发电子邮件至  
[franchise@polarpuffs.com.sg](mailto:franchise@polarpuffs.com.sg)







**ARTISANAL SUGAR ROLL**  
HAND ROLLED WITH LOVE SINCE 1926



**DELECTABLE CAKE SELECTION**  
SOMETHING FOR EVERY OCCASION



**FRESH-BAKED CHICKEN PIE**  
ALL-TIME FAVOURITE SELECTION



**SIGNATURE CURRY PUFF**  
BAKED FRESH SINCE 1926



**Congratulations to Terence Hong and Max Yeow on the opening of their shop at Manhattan House on 30th January 2021.**

祝贺Terence Hong和Max Yeow于2021年1月30日在曼哈顿之家开设The Soy Inc 分店。



**THE SOY INC.**  
最好大豆プリン



**Gloria Jean's**  
COFFEES

**Gloria Jean's Coffees (Singapore franchisee) newest outlet opened at West Coast Plaza on 15th January, 2021. Best wishes to Kevin Khoo**

2021年1月15日，Gloria Jean's Coffees（新加坡区域加盟商）最新分店在西海岸广场开业。恭祝KEVIN总裁生意兴隆





# Intellectual Property and Franchising Webinar Training Workshops held in February 2021 in Hong Kong



Organiser: **ABFA** Asia Branding and Franchising Association

Supported by "Trade and Industrial Organisation Support Fund" from Trade and Industry Department

Implementation Agent: **hkpc** 香港貿易發展局

**TSF** 工商機構支援基金 Trade and Industrial Organisation Support Fund

## IP and Franchising Webinar Training Workshops

### 知識產權及特許經營網上培訓工作坊

**Free Webinar**

**IP and Franchising Webinar Training Workshops**  
知識產權及特許經營網上培訓工作坊

**Itinerary**

| Date         | Time          | Topic                                                                                                 | Speaker                                                                                                                                                   | Medium    |
|--------------|---------------|-------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
| 17 Feb (Wed) | 14:30 – 17:30 | You can't really franchise when your IP, mainly your brand is not protected or properly managed       | <b>Mr. Albert Kong</b><br>CEO of Asia-wide Franchise Consultants                                                                                          | English   |
| 18 Feb (Thu) | 14:30 – 17:30 | Success stories and approaches in franchising and licensing                                           | <b>Mr. Affandy Fala</b><br>President/CEO of Francorp Malaysia                                                                                             | English   |
| 19 Feb (Fri) | 14:30 – 17:30 | Keys to success of corporate brand management<br>Brand development case sharing                       | <b>Dr. Wendy Lam</b><br>Director of Nan Lan International Development Company Limited<br><b>Mr. William Shum</b><br>CEO of Memorign Watch Company Limited | Cantonese |
| 22 Feb (Mon) | 14:30 – 17:30 | IP protection and product design/development, from the perspective of IP management                   | <b>Dr. Lewis Luk</b><br>President of Hong Kong Institute of Patent Attorneys                                                                              | Cantonese |
| 23 Feb (Tue) | 16:00 – 19:00 | Global IP trend and valuation through data analytics                                                  | <b>Dr. Andreas Zagus</b><br>Managing Partner of IP Business Information B.I.                                                                              | English   |
| 24 Feb (Wed) | 14:30 – 17:30 | Ways to protect your brands from intellectual property theft<br>Value creation and exploitation of IP | <b>Mr. Benny Kong</b><br>Senior Partner of Benny Kong & Tsui Solicitors<br><b>Mr. Eddie Hui</b><br>Managing Director & CEO of Semk Products Limited       | Cantonese |
| 25 Feb (Thu) | 14:30 – 17:30 | New developments of HK IP laws and influence thereof on business decisions                            | <b>Dr. Lewis Luk</b><br>President of Hong Kong Institute of Patent Attorneys                                                                              | Cantonese |
| 26 Feb (Fri) | 15:00 – 18:00 | Useful kit on IP franchising/licensing                                                                | <b>Mr. Affandy Fala</b><br>President/CEO of Francorp Malaysia                                                                                             | English   |

The contents of the above sessions may be subject to adjustments without prior notice.

|                                                                                              |                                                                                             |                          |                                                                                          |
|----------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------|--------------------------|------------------------------------------------------------------------------------------|
| <p>17-19, 22-26 February 2021<br/>PM Session<br/>(Details please refer to the itinerary)</p> | <p>HKPC Building, 78 Tat Chee Avenue, Kowloon, Hong Kong<br/>(with Zoom live broadcast)</p> | <p>Cantonese/English</p> | <p>Those with interest in Intellectual Property, Franchising, Licensing and Branding</p> |
|----------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------|--------------------------|------------------------------------------------------------------------------------------|

With the support of the Trade and Industrial Organisation Support Fund (TSF) by HKSAR, Asia Branding and Franchising Association will organise a series of workshops regarding IP protection and franchising, licensing and branding, with the aim to upgrade audience with relevant knowledge and skills for betterment of business and brand development of the industry.

In these workshops, you will gain extensive knowledge and experience sharing including IP protection and exploitation, franchising trends and approaches, as well as brand development and management. Case studies and success stories will also be shared by experts and entrepreneurs to give more examples.

If you are interested in the workshops, please scan the QR code for registration.



#### Supporting Organisations



#### Remarks:

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#### Register Online





# 2021年2月在香港舉行的“知識產權與特許經營”線上研討會及培訓班

主辦機構



工業貿易貿易「工商機構支援基金」撥款資助



工商機構支援基金  
Trade and Industrial Organisation Support Fund

執行機構



## IP and Franchising Webinar Training Workshops 知識產權及特許經營網上培訓工作坊

免費網絡研討會



2021年2月17-19日  
2021年2月22-26日  
下午時段  
(詳情請參閱流程表\*)



香港九龍達之路78號  
生產力大樓  
(設有Zoom同步直播)



廣東話/英語



對知識產權、特許經營、  
授權和品牌發展有興趣  
人士

在工商機構支援基金(TSF)的資助下，亞太品牌發展及加盟協會(ABFA)將舉辦一系列有關知識產權保護、特許經營、授權許可和品牌發展的網上培訓，旨在通過提升觀眾相關知識和技能，改善行業的業務和品牌發展。

在這些培訓中，參與者將得到以下方面的廣泛知識和經驗分享，包括知識產權保護和利用，特許經營趨勢和方法以及品牌發展和管理。另外將有專家和企業家進行案例分析和分享成功個案。

如閣下或貴公司有興趣參加這次免費培訓，請立即掃描 QR code 登記。

### 支持機構



香港中小企業聯合會  
HONG KONG SMALL AND MEDIUM ENTERPRISES ASSOCIATION



\* 流程表只提供英文版。

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### 網上登記







# TAIWAN Franchise



ACFPT



AKINORI OISHI

# 區塊鏈

## 2021/09/24-09/27

### Taipei International Chain and Franchise Autumn Exhibition



社團法人 台灣連鎖加盟促進協會  
Association of Chain and Franchise Promotion, Taiwan



TOPLINK 上聯國際展覽有限公司  
上聯國際展覽 TOP LINK INT'L EXHIBITION Co., Ltd.





## Taiwan's largest franchise exhibition (Spring quarter 2021)



台湾开春最大  
规模加盟展；  
500摊位拼创  
业商机



The "2021 Taipei International Franchise and Entrepreneurship Exhibition-Spring Exhibition" organized by the Association of Chain stores & Franchise Promotion Taiwan (ACFPT) was held from February 19th to 22nd at the Taipei World Trade Center (Hall One).

Guest-of-Honor was the deputy mayor of Taipei City, Ms. Huang Shan-shan. She said that 90% of Taiwan's industrial structure comprises small and medium-sized enterprises, among which franchise operators are the core group. When



people are unable to go abroad due to the Covid-19 epidemic, new business models are fermenting in chain brands, such as the delivery-store type that focuses on small footage and robotic production.

There were three themed areas at the exhibition: "Famous Brands Zone", "Equipment Zone" and "International Zone". Equipped with new technology, software (AI unmanned store, face recognition, online APP experience, mobile payment, etc.), and coupled with the blessing of the delivery platform, companies in the franchise industry will be able to effectively reduce labor costs and greatly improve the "timeliness, regionality, and efficiency ratio".



社团法人台湾连锁加盟促进协会主办「2021台北国际连锁加盟暨创业大展--春季展」，2月19日起至22日在台北世贸一馆举行，为企业品牌、加盟业主及创业者提供最先进的加盟资讯与媒合平台，创造就业机会。

台北市副市长黄珊珊表示，台湾产业结构90%由中小企业组成，其中连锁加盟业者更是中小企业的核心族群。当民众因疫情无法出国时，新型态的商业模式也在连锁品牌发酵，有些已运用于第一线消费服务的阶段，像是主打小坪数的外送外带店型、智慧手臂制作手摇饮、无人机台等，连锁加盟产业不畏环境变迁迅速有效转型升级，值得借镜。

本次展览三大主题展区包含「金牌连锁区」、「设备经销区」及「国际厂商区」，全面结合全新技术设备与服务软件（AI无人商店、人脸识别点送餐、线上APP体验、行动支付等），加上外送平台加持，让连锁加盟产业能有效减少人力成本，并且大幅提升「时效性、地域性、坪效比」，展出内容有手摇饮料、网红小吃、设备器材、创业顾问、经销代理等各式多元加盟业态。





**John**  
Master Franchise  
in F&B



# New opportunities and great meetings to develop my business



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# Franchise Expo Paris Will Take Place From September 26 to 29, 2021



## 下一届巴黎特许经营博览会将于 2021年9月26日 至29日举行

After 3 postponements, the biggest and most international franchise event will take place this year in September 2021. The show of the French Franchise Federation, organized by Reed Expositions France, will, as usual, gather all franchise key players: franchisors, banks, consultants, lawyers, accountants, future franchisees, investors, and the media.

For 40 years, Franchise Expo Paris enables thousands of entrepreneurs to achieve their business goals. This is the ideal moment and place to meet the founders and the managers of more than 400 French and international brands. This unique choice of brands, with a strong reputation or new concepts, from nearly 90 sectors (hotels and restaurants, retail, services, real estate, fashion, fitness, etc.) offers entrepreneurs and/or retailers the opportunity to compare & immerse themselves into the universe of brands and to find the network which is most suited to their ambitions. Franchise Expo Paris brings together a rich program of 100 conferences, including information and help to participants in finding appropriate financial solutions.

The 4-days physical event is supplemented by a 5-month dedicated digital program FranchiseExpoOnline to help all the participants to prepare, organize face-to-face or digital meetings (before, during and after the show), interact, and learn.

经过3次延期之后，规模最大，最国际化的特许经营活动将于今年2021年9月举行。由法国里德博览会（Reed Exposition France）以及法国特许经营联合会联办的项目将照常聚集所有特许经营的主要参与者：特许经营商，银行，顾问，律师，会计师，准加盟商，投资者和媒体……

40年来，巴黎特许经营博览会将让成千上万的企业家有机会实现了他们的业务目标。这是与400多个法国和国际品牌的创始人和管理人员会面的理想时机和地点。来自90个行业（酒店和餐饮，零售，服务，房地产，时尚，健身等）的具有独特声誉或新概念的獨特品牌选择，为企业家和/或零售商提供了了解趋势及自我提升的机会。该博览会汇集了100个会议的丰富计划，其中包括信息和帮助参与者找到合适的财务解决方案。为期4天的实体展由5个月的专用数字节目FranchiseExpoOnline进行补充，以帮助所有参与者准备，组织面对面或数字会议（在演出前，演出中和演出后），互动和学习。

Website: [www.franchiseparis.com](http://www.franchiseparis.com)

Contact: [business@franchiseparis.com](mailto:business@franchiseparis.com)







# Brunei's DARE Organized A Franchise Webinar For Enterprises

On 5th March 2021, Darussalam Enterprise (DARE), an SME government agency in Brunei Darussalam, organized a franchise webinar for SMEs in its Program Elevate. Asiawide Franchise Consultants' CEO Albert Kong presented and answered many questions concerning franchising during the one-and-a-half-hour session. Program Elevate is a growth program where DARE will facilitate, nurture, drive and monitor promising MSMEs to achieve continuous growth in 5 years.

## 文莱政府为中小型 企业组织了一个特 许网络研讨会



2021年3月5日，文莱达鲁萨兰国中小型企业机构Darussalam Enterprise (DARE) 在其Program Elevate计划中为中小型企业组织了一个特许网络研讨会。在为时一个半小时的会议上，爱思威特许经营顾问公司的首席执行官江进兴Albert Kong提出并回答了许多有关特许经营的问题。Program Elevate是一项增长计划，DARE将促进，培育，驱动和监控有前途的MSME，以在5年内实现持续增长。

# TF TopFranchise (Russia) Organized The Virtual Global Franchise Conference on 10th February 2021



The co-founder of Topfranchise, Vasil Gazizulin, moderated the webinar Global Franchise Conference on 10th February 2021. The three invited speakers were: Alex DePase, CEO of Global Franchise Exchange (USA); Felix de Wit, Chief Executive Officer at Schalkshof Management & Consultancy (The Netherlands); Albert Kong, CEO of Asiawide Franchise Consultants (Asia).

According to Vasil, more than 250 people from various regions registered to participate in the webinar.



## 特许经营网上会 议——主办方：俄罗斯 Topfranchise

俄罗斯Topfranchise的共同创始人 Vasil Gazizulin主持了2021年2月10日举行的网络研讨会“全球特许经营会议”。三位受邀的演讲嘉宾是：全球特许经营交易所（美国）首席执行官Alex DePase；Schalkshof管理与咨询公司（荷兰）首席执行官Felix de Wit；亚洲特许经营顾问（亚洲）首席执行官江进兴。





# Russia's Commercial Real Estate Industry Faced a Difficult Situation

## 讨论当前俄罗斯房地产行业面临的困境



**R**ussian media holding company RBC organized a conference on February 25th to discuss the current Russia's commercial real estate industry which faced a difficult situation: the office space market was in a state of constant turmoil due to many employees having to work remotely (work from home); hotels were closed amid a sharp drop in demand; shopping malls incurred major losses due to the suspension of operation, etc. Warehouses seemed to remain the most stable market segment during this pandemic. Analysts predict that 2021 might also bring about transformations and new approaches to organizing premises in the commercial real estate market.

**Moderator** (on site):  
**Ignat Bushukhin**, editor-in-chief, RBC Realty

Invitees (on site):  
**Alexey Fursin**, Head of the Entrepreneurship and Innovation Development Department of Moscow

**Oksana Moiseeva**, Head of the Commercial Real Estate Department, A101 Group of Companies

**Kermen Mastiev**, Director of Office Property Sale and Lease, MR Group

**Sergey Baranov**, Director of Commercial Real Estate, AFI Development

**Alexey Efimov**, Director of the Office Property Department, JLL

**Vasil Gazizulin**, CEO, Topfranchise

**Online presence: Albert Kong** (Asiawide Franchise Consultants);  
**Felix De Wit** (Schalkshof Management & Consultancy)

For more information, please contact:  
Angelina akhudadyan@rbc.ru <https://www.facebook.com/rbc.ru/>

**俄** 罗斯媒体控股公司RBC在2月25日组织了一次会议，讨论当前俄罗斯房地产行业面临的困境：由于许多员工不得不远程工作（在家工作），办公空间市场处于持续动荡的状态；由于出差旅游住宿需求急剧下降，许多酒店被关闭；由于停工等原因，大型购物中心遭受了重大损失。在这种冠状病毒疫情大流行期间，仓库似乎仍然是最稳定的市场部分。分析人士预测，到2021年，商业房地产市场组织及分配也可能带来变革和新方法。







# DEAL OR NO DEAL?

## Four Strategies to Managing IP Disclosure Risks in Collaborations

To survive in today's competitive environment, companies must find ways to grow while protecting their distinctiveness in the market. Across many sectors, including medical, F&B, retail, wellness, beauty and education, many are collaborating to share resources and capture new markets. Licensing and franchising are amongst such collaborations, which often require companies to provide access to key intellectual property (IP) or intangible assets (IA), such as proprietary technology or processes. How can companies collaborate without losing control over their most valuable assets?

The payoffs of a successful partnership can be worth every effort. Companies with limited resources or scope can tap on the expertise of bigger players, while incumbents benefit from the innovation of new companies. For companies in growth mode, partnerships with market leaders can shorten their path to commercialisation and revenue, which will attract and keep investors.

### WHY SHARING TOO MUCH TOO EARLY CAN BE A BIG MISTAKE

Almost every collaboration or partnership involves the transaction of IP and IA. Companies are usually aware of the importance of IP when they develop something new with the potential for commercialisation. They would typically seek protection before sharing information with potential collaborators. However, applying for an IP right is not the same as obtaining protection under the law. Until the IP right has been registered, which could take years, the actual scope of protection is uncertain. It is not uncommon for companies to approach larger companies for investment or collaboration, only to find the latter independently launching similar products or solutions not long after.

To reap the benefits and avoid the pitfalls of such transactions, a company needs to recognise and protect its assets, while clarifying the value exchange with the potential partner. Here are four ways to manage your disclosure risks in collaborations to close a deal that works for you:

#### 1. Know what you bring to the table

Knowing what assets you have strengthens your position in a negotiation. These assets can range from registered IP such as patents, trade marks or design, to IA such as access to markets, key data or important know-how needed to successfully implement a transacted technology. Get down to the details on the type of rights, scope of coverage, and even geographical jurisdiction. Being able to articulate these clearly in a negotiation makes you a more attractive partner.

#### 2. Know which assets are critical to the collaboration

Prior to sharing important information with potential collaborators, identify exactly which assets are critical to the collaboration. Make concerted efforts not to reveal these aspects, which may undermine the deal. These efforts could include 'black boxing' critical processes and stating explicitly during the sharing that certain key aspects are proprietary trade secrets that cannot be revealed.



Most companies that are genuinely interested in collaborating will understand and respect this position.

### 3. Know what assets you want to get out of the deal

When it comes down to negotiating the details of the deal, knowing what assets you want to get out of the deal can help you better plan your negotiation. For example, access to future data generated through the collaboration may be a critical asset for future development or growth, particularly with the increasing relevance of artificial intelligence (AI) and machine learning.

### 4. Use a good IP agent, NDAs, and an experienced lawyer

A good understanding of the law and filing processes can strengthen your company's position in negotiations.

When protecting your technology, engage a patent agent who understands the technology well enough to draft a strong patent and can advise on the filing strategies for the various jurisdictions of interest, including where to file first. The same applies to trade marks and registered designs.

A well-crafted NDA is a critical step prior to sharing confidential information. This gives you the option to seek legal recourse in case of any breach by the party receiving the information. At later stages of the discussions, other clauses

to cover non-use, non-circumvention or even non-competition may be appropriate for inclusion into the collaboration agreement. Seek the advice of legal practitioners when drafting agreements to ensure enforceability, especially in foreign collaborations where the laws may differ.

In particular, carefully consider how to manage any exchange of trade secrets before any contracts are signed, even if they include non-disclosure clauses. If disclosure of sensitive information cannot be avoided, protect your company's interest by meticulously documenting what is shared, to avoid potential disputes in future.

KAHA, an IoT solutions company headquartered in Singapore, employed these four strategies last year. KAHA recognised that the COVID-19 pandemic was an opportunity for its smart IoT wearables platform, Cove®. At the height of the pandemic in April 2020, KAHA announced its partnership with local medical solutions provider, EasyCare.



EasyCare provides affordable and accessible healthcare through its remote monitoring solution, iDOC Clinics. The collaboration was a win-win — KAHA was able to extend Cove® to the healthcare space through EasyCare's extensive network, while EasyCare was able to enhance iDOC's AI and data analytics capabilities with additional input from KAHA's wearables.<sup>1</sup>

<sup>1</sup><https://www.asiaone.com/business/singapore-iot-and-smart-wearables-firm-kaha-teams-healthcare-partner-easycare>

### HAVE YOUR CAKE AND EAT IT TOO

Recognising what you own and knowing what you are exchanging them for is thus critical.

Collaborations can enable companies to grow quickly and with limited resources. Secure your competitive advantage by being clear about the IA and IP you own, which will in turn empower you to leverage that for growth.



## ABOUT THE AUTHOR

### Low Jin Wei, IP Strategist

Jin Wei has over a decade of experience in advising companies on intellectual property matters at the Intellectual Property Office of Singapore (IPOS). She is currently an IP Strategist with IPOS International, supporting enterprises' IP management journey through the signature Discover Intangible Assets programme.

A believer in intangible assets as a driver of business growth, she has delivered strategic IP management solutions to diverse industries including telecommunications, medical technology, information technology and retail.

To find out more about the Discover Intangible Assets programme or IPOS International, please contact her at [jinwei.low@iposinternational.com](mailto:jinwei.low@iposinternational.com).





# 要合作吗？

## 在合作过程中管理知识产权披露风险的四种策略



在如今激烈的竞争环境中，企业必须想方设法寻求发展、同时保护自身的市场独特性。在医疗、餐饮、零售、健康、美容以及教育等诸多领域，许多公司均选择通过合作来共享资源、开拓新的市场。合作的方式多种多样，其中包括许可经营和特许经营，通常需要公司授予对方获取己方专有技术或工艺等关键知识产权（IP）或无形资产（IA）的权限。那么，公司如何在继续掌控自身宝贵资产的情况下与其他公司开展合作呢？

一个成功的伙伴关系所产生的回报值得企业为之付出一切努力。资源或业务范围有限的公司可以借助大公司的专业优势；老牌公司则可以通过新公司的创新来实现互补。对于成长型企业而言，与具有市场领导地位的企业合作能够缩短商业化进程、加快获取收益，从而吸引投资者并维护投资。

### 过早过多地共享信息恐会铸成大错

几乎任何一种合作模式或伙伴关系都会涉及到知识产权和无形资产事宜。通常在研发具有商业化潜力的新产品时，企业会意识到知识产权的重要性，所以在与潜在合作伙伴共享信息之前一般会寻求保护手段。然而，提交了知识产权申请并不等于获得了法律保护。知识产权从申请到授权可能需要几年的时间，而在获得授权之前实际的保护范围是不确定的。有的公司寻求大公司的投资或合作，结果却发现后者不久之后就独自推出了类似的产品或解决方案，这种情况并不少见。

公司若既希望借助合作助力发展又希望避免此类交易陷阱，则需要识别并保护自身的资产，同时与潜在合作伙伴明确价值交换。以下四种方法可用于管理合作期间的信息披露风险，达成理想交易：



### 1. 了解自身具备的优势

了解自身具备哪些会在谈判中占据优势的资产，比如已经注册的知识产权（如专利、商标或外观设计）和无形资产（如市场准入、关键数据或成功运用交易技术所需要的关键技术秘密）等等。详细阐述权利的类型、适用范围乃至地域管辖范围。在谈判中明确上述信息，可以提升公司自身作为合作伙伴的吸引力。

### 2. 了解对合作至关重要的资产

在与潜在合作伙伴共享重要信息前，应明确哪些资产对合作起着至关重要的作用。保守相关机密需要双方的共同努



力，否则可能会有损合作。保密方式可包括“暗中操作”关键流程，以及在共享过程中明确指出某些关键信息是专有的商业机密，不可对外泄露。大多数真正有合作意向的公司都会对这一立场表示理解和尊重。

### 3. 了解自身希望通过合作得到的成果

涉及到有关合作细节的谈判，清楚自身希望通过合作获得的价值，有助于更好地制定谈判计划。例如，对于将来通过合作所产生的数据，获得相应的访问权限或将成为公司未来发展壮大的重要资产，特别是在人工智能（AI）和机器学习相关性日益增强的大环境之下。

### 4. 任用优秀的知识产权代理人和经验丰富的律师、签订保密协议

深入了解法律和申请程序有助于增强公司在谈判中的筹码。

为保护自身技术，建议聘请一位充分了解相关技术的专利代理人妥善起草一份专利申请书，并就各意向司法管辖区的申请策略提供顾问服务（包括首选申请地点）。这一点同样也适用于申请商标和外观设计。

共享机密信息之前，精心拟定一份保密协议非常重要。签订保密协议后，如发现信息接收方违约，则可以考虑用法律手段解决。在后期谈判阶段，可在合作协议中纳入禁止使用条款、“不绕过”条款乃至竞业禁止条款。起草协议时，要征求法律专业人士的意见，确保协议的可执行性，尤其是在合作对象为外籍、适用法律可能不同的情况之下。

特别是在签订合同前，即使合同中包含保密条款，也要慎重考虑如何管理商业机密的交换。如无法避免披露敏感信息，则应详细记录共享的内容，以保护公司的利益，避免将来可能发生的纠纷。

KAHA是一家总部位于新加坡的物联网解决方案公司。该公司去年采用了上述四种策略。KAHA发现新冠肺炎疫情对其智能物联网可穿戴设备平台——Cove而言是一个重要商机。2020年4月疫情最为严重时，KAHA宣布与当地医疗解决方案提供商EasyCare合作。EasyCare通过自身的远程监控解决方案——iDOC Clinics——提供平价、快捷的医疗服务。此次合作实现了双赢，KAHA通过EasyCare广泛的网络体系将Cove的业务扩展至医疗



领域，而EasyCare则通过增加KAHA可穿戴设备增强了iDOC的人工智能与数据分析能力。<sup>2</sup>

### 鱼与熊掌兼得

因此，知道自己拥有的优势，并希望借此换取其他的价值，至关重要。

通过合作，一家公司可以凭借有限的资源实现快速发展。明确了解自身拥有的无形资产和知识产权，不仅可以维护公司竞争优势，亦可以借此增强公司的发展实力。

### 文章作者

#### Low Jin Wei (刘锦薇)，知识产权策略师

Jin Wei在新加坡知识产权局（IPOS）拥有十多年的知识产权业务咨询经验，目前担任新加坡知识产权局国际事务机构的知识产权策略师，通过知名的“Discover Intangible Assets”服务为企业提供知识产权管理方面的支持。Jin Wei认为无形资产是企业发展的驱动力。她曾为电信、医疗技术、信息技术和零售等多个行业提供战略性知识产权管理解决方案。

欲了解有关“Discover Intangible Assets”或新加坡知识产权局国际事务机构的更多信息，请发送邮件至[jinwei.low@iposinternational.com](mailto:jinwei.low@iposinternational.com)，联系作者。



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## MIFB HYBRID 2021

### 马来西亚国际食品和 饮料展览会混合格式



**M**alaysian International Food & Beverage Trade Fair, MIFB Hybrid 2021 is a digital version that awaits to revitalize your business through exclusive Business-to-Business platform with power-packed F&B services and solution providers. It gives an opportunity to all visitors and international food traders to attend this event through cyberspace from whichever country that they are in.



The previous MIFB 2019 was a huge success and has positioned the trade fair as the No 1 Food & Beverage Trade Fair in Malaysia with the special award recognition by Malaysian Book of Records for 'Malaysia's Largest Food & Beverage Trade Fair'.

It is the largest and leading Food and Beverage-Focused Trade event in the country which offers a platform for businesses from the industry to showcase their products and services on an international platform. Exhibitors will be offered a highly focused event which caters to their needs and brings them the best ROI.

If you are looking to introduce and learn about the latest innovations and technologies from around the world, MIFB Hybrid Trade Fair 2021 is the place to be.



**马**来西亚国际食品和饮料贸易展览会2021（MIFB Hybrid 混合格式）于7月28至30日在吉隆坡 KLCC Convention Centre举办。它旨在通过功能强大的餐饮服务和解决方案及平台来振兴您的业务。它为所有访客和国际食品贸易商提供了一个绝佳良机，可以通过他们在国家的网络空间参加此次活动。

上届MIFB 2019取得了巨大的成功，并将该展会定为马来西亚第一食品和饮料贸易展览会，并被《马来西亚纪录大全》特别授予“马来西亚最大的食品和饮料贸易展览会”的殊荣。

MIFB 2021混合格式博览会将是您的理想之选。

欲知详情：[mifb@spherexhibits.com.my](mailto:mifb@spherexhibits.com.my)







# Which Companies Are Winning in China?

- Knowledge@Wharton (upenn.edu)

**W**hen Amazon CEO Jeff Bezos visited China in 2007, he expected that one day soon China would be a double-digit percentage of Amazon's sales. Yet, by 2019, Amazon, the most powerful and successful e-commerce company in the world, had quit China.

In *Winning in China: 8 Stories of Success and Failure in the World's Largest Economy*, Wharton global fellow Lele Sang and Wharton vice dean of entrepreneurship and innovation Karl Ulrich explore the successes and failures of several well-known companies, including Amazon, Hyundai, LinkedIn, Sequoia Capital, and InMobi, as more and more businesses look to reap profits from China's 1.4 billion consumers.

Sang and Ulrich recently sat down with Brett LoGiurato, senior editor of Wharton School Press, to discuss their new book and what it takes to succeed in the world's second-largest economy.

**An edited transcript of the conversation appears below.**

**Brett LoGiurato:** Can you both first talk about your initial interest in China and how that grew into this collaboration?

**Lele Sang:** I was a journalist covering business and politics in China. One of my reporting topics was the development of multinational corporations in China.

**Karl Ulrich:** I had been interested in China for a long time. I made my first trip to China in 2006, but I'd never really done much professionally there. And Lele actually just stopped by my office and said, "I want to write a book about tech companies' failures in China." And I said, "Lele, that sounds pretty interesting, but it sounds kind of like a downer, and are there really no companies other than tech companies who've tried to enter China?" That's what led us to this topic of looking at all kinds of companies and both successes and failures of foreign companies in China.

**LoGiurato:** You chose to focus the book on eight case studies, spanning a variety of well-known large companies. When you were doing the initial research for the book, what drew you to these companies?

**Sang:** In fact, we initially put together a list of over 200 companies, and then we figured out the majority of them based on our definition of success and failure.

**Ulrich:** We really didn't want to write about companies that everyone already knew about. We didn't want to write about Google and Facebook — and a lot of people know about Starbucks' success in China — so we really wanted these to be new stories, the first time that someone had written extensively about these companies. And then we just looked for diversity across a variety of dimensions. We wanted companies that were outside the United States, that were from all over the world. We wanted companies that were in consumer, in tech, and in B2B businesses. And we wanted a combination of successes and failures.

**LoGiurato:** Of companies you profile, whose success most surprised you? And whose failure?

**Ulrich:** On the success side, I guess I was most surprised by Sequoia Capital, which actually is one of the most successful companies in our book. If you think about it, venture capital is a business that's really about connections and about being tied into the ecosystem, and yet here's this American company that ends up being the most successful, or one of the most successful, venture capital companies in China.

**Sang:** I think InMobi's success mostly surprised me. InMobi is an Indian tech company, but the tech industry in China has been notoriously difficult for foreign players to break into. There are so many star players that have tried and failed, or who have struggled in China. So InMobi made it. It came to China around 10 years ago, but now it's China's largest independent mobile advertising network.

**LoGiurato:** Take us through your framework for identifying success and failure in China.





**Ulrich:** A lot of business books are just a lot of stories, and we really wanted to provide some structure and some framework to our analysis, so we developed a framework for understanding success and failure in China. First of all, we define success as meeting a significant fraction of demand in your category, with sustained competitive advantage. We felt it was really important to define success.

We then established three necessary conditions, and that is you have to have access to the market; there has to be demand for your product or service; and you have to come to the competition — to the arena — with some significant advantages relative to local competition. And then we considered five managerial factors. These are actual decisions that managers make in entering China, and they are commitment, government structure, leadership, strategy, and the product that you bring. And then, finally, we wanted to recognize that there was a really key role of luck or what the economists call “the exogenous factors” — things that are outside your control that can dictate your success or failure.

**LoGiurato:** Amazon is the first case you mention in the book. Amazon is obviously no slouch, and amid a pandemic, it has surged to become the second-most valuable company in the world. Why did you find that it failed in China?

**Sang:** We could use our framework to analyze this case. First of all, Amazon didn't bring any competitive advantages to the Chinese market. And secondly, Amazon didn't commit to the Chinese market, especially compared with its Chinese [competitors], JD and Alibaba. Thirdly, Amazon had a clumsy strategy. Its strategy was using a global template to manage business in China, which didn't work out because of a different business environment in China. And Amazon's structure didn't give its China unit enough autonomy — it couldn't even add a button to its website unless the headquarters said yes. Combining all the factors, Amazon didn't make it in China.

**Ulrich:** But I think there's something really interesting about the Amazon story, which is — was it, in fact, a good thing that they left China? If you look at what's happened to Amazon since they left China, they have created a huge amount of shareholder value. You ask the question, if I had a few extra billion dollars and some managerial attention to invest in initiatives — if I'm Jeff Bezos — was it, in fact, the right thing to go after cloud services, AWS, other kinds of initiatives in my other markets, or to fight it out in China, where I knew I would have a bloody battle? And so while they failed, it may have actually been the



right managerial decision for them to have invested elsewhere.

**LoGiurato:** The Norwegian Cruise Line's entry into China brings up a really interesting example of something you touch on throughout the book: how cultural differences can boost or sink different companies — pun intended. Can you talk about the role it plays with something like the cruise industry, specifically?

**Ulrich:** Norwegian Cruise Line is a super-interesting example because certainly the conventional wisdom would be that you need to tailor your product to the Chinese customer. Norwegian Cruise Line made tremendous efforts to make its ships very Chinese, so you can imagine a lot of red and gold and dragons, and all of that. But actually, the Chinese consumer wanted a Western cruising experience. And so ironically, their efforts to localize their product actually backfired for them.

**Sang:** Right, I think it's really important for the company to understand when to localize your products and when to standardize your products.

**LoGiurato:** The last company I want to talk about is Zegna, the Italian luxury brand. It has been another huge success story in China, but now it obviously faces headwinds from COVID-19. How do you expect it to respond moving forward?

**Ulrich:** Zegna is a fascinating company. It has been around for more than a century, starting in the hills of Northern Italy. Its success can really be attributed to a very long-term perspective and to tenacious management, largely by the same family. And if you think about it, Zegna has survived world wars. It survived essentially the destruction of Italy, its home country, in the middle of the 20th century. And so I predict that Zegna will survive this virus. Its tenacity, its commitment, its long-term perspective will, in fact, be its assets as it faces adversity.

**LoGiurato:** More generally, how do you expect COVID-19 and its lingering effects to impact the way multinational companies look to enter and operate in China?

**Sang:** I think COVID-19 doesn't change the fact that China is a very attractive market as its economy continues to normalize. In fact, many industries in China have already rebounded, including manufacturing, retail, hospitality — even luxury. China is the first major economy to recover from COVID-19 because the Chinese government adopted a very aggressive approach to contain the virus, and it worked. As a result, many multinational corporations rely on China more than ever to deliver a positive outcome. Some companies, like Walmart and Starbucks, even added investment during the pandemic. I think when it comes to a [situation] like COVID-19, companies should look at it from a long-term perspective.

**Ulrich:** It's really interesting. There might actually be a silver lining for those who make direct investment in China. With the existing trade conflicts, particularly between the United States and China, import/export is what's largely impeded. And operations that are headquartered in China may be buffered somewhat from the import/export restrictions. So, it might actually increase the importance of having operations directly in China.

**LoGiurato:** The book is jam-packed with insights and takeaways, but if you wanted readers to come away with one lesson, what do you hope it is?

**Ulrich:** For me, the biggest lesson is to make sure to make a very realistic assessment of what assets and capabilities you really bring to the challenge. A lot of Western companies believe their brands are very strong, but their brands may not be strong in China. And so really taking a hard-nosed perspective on what are your assets and capabilities, and are they sufficient to overcome the inevitable friction in starting a venture overseas? That's probably the most important insight from the book.

**Sang:** I think foreign companies should develop their advantage, and not only develop their advantage, but also to maintain it during the course of competition. In that way, they are more likely to succeed in China.



# 哪些跨国公司在华胜出或遭遇滑铁卢？

— 简体中文 (knowledgeatwharton.com.cn)

2007年亚马逊CEO贝佐斯（Jeff Bezos）访问中国时，他预计不久的将来，中国市场将占比亚马逊销售额的两位数。然而，12年后，到了2019年，全球最强大、最成功的电子商务公司亚马逊已经宣布退出中国。

在《赢在中国：8个成功与失败的故事》（Winning in China: 8 Stories of Success and Failure in the World's Largest Economy）一书中，沃顿全球研究员桑乐乐（音译，Lele Sang）和沃顿创业与创新副院长卡尔·尤里奇（Karl Ulrich）探讨了亚马逊、现代汽车、领英（LinkedIn）、红杉资本、InMobi移动广告等多家知名企业在中国的成与败。

两人最近与沃顿商学院出版社的高级编辑罗古拉托（Brett LoGiurato）讨论了他们的新书，以及企业如何在中国市场取得成功。

## 下面是经过编辑的谈话记录。

**罗古拉托：**你们能否先谈谈你们最初为何对中国感兴趣，以及这种兴趣是如何发展成这次合作的？

**桑乐乐：**我是一名报道中国的商业和政治的记者。我关注的主题之一是跨国公司在华的发展。

**尤里奇：**我对中国感兴趣很久了。我第一次去中国是在2006年，但是我从未在中国做过很多工作。事实上，乐乐来我办公室说，“我想写一本关于科技公司在华失败的书。”我说，“乐乐，这听起来很有趣，但是除了科技公司之外，没有其它公司的案例吗？”之后我



们才有了这样一个话题：审视各种各样的跨国公司在华的成与败。

**罗古拉托：**您选择了将本书的重点放在八个案例研究上，同时涵盖了许多知名大公司。当你做初步研究时，是什么吸引你发现这些公司的？

**桑：**事实上，我们最初列出了200多家公司的名单，然后根据我们对成功和失败的定义，找出了其中的大部分。

**尤里奇：**我们不想写有些众所周知的案例。比如我们不想写谷歌和脸书的故事，或者是星巴克在中国的成功。因此我们就在不同维度上寻找多样性。我们想要找的是来自世界各地的公司，主要业务在消费，技术，和B2B领域。同时我们想要成功和失败的结合。

**罗古拉托：**在你描述的公司中，谁的成功或失败最让你吃惊？

**尤里奇：**在成功方面，我最惊讶的是红杉资本，它实际上是我们书中最成功的公司之一。如果你仔细想一想，风险投资是一项真正涉及到本地人脉关系网以及与当地经济生态系统紧密联系的业务，然而这家美国公司却成了中国最成功的风险投资公司之一。

**桑：**我觉得因莫比（InMobi）的成功让我大吃一惊。InMobi是一家印度的移动广告公司。但众所周知，外国公司

很难进入中国的科技行业。有那么多明星企业都尝试过却失败了，或者仍然在中国市场挣扎。因莫比成功了。它大约在10年前来到中国，但现在它是中国最大的独立移动广告网络平台。

**罗古拉托：**带我们看看你对在中国成败的分析框架？

**尤里奇：**很多商业书籍只是写了很多故事，我们想为分析提供一些结构和框架，所以我们开发了一个分析框架。首先，你如何定义成功真的很重要。我们将成功定义为满足您所在行业的大部分需求，并具有持续的竞争优势。

然后我们确定了三个必要条件：1）你必须真正进入中国市场；2）本地市场对你的产品或服务必须有需求；3）相对于本地竞争对手，你必须有一些显著优势。然后我们考虑了五个管理因素。这些都是管理者在进入中国时做出的实际决定，它们分别是1）投入和承诺、2）管理结构、3）领导力、4）战略、5）产品。最后，我们想说是运气或是经济学家所说的“外生因素”起着关键作用，这些因素超出了你的控制范围，但却可以决定你的成败。

**罗古拉托：**亚马逊是你在书中提到的第一个案例。亚马逊显然不是无名之辈。在这场疫情中，它已经跃升为全球第二大市值公司。为什么它在中国失败了？



**桑：**我们可以用我们的框架来分析。首先，亚马逊没有给中国市场带来任何竞争性优势。其次，亚马逊对于中国市场没有足够的承诺和投入，尤其是与中国对手比如阿里和京东相比。第三，亚马逊的策略很笨拙。它的战略是使用全球模板来管理中国业务，但由于中国的商业环境不同，这种做法没有奏效。亚马逊的架构没有给予其中国分部足够的自主权——除非总部同意，否则中国分部甚至无法在其网站上添加一个按钮。综合所有因素，亚马逊没有在中国取得成功。

**尤里奇：**但我认为亚马逊的故事有一点很有趣，那就是——事实上，他们离开中国是件好事？你看看亚马逊离开中国后发生了什么，他们创造了巨大的股东价值。你会问一个问题——如果我是杰夫·贝佐斯——我有额外的几十亿美元和一些管理资源来投资，是在其它市场上探索云服务、AWS和其它项目，还是在中国和强大的对手打一场血战？尽管他们败走中国市场，但因此他们把资源投资于其它地方可能是正确的管理决策。

**罗古拉托：**挪威邮轮公司（Norwegian Cruise Line）进入中国是一个非常有趣的例子：文化差异如何推动或挫败不同的公司？你能具体谈谈它在邮轮行业扮演的角色吗？

**尤里奇：**挪威邮轮公司是一个非常有趣的例子，因为传统的观点肯定是，你需

要为中国客户量身定做你的产品。挪威邮轮公司作出了巨大的努力，使其船舶非常中国，所以你可以想象很多红色，金色和龙图腾等等中国元素。实际上，具有讽刺意味的是，中国消费者想要的是西式的巡航体验。他们将产品本地化的努力适得其反。

**桑：**是的，我认为公司需要了解什么时候需要把产品本地化和标准化，这非常重要。

**罗古拉托：**我最后想谈的公司是意大利知名男装奢侈品牌杰尼亚（Zegna）。这在中国是另一个巨大的成功案例，当然现在它面临来自疫情的巨大压力。你认为它将做出怎样的反应？

**尤里奇：**杰尼亚是一家很吸引人的公司。从意大利北部的山丘开始，它已经存在了一个多世纪。它的成功可以真正归功于一个非常长远的价值观和坚韧不屈的家族管理风格。在20世纪中叶，它在二战的战火中仍然幸存了下来。所以我预测杰尼亚不会被这场疫情击败。事实上，当它面临逆境时，其管理层的坚韧、承诺和长远眼光将成为它的宝贵资产。

**罗古拉托：**普遍来说，你认为这场疫情将会对跨国公司进入中国和在华经营方式产生怎样的影响？

**桑：**我认为新冠疫情并不能改变这样一个事实：随着中国经济继续正常化，



中国是一个非常具有吸引力的市场。事实上，中国的许多行业已经出现了反弹，包括制造业、零售业、酒店业甚至奢侈品业。

中国是第一个从疫情中恢复过来的主要经济体，因为中国政府采取了一种非常积极的方法来遏制病毒，并且取得了成效。因此，许多跨国公司为取得更好业绩，比以往任何时候都更加依赖中国市场。一些公司，如沃尔玛和星巴克，甚至在这段时间增加了投资。我认为，企业应该从长远的角度来看待这场疫情。

**尤里奇：**真的很有趣。实际上，对那些在中国进行直接投资的人来说，可能更有希望。由于近年来中美之间的贸易冲突，进出口贸易在很大程度上受到阻碍。而总部设在中国的公司业务却可能在一定程度上得以避免此类冲突。因此，这将会增加直接在中国开展业务的重要性。

**罗古拉托：**这本书里有很多见解和洞察，哪一个你认为最重要？

**尤里奇：**对我来说，最大的教训是确保对你带来中国市场的资产和能力做出现实的评估。很多西方公司认为他们的品牌非常强大，但他们的品牌在中国可能并不强大。因此，你真正的要以一种冷静客观的心态来看待你的资产和能力，它们是否足以克服在海外创业时不可避免的摩擦？

**桑：**我认为外国公司在中国市场不仅要发展自己的独特优势，还要能在激烈的竞争过程中保持这种优势，这才是成功的保证。







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# Leveraging on Intellectual Property Effectively in Digital Transformation

**E**lla Cheong LLC is a leading specialist intellectual property (“IP”) law firm in Singapore and Asia.

Ella Cheong LLC 是新加坡和亚洲领先的专业知识产权 (IP) 法律事务所。

Digital transformation has a huge impact on the global IP landscape. With the introduction of advanced digital technologies such as artificial intelligence (“AI”) and with many companies going digital, there is now a greater emphasis on intangible assets compared to the past. As business owners work to ensure that their intangible assets are adequately protected and leveraged upon effectively in this digital age, IP regimes must keep up with digital transformation.

**数**字转型对全球知识产权领域有着巨大的影响。譬如，随着人工智能 (“AI”) 等先进数字技术的引入，以及许多公司开始数字化，现在对无形资产的重视程度比以往更高。在这个数字化时代，随着企业家努力确保其无形资产得到充分保护和有效利用，知识产权制度必须紧跟数字转型的步伐。

## What is IP? 什么是知识产权?

IP refers to the creations of the mind such as inventions, original artistic works, industrial designs and business indicia, each often protected by distinct bodies of law (eg, patent law, copyright law, design

## 知识产权对数字转型的重要性

law, trade mark law). IP encourages and foster innovation and creativity. According to data of the World Economic Forum, a country’s global competitiveness is correlatable to its level of IP protection - the higher the level of IP protection offered by a country, the more competitive it is likely to be on the global stage.

知识产权是指思想创作，例如：发明、原创作品、工业外观设计和商业标记等等。这些思想创作通常都会受到不同法律体系的保护，例如：专利法、版权法、外观设计法、商标法。知识产权能够鼓励创新和创造力。根据世界经济论坛的数据，一个国家的全球竞争力与其知识产权保护水平相关，即国家对知识产权的保护程度越高，其全球竞争力的几率就越强。

ASEAN member states are sparing no effort to strengthen IP protection with the view to transforming the region into one that is highly innovative and competitive. ASEAN recognises that IP has an important role in contributing to the achievement of national and regional socio-economic development goals of the ASEAN Economic Community and its protection will enable ASEAN member states to “move higher up in the technology ladder, in encouraging transfer of technology, and in stimulating innovation and creativity”.

东南亚国家联盟 (“东盟”) 成员国在加强保护知识产权一事上不遗余力，致力将该地区转变为高度创新和具竞争性。东盟认知知识产权对促进实现东盟经济共同体的国家性和地区性社会经济发展方面具有相当重要的作用。知识产权保护能够令东盟成员国在科技进步、鼓励技术转让、促进创新和创造力方面向前迈进。

As part of its efforts to strengthen IP protection in the region, the ASEAN Working Group on IP Cooperation (“AWGIPC”) has embarked on a 10-year IP Rights Action Plan (2016 to 2025) to drive the collective transformation of ASEAN into an innovative and competitive region. This Plan aims to

- strengthen IP office and infrastructure
- build regional platforms
- expand the IP ecosystem
- promote asset creation and commercialisation



作为加强知识产权保护的一步，东盟知识产权合作工作小组（“AWGIPC”）已着手制定一项为期十年的知识产权行动计划（2016年至2025年），以推动东盟集体化转型为创新和具竞争力的地区。该计划旨在：

- 加强知识产权机构和基础设施
- 建立区域平台
- 扩展知识产权生态系统
- 促进资产创造和商业化

### IP Strategy 知识产权战略



The significance of intangible assets has become more critical than ever in the digital age. Data, systems and processes have become highly valuable business assets. To enhance the ability of intangible assets to drive economic and business value, businesses must deploy an active IP strategy not merely only to protect these intangible assets but also to

- drive brand value
- maximise return on investment
- mitigate risks arising from IP conflicts and infringements
- minimise leakage and loss of intangible assets
- create layered safeguards to enhance protection

在数字时代里，无形资产的重要性比以往任何时候都更为关键。数据、系统和流程已成为极有价值的商业资产。为了增强无形资产推动经济和商业价值的力量，企业必须部署积极的知识产权战略，不仅要保护这些无形资产，而且还必须：

- 提升品牌价值
- 最大化投资回报率
- 减少知识产权冲突和侵权引起的风险



- 最大限度地减少无形资产的泄漏和损失
- 建立分层的保障措施以加强保护

### Challenges faced with Digital Transformation 数字化转型面临的挑战

Since the early days of the Internet, business have been plagued by the mushrooming of cyber-squatters. These industrious opportunists register domain names with the intent of profiteering on the reputation of trade marks. Domain names are registered on a first-come-first-serve basis and virtually anyone can register virtually any combination of alphanumeric characters at relatively low cost. In the last 20 years, the Uniform Domain Name Dispute Resolution Policy (“UDRP”) and similar programmes have served well to hold back the seemingly never-ending tide of bad faith domain name registrations. Response and mitigation strategies have also evolved to best practices over this period. Unfortunately, cyber-squatters only represent the tip of the iceberg as businesses sail into the frozen seas of digital transformation.

自互联网初创依赖，商业社会就因网络抢注者的兴起而备受困扰。一些机会主义者注册域名的目的是就商标声誉牟取利益。域名按照先到先得的原则注册，几乎任何人都可以以相对较低的成本注册几乎任何字母数字的组合。在过去的20年里，统一域名争议解决政策（“UDRP”）和类似的程序遏制了不断恶意注册域名的风气。在此期间，响应和缓解策略也已发展为最佳实践。不幸的是，当企业驶入数字转型的冰海时，网络抢占者只是冰山一角。

The deployment of a relevant IP strategy has to contend with newer challenges in the face of the pervasive drive towards digital transformation. In particular, although the Internet has enhanced business access to information, it has also exposed IP to greater vulnerability. The Internet unfortunately generates a false impression that protected works made readily accessible online is in the public domain and can be freely copied with equanimity and anonymity. Infringements of IP rights are on the rise, no longer perpetrated only by nefarious syndicates alone, but also by the “innocent” man on the street. With the growing economic trend of transformation of traditional brick-and-mortar to online businesses, further fanned by the bellows of the COVID19 new normal, there is a growing urgency for businesses to heighten their vigilance in relation to protection of their IP.

面对数字转型的普遍趋势，部署相关的知识产权战略必须能够应对新的挑战。特别是，尽管互联网增强了企业获取信息的能力，但也使知识产权暴露出更大的脆弱性。不幸的是，互联网给人留下了一种错误的印象，





即在网可以轻松访问的受保护作品已经在公众领域，并且可以安定和匿名地自由复制。知识产权侵权也在不断增加，而且不仅是罪恶的集团行为，街头的“无辜者”也在作案。随着传统实体商业向网络商业转型的经济趋势日渐增长，再加上2019冠状病毒新常态的推动下，企业越来越迫切需要提高对知识产权保护的警觉性。

These dire concerns are aggravated by the advent of artificial intelligence (“AI”). Works can now be created without the need for human inspiration and travail. Without labour, how does one justify ownership of the fruits of such labour? Who should own the product of an artificial intelligence, especially in the context of IP embodied by the product? It is by no means settled law or even reasoning. Until then, software developers of AI remain uncertain that their effort and resources will achieve the reward they aspire to. What IP strategy may be called upon to manage this uncertainty?



人工智能 (“AI”) 的出现加剧了这些可怕的担忧。现时作品可以不需要通过人类的灵感和劳动创作。在没有劳动的情况下，如何证明拥有劳动成果的所有权？谁应该拥有人工智能的产品，特别是在产品所体现的知识产权方面？这绝不是通过法律甚至推理可以界定。在此之前，人工智能的软件开发人员仍然不确定他们的努力和资源能否实现他们所渴望的回报。那我们需要怎样的知识产权战略来管理这种不确定性呢？

An article such as the present will be remiss for not highlighting up-and-coming immersive technologies such as augmented reality (“AR”) and virtual reality (“VR”) which promise and excite much in terms of what the future may bring. IP stakeholders remain cautious about pre-

emptive prescription of technologies that are still currently chipping at the edges of popular science fiction, but interesting developments are already afoot. Some countries including Singapore have already expanded design protection to virtual designs (eg, graphical user interfaces) applied to non-physical products. Effective IP strategies must be sufficiently agile and responsive to legal tweaks and changes such as these.

像现在的文章，如果没有强调新兴的沉浸式技术如增强现实 (“AR”) 和虚拟现实 (“VR”) 则显得太疏忽，这些技术对未来可能带来的东西充满期望和兴奋。知识产权利益相关者对目前处于流行科幻小说边缘的技术采取先发制人的措施仍持谨慎态度，但有趣的发展已经在酝酿之中。包括新加坡在内的一些国家已经将设计保护扩大到应用于非物理产品的虚拟设计（如图形用户界面）。有效的知识产权战略必须足够灵活，并对此类法律调整和变化作出反应。

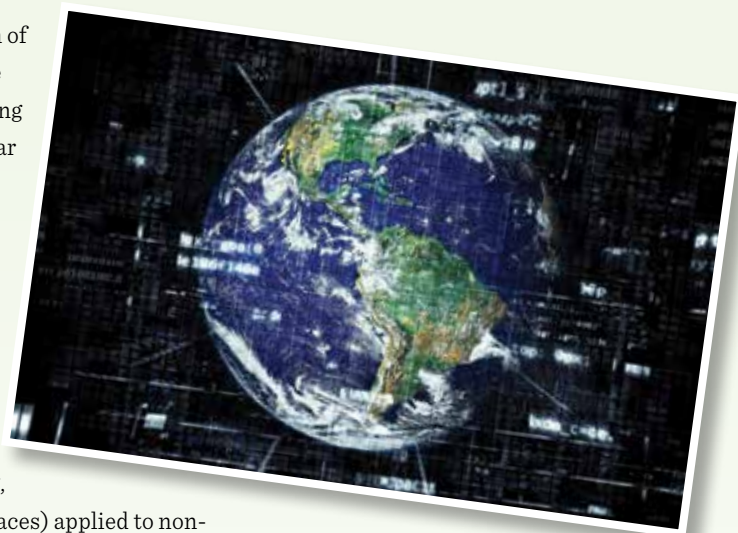
### Conclusion 总结

As digital transformation reshapes the IP landscape, adequate changes to IP protection frameworks have to be put in place to tackle new challenges and foster innovation. Business should also take the necessary steps to safeguard their highly valuable intangible assets and use them strategically.

随着数字转型重塑知识产权领域，必须对知识产权保护框架进行适当的改革，以应对新的挑战并促进创新。企业还应采取必要措施，保护其价值极高的无形资产，并从战略上加以利用。

**For more information, you can visit our website at [ellacheong.asia](http://ellacheong.asia) or contact us at [mail@ellacheong.asia](mailto:mail@ellacheong.asia).**

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# FLA Singapore 2021 AGM



2021年3月26日在新加坡娱乐俱乐部举行了年度会员大会。

来自各公司的42名代表参加了会议。议程上的所有事项均获得表决成员的一致通过。



三位受邀演讲者与听众分享了宝贵的信息后，理事长安邱武耀（Andrew Khoo）颁发了会员证书。受邀的演讲专家包括：Andy Leck（- Baker McKenzie律所），Heng Kwee Tong（SPTel）和Song Seng Wun（CIMB私人银行）。

The Franchising & Licensing Association (FLA), Singapore conducted its AGM at the Singapore Recreation Club on March 26th, 2021.

42 representatives from various companies attended the meeting. All matters on the agenda were unanimously approved by voting members.

President Andrew Khoo gave out certificates of membership after three invited speakers shared valuable information with the audience. The invited speakers include: Andy Leck (Baker McKenzie), Heng Kwee Tong (SPTel) and Song Seng Wun (CIMB Private Banking).

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**Mr Bobby Ong**  
Franchise Development  
Advisor  
Auto Saver



**Ms Wendy Foo**  
Founder  
Ryan's Grocery

# Overseas Franchisor Tips – Getting Started in Australia

## 澳大利亚市场 – 海外特许人入门秘诀

**A**s an island continent which has largely managed to weather the storm of Covid-19, Australia presents an attractive and safe investment opportunity for overseas franchisors. Due to significant government investment into the domestic economy, and health policies which have successfully kept Covid-19 under control, an economic recovery is already under way and expected to continue.

**作**为一个在很大程度上抵御了 Covid-19 风暴的岛屿大陆，澳大利亚为海外特许经营者提供了有吸引力且安全的投资机会。由于政府对国内经济的大量投资以及成功使 Covid-19 受到控制的卫生政策，经济复苏已经在进行中，并且有望继续。

In 2014, total annual sales revenue for the Australian franchise sector was estimated at A\$144 billion, rising to A\$146 billion by 2016. Currently, total annual sales revenue for the Australian franchise sector is approximately A\$154 billion, despite a dip in 2020 due to the onset of the pandemic. The sector itself nevertheless has an estimated worth of A\$184 billion and employs more than 598,000 in over 98,000 individual franchised outlets.

2014年，澳大利亚特许经营的年度总销售收入估计为1,440亿澳元，到2016年增至1,460亿澳元。目前，尽管2020年有所下滑（新冠疫情大流行导致），澳大利亚特许经营的年度总销售收入仍约为1,540亿

澳元。不过，特许经营本身的价值估计为1,840亿澳元，在98,000个店铺网点中雇用超过598,000名员工。

### Laying the Groundwork 奠定基础

### Intellectual Property 知识产权

Intellectual property in Australia primarily consists of patents, trademarks, copyright, and designs. Any franchisor who is considering entering the Australian market within the next 5 years should act now to ensure their trademarks are not already in use by other Australian businesses. Franchisors are advised to register their trademarks and other intellectual property with IP Australia as soon as possible, and to keep them registered by both using and renewing them. Through prompt action now franchisors can avoid having to rebrand later in order to enter the Australian market. Franchisors



can conduct preliminary searches of registered trademarks on the IP Australia website to see if their trademark is already registered by someone else. Local IP specialists can conduct a more comprehensive trademark search to see if a trademark is already being used in Australia (without being registered), thereby more accurately determining the prospects of securing your trademark in Australia unopposed.

澳大利亚的知识产权主要包括专利、商标、版权和外观设计。任何打算在未来5年内进入澳大利亚市场的特许经营者都应立即采取行动，以确保其他澳大利亚企业尚未使用其商标。建议特许人尽快在澳大利亚知识产权局注册其商标和其他知识产权，并同时通过使用和更新来保持注册的效力。通过迅速采取行动，特许经营者将可以避免因为注册失败而不得不重新塑造新品牌以进入澳大利亚市场。特许人可以在澳大利亚知识产权局网站上对注册商标进行初步搜索，以查看其商标是否已被其他人注册。当地的知识产权专家可以进行更全面的商标搜索，以查看该商标是否已在澳大利亚使用，从而更准确地确定该商标在澳大利亚获得保护的前景。

### Market Assessment 市场评估

Overseas franchisors should liaise with their business consultants to create a solid development plan for the entry of their franchise system into the Australian market. Specialist advice may include a feasibility assessment





and territory assessments of franchise systems to determine the optimal spread of franchisees within a given area. Quality business advice can prevent issues which may otherwise necessitate downsizing an operation and sacrificing a significant amount of investment capital and market share. Comprehensive market research can also provide franchisors with accurate insights into consumer demand across the various Australian States, thereby facilitating the tailoring of franchise systems to each individual State and maximising earning potential.

海外特许经营应咨询他们的业务顾问，以制定特许经营体系进入澳大利亚市场的可靠的发展计划。专家建议可能包括对特许经营系统进行可行性评估和地区评估，以确定特许经营者在给定区域内的最佳分布。优质的业务建议可以避免出现业务规模缩减和闲置大量投资资本和市场份额的问题。全面的市场研究还可以为特许人提供有关澳大利亚各个州消费者需求的准确意见，从而促进针对每个州量身定制（本土化）特许经营体系，并最大限度地提高创收潜力。

In our experience, overseas franchisors who fail to properly assess the Australian market often select business models which are simply not viable. The appointment of a master franchisee, for example, is a model which we have typically seen fail in an Australian context. While this model may be more attractive in countries with large populations and economies of scale, Australia's small population size can make similar cost savings unachievable. A master franchisee can further erode what may already be slim profit margins for the overseas franchisor, particularly when first penetrating the Australian market.

This model also results in the overseas franchisor having less direct oversight and control of its foreign operations, increasing the risk of the franchise system collapsing if the master franchisee proves to be incompetent. The point is illustrated by the collapse of Nando's New Zealand due to its master franchisee going into receivership in the last few years. This collapse necessitated Nando's Australia stepping in to prop up the 31 New Zealand stores. In other cases, we have seen franchise systems in Australia inevitably struggle when a master franchisee is left to its own devices after buying the rights from an overseas franchisor. Without sufficient support networks in place from the overseas franchisor, master franchisees are far more likely to fail and damage the franchisor's brand in the process.

根据我们的经验，未能正确评估澳大利亚市场的海外特许经营经常选择根本不可行的商业模式。例如，主特许经营加盟商（或区域加盟商）的任命是一种典型的模式，但在澳大利亚，这种模式通常会失败。尽管这种模式在人口众多和规模经济的国家可能更具吸引力，但澳大利亚人口较少，可能无法实现类似的成本节省。主特许经营加盟商可能会进一步侵蚀海外特许经营者本来已经微薄的利润率，尤其是在首次打入澳大利亚市场时。

这种模式还导致海外特许经营者对其海外业务的直接监督和控制较少。如果主特许经营加盟商被证明是不称职的，则不会增加特许经营体系崩溃的风险。这一点可以通Nando's(来自南非的葡萄牙式烤鸡)在新西兰的倒闭来说明，因为Nando's的新西兰主特许经营加盟商在最近几年生意惨淡而被接管。这次倒闭使得Nando's的澳大利亚主特许经营加盟商不得不介入以支持31家新西兰店铺。在其他的案例里，当澳大利亚主特许经营加盟商购买了海外特许经营权后，外国特许经营者根本就不问，给予主特许经营加盟商的支持不

到位，导致他们不可避免地陷入困境。如果海外特许经营者没有足够的支持网络，那么在此过程中，主特许经营加盟商更有可能失败并损害特许经营者的品牌。

An alternative model, which some of our clients have used to great success globally, is to establish a wholly owned subsidiary company which directly engages area developers who, among other things, broker franchisee transactions on behalf of the franchisor. The flexibility around such arrangements has tended to be a more successful strategy for overseas franchisors, as they are able to invest into their subsidiary and back their brand by building a robust support network for franchisees.

我们的一些客户在全球范围内成功使用的另一种模式是建立一家全资子公司，该公司直接与区域开发商合作，这些开发商除了其他义务外，代表特许人进行经纪人的角色——物色其他加盟商。对于海外特许经营而言，这种安排的灵活性往往是一种更为成功的策略，因为他们能够通过建立强大的支持网络来对其子公司进行投资并支持其品牌。

### Preparing for Entry 准备工作

### Business Structure 业务架构

Typically, overseas franchisors will establish wholly owned Australian





subsidiary companies to conduct their Australian operations. Establishing an Australian company can be done in approximately 48 hours and at a cost of around \$1,000. However, at least one of the company directors must be an Australian resident, as stipulated by the legislation which governs companies in Australia—the Corporations Act 2001 (Cth). Directors have several important duties, and it is important that a trusted Australian resident is selected to fill this position. Overseas franchisors could alternatively operate directly in Australia as a registered foreign company. However, this would likely require the lodgement of financial reports with the Australian Securities and Investment Commission ('ASIC') – which would then become publicly available.

通常，海外特许经营者会建立全资澳大利亚子公司来开展其在澳大利亚的业务。成立澳大利亚公司大约需要48小时，费用约为澳元\$ 1,000。但是，根据管理澳大利亚公司的法律（《2001年公司法》（联邦））规定，至少一名公司董事必须是澳大利亚居民。董事负有几项重要职责，选择一位值得信赖的澳大利亚居民来填补这一职位非常重要。海外特许经营者也可以作为注册外国公司直接在澳大利亚经营。但是，这可能需要向澳大利亚证券和投资委员会（ASIC）提交财务报告，该报告能公开获得。

A trust, partnership or joint venture business structure may also be a viable choice for operating a franchise system. Reporting and tax obligations can vary between each type of entity and, because of

the adverse tax consequences associated with changing the business structure later, it is important to choose the right business structure from the outset. All franchisors must ensure their chosen entity registers with the Australian Taxation Office for a Tax File Number and Goods and Services Tax ('GST').

信托，合伙企业或合资企业的业务结构也可能是运营特许经营系统的可行选择。每种类型的企业之间的报告义务和税收义务可能会有所不同，并且事后更改业务结构可能会产生不利的税收后果，因此从一开始就选择正确的业务结构非常重要。所有特许人必须确保其选择的企业实体向澳大利亚税务局注册，以获得税号和商品及服务税（GST）。

### Foreign Investment 外资

Overseas franchisors should be aware that foreign investment into Australia is governed by the Foreign Acquisitions and Takeovers Act 1975 (Cth) and associated regulations. The Foreign Investment Review Board ('FIRB') is responsible for examining foreign investment proposals and advising the government on the national interest implications. The type of investment, and whether it is above a certain monetary threshold, will determine if prior FIRB approval is required. As of 29 March 2020, all monetary thresholds have been temporarily reduced to \$0 due to Covid-19. This means that overseas franchisors require FIRB approval to acquire any Australian business.

Foreigners seeking to invest in any residential land, vacant commercial land, or agricultural land will also need FIRB approval. Franchisors should also consider their own country's procedural requirements when it comes to investing money overseas, and any domestic tax implications resulting from profits made abroad.

海外特许经营者应注意，进入澳大利亚的外国投资受《1975年外国兼并与收购法》（联邦）和相关法规约束。外国投资审查委员会（FIRB）负责审查外国投资建议，并就其对国家利益的影响向政府提供建议。投资的类型以及是否超过一定的资金限额，将决定是否需要事先获得FIRB的批准。截至2020年3月29日，由于Covid-19，所有货币起付额度已暂时降至\$ 0。这意味着海外特许经营商需要获得FIRB的批准才能收购任何澳大利亚业务。寻求在任何居住用地、空置商业用地或农业用地上投资的外国人也需获得FIRB的批准。特许人在投资海外资金时还应考虑本国的程序要求，以及在国外赚取的利润对国内税收的影响。

### Necessary Compliance 必要合规

Alongside the Competition and Consumer Act 2010 (Cth), the Franchising Code of Conduct ('the Code') is the principal legislative instrument governing franchising in Australia. It is administered and enforced by the Australian Competition and Consumer Commission ('ACCC'). It is relevant to anyone engaging in franchising in Australia and does not differentiate between foreign and domestic franchisors. In addition to being provided with a copy of the Code itself, prospective franchisees must be provided with a compliant franchise agreement





and disclosure document. All disclosure documents and franchise agreements must be written in English. The cost of creating the compliant documents required to get started as a franchisor in Australia is approximately A\$20,000. It is critical that franchisors be mindful that if they fail to comply with the Code they may be subjected to significant fines and monetary penalties.

除了《2010年竞争与消费者法案》（联邦）之外，《特许经营行为守则》（简称《守则》）是管理澳大利亚特许经营的主要法律规范。它由澳大利亚竞争与消费者委员会（ACCC）管理和执行。它与在澳大利亚从事特许经营的任何人有关，并且不区分外国和国内特许人。除了提供《守则》副本外，特许人还必须向潜在的加盟商提供合规的加盟协议和披露文件。所有披露文件和特许经营协议必须以英文书写。在澳大利亚以特许人身份开始所需的创建合规文档的成本约为20,000澳元。至关重要，特许经营经营者应注意，如果他们不遵守该守则，则可能会遭受巨额罚款。



### Franchise Agreement 特许经营协议

A franchise agreement specifies the terms of the franchise relationship between the franchisor and its franchisees. Among other things, the Code prohibits a franchise agreement from requiring a franchisee to sign a general release of the franchisor from liability towards the franchisee and from signing a waiver of any verbal or written representation made by the franchisor. The Code also prohibits the agreement from requiring parties to resolve any disputes under the agreement in any jurisdiction outside Australia or in any Australian State or Territory other than

the one in which the franchise business is located. Clauses which require the franchisee to pay the franchisor's costs of settling a dispute under the agreement are also prohibited and if included are of no effect.

特许协议规定了特许人与被特许人之间的特许关系的条款。除其他规定外，《守则》禁止特许经营协议要求被特许人签署其对特许人的一般性豁免，并签署豁免特许人的任何口头或书面的协议。《守则》还禁止该协议约定要求当事方在澳大利亚或澳大利亚州或者领地以外（特许经营业务所在地除外）的进行争端解决的条款。《守则》禁止约定要求被特许人支付特许人根据协议解决争端的费用的条款，否则，这些条款也无效。

### Disclosure Documents 披露文件

The Code also obliges franchisors to create, maintain and update (annually) a disclosure document for franchisees. The disclosure document is designed to inform franchisees about the franchisor and the franchise system. It must be in the form prescribed by Annexure 1 of the Code, and it mandates the disclosure of matters such as the franchise system's: existing franchisees; former franchisees; litigation history; intellectual property; marketing fund; and financial/earnings information, etc. Generally, franchisors must update their disclosure documents annually, within 4 months of the end of their financial year. However, franchisees can make a written request for a disclosure document once every 12 months, which the franchisor must then provide within 14 days of the request.



《守则》还要求特许人为被特许人创建、维护和更新（每年）披露文件。披露文件旨在向特许经营加盟商告知特许人和特许经营系统的信息。它必须采用《守则》附件1所规定的形式，并且要求披露诸如特许经营系统的相关信息：现有的特许经营加盟商；以前的特许品牌；诉讼历史；知识产权；营销基金；财务收益。通常，特许人必须在其财政年度结束后的4个月内，每年更新一次其披露文件。但是，被特许人可以每12个月提出一次书面要求披露文件，特许人必须在提出要求后的14天内提供该披露文件。

### Conclusion 结论

Ultimately, there is a wealth of opportunity for overseas franchisors looking to break into the Australian market. However, to make the most of these opportunities and maximise a franchise system's chances of success, it is imperative to get the right advice.

总之，希望进入澳大利亚市场的海外特许经营经营者有许多机会。但是，要充分利用这些机会并获得成功，他们必须获得正确的指导。



#### John Sier, Principal

Raynia Theodore, Principal

MST Lawyers 315 Ferntree Gully Road, Mount Waverley  
VIC 3149 Australia

+61 (0) 3 8450-0270 / +61 (0) 3 8540-0242

john.sier@mst.com.au / raynia.theodore@mst.com.au /  
www.mst.com.au

John is a founding Principal of MST Lawyers with a practice focusing on all areas of corporate and commercial law. He has extensive experience in domestic and international distribution and licensing law. John has played a lead role in developing MST Lawyers' legal alliances internationally.



# FRANCHISING – THE USE OF BLOCKCHAIN TECHNOLOGY

**H**ow do blockchain and cryptocurrency help your business? What is its role in the franchise space?

**First, let us start with the fundamentals.**

## What is blockchain?

A blockchain in a simple manner is a digital ledger of transactions records that are distributed across the network of computer systems on the blockchain-based on a peer-to-peer (P2P) topology. All transactions across this network will be on-chain, users on this network can confirm transactions without a need for a centralised authority. Decentralized Apps or DAPPs can be run to clear fund transfers, trader settlement, custodian, voting, autonomous, franchise, healthcare and many others.

## What is cryptocurrency?

| #  | Name         | Price       | Changes 24H | Market Cap | Volume 24H | Available Supply | Price Graph (7D) |
|----|--------------|-------------|-------------|------------|------------|------------------|------------------|
| 1  | Bitcoin      | \$58,704.84 | ↑ 4.19%     | \$1,381.7  | \$87.21 B  | 18,441,487 BTC   |                  |
| 2  | Ethereum     | \$1,876.28  | ↑ 4.52%     | \$218.49 B | \$32.85 B  | 114,271,541 ETH  |                  |
| 3  | Binance Coin | \$276.77    | ↑ 1.84%     | \$42.23 B  | \$4.27 B   | 154,823,541 BNB  |                  |
| 4  | Polkadot     | \$37.77     | ↑ 0.18%     | \$36.83 B  | \$2.89 B   | 988,211,441 DOT  |                  |
| 5  | Uniswap      | \$17.04     | ↑ 0.14%     | \$34.27 B  | \$198.88 B | 24,128,833 UNI   |                  |
| 6  | Solana       | \$17.28     | ↑ 0.17%     | \$32.83 B  | \$4.82 B   | 191,861,841 SOL  |                  |
| 7  | Cardano      | \$0.52      | ↑ 0.16%     | \$24.27 B  | \$5.71 B   | 46,151,833 ADA   |                  |
| 8  | Bitcoin Cash | \$231.82    | ↑ 4.07%     | \$14.88 B  | \$4.34 B   | 64,341,411 BCH   |                  |
| 9  | Litecoin     | \$132.88    | ↑ 4.03%     | \$13.24 B  | \$1.88 B   | 408,211,441 LTC  |                  |
| 10 | Bitcoin Cash | \$231.82    | ↑ 4.07%     | \$14.88 B  | \$4.34 B   | 64,341,411 BCH   |                  |

A cryptocurrency is a form of digital currency designed to work as a medium of exchange.

Many cryptocurrencies are decentralized networks based on blockchain technology and generally not issued by any central authority, allowing them theoretically immune to government interference or manipulation. The cryptocurrency market is led by Bitcoin, Ethereum, Binance Coin, Polkadot and Tether (ranked by market cap, 22/02/2021)

Traditional businesses are also adapting to cryptocurrencies. We see the adoption in the payment of goods, retail shops, rewards points, franchise management, and financial products.

## Brand loyalty

You are more likely to have more than one loyalty cards in your wallet and many others in a form of apps on your phone. Making matters worse, less than half of the loyalty memberships are active. Those who do not run a business with loyalty may think that it is a good thing for the business since the points are not redeemed, on a contrary, it is a big problem for businesses. The unclaimed rewards represent a financial liability to the company's bottom line and could hurt the brand in the long run. On top of this, tracking all data from multiple programs, dispersed across fragmented databases, becomes quite a challenge.

Blockchain-enabled tokens as rewards on-chain will let customers choose how and what to redeem. Companies can provide irrevocable blockchain tokens as reward points. And



since all these are on the chain, companies running the program can cut program cost as the program is running autonomously without any supervision.

### Cryptocurrency payment

Mastercard will let merchants accept payments in cryptocurrency later this year. Before this, Mastercard supported limited cryptocurrency transactions through their partners like Wirex. It covers payment but not settlement; the coins are converted to fiat before reaching the merchant. This new initiative allows retail businesses to go beyond fiat and empower customers to use crypto.

### Smart contracts

A smart contract is a self-enforcing agreement embedded in computer codes managed by a blockchain. The codes contain a set of rules by which the parties of that smart contract agree to interact with each other and automatically execute when predetermined terms and conditions are met.

Blockchain is the perfect environment for smart contracts, as all the data stored is immutable and secure. The level of trust between a business and its customers is enhanced. Companies trust customers to act in a similar style and won't try to claim fraudulent discounts or refunds. Smart contracts are likely to become a key tool in customer service experience in the future.

### Tokenization and fundraising

On the fundraising topic, there are a few ways to get funds from the public. ICO is an acronym that means Initial Coin Offering, which is how funds are raised for a new cryptocurrency offering. It's similar to an IPO (Initial Public Offering) which raises funds when a new company ventures onto the stock market. While an IEO (Initial Exchange Offering) is a smart and quick way to launch a blockchain-based project and place your token on an exchange without taking the risks associated with a traditional ICO or STO. An IEO depends on having an exchange function as a counterparty. If you are planning to start a franchise and are willing to think out of the box this could be a viable way for you to raise funds in a smart manner.

### Supply chain management

Using blockchain in the supply chain has the potential to improve supply chain transparency and traceability as well as reduce administrative costs.

In the case of a product recall, with the full product information on-chain, consumers will be informed first-hand of the recall, and know what they can do with their existing products. For the franchise owner, they can immediately know who the customers are affected and are able to trace back where the problem first started. And franchisees will be able to immediately assist with the product recall in their local environment.

### Case Study: Golden State Foods & IBM Blockchain



Golden State Foods, in partnership with IBM, has developed a blockchain-based strategy to provide transparency in beef sourcing. Under their scheme:

- Protein plants, distribution centres and quick service restaurants are linked together via the scheme.
- RFID (Radio Frequency Identification) tags to track the movement of beef.
- IoT devices monitor the temperature of the products.
- Blockchain enables the management of business rules between the different parties, enabling transparency, safety and trust.

While the solution does not cover every single link in the product's lifecycle at present, it does add transparency to key elements in the journey. Eventually, it is hoped that the scheme will be a blueprint covering all aspects of a product's lifecycle. This will significantly increase the appeal of the solution.

### Regulations

In Singapore, cryptocurrencies, in general, are not considered a legal tender, but the Singapore Tax Authority treats Bitcoin as a form of goods. Hence Goods and Services Tax (GST) applies





to Bitcoin. For businesses like cryptocurrency exchanges, they have to register with the Monetary Authority of Singapore (MAS) and comply with the Payment Service Act that took effect in January 2020. Businesses that choose to accept cryptocurrencies such as Bitcoins for their remuneration or revenue are subject to normal income tax rules.

Countries such as South Korea will begin taxing crypto benefits 20 percent, from both buying and selling from 2023, according to a recent report in Asia Today.

### Evaluate the need for blockchain for your business

In the near future, you may receive many tempting grants for blockchain adoption. Consultants will often sell with a generic concept and a long list of alleged benefits.

But looking at the business environment, the first database-related question you need to ask yourself is “Do you need to store state?” If your answer is no, then you do not need to implement blockchain. If your answer is yes, then the second question you need to ask is “Are there multiple participants?” If your answer is no again, then you do not need blockchain.

Assuming, you need multiple participants, then the third question would be “Can you use an always online trusted third party?” And this time round, if your answer is no, then there is no need to use blockchain. If your answer is no, then there is a need to look at what kind of blockchain suits your environment.

“Are all the participants known?” is the next question you need to ask yourself. If the participants are not known, then you should consider permissionless blockchain. Permissionless blockchains are blockchains that require no permission to join and interact with. They are also known as public blockchains. Most of the time, permissionless blockchain is ideal for running

and managing digital currencies. If the participants are known, naturally you need to ask if all the participants are trusted. If they are all trusted, then blockchain is not needed.

Again, if the participants are not trusted and there is no need to have the public to verify, you should choose private permissioned blockchain. A private blockchain allows only selected entry of verified participants; the operator has the rights to override, edit, or delete the necessary entries on the blockchain. A permissioned blockchain has properties of both private and public blockchains. If there is a need for the public to verify, then you should consider public permissioned blockchain.

A trusted consultant or company should walk through the process with your company and answer your doubts. The golden rule for companies is not to rush when you make any technology decision. This same theory works the same for the adoption of blockchain technology.

**About the Author :** Anndy Lian is an early blockchain adopter and experienced serial blockchain entrepreneur who is known for his work in the government sector. He is a bestselling book author “Blockchain Revolution 2030” and currently an Advisory Board Member of Hyundai DAC Technology. He plays a pivotal role as the Blockchain Advisor for Asian Productivity Organisation (APO), an intergovernmental organization committed to improving productivity in the Asia-Pacific region. With a growth investment mindset, Anndy strategically demonstrates this in the companies he chooses to be involved with. He believes that what he is doing through blockchain technology currently will revolutionise and redefine traditional businesses. He also believes that the blockchain industry has to be “re-decentralised”. **“Innovate your business with blockchain. You will love the surprises that come with it.” - Anndy Lian**

You can read more about Anndy’s work at [www.anndy.com](http://www.anndy.com)





# 区块链技术在特许经营的使用



区块链和加密货币如何帮助您的业务？  
它在特许经营领域中扮演什么角色？  
首先，让我们从基础开始。

## 什么是区块链？

区块链以一种简单的方式是基于对等拓扑（点对点拓扑 P2P）在区块链上跨计算机系统网络分布的交易记录的数字分类帐。该网络上的所有交易都将是链上的，该网络上的用户无需集中授权即可确认交易。可以运行去中心化应用程序或DAPP，以处理资金转账，交易员结算，保管人，投票，自治，特许经营，医疗保健等许多其他方面。

## 什么是加密货币？

加密货币是一种数字货币，旨在用作交换媒介。许多加密货币是基于区块链技术的去中心化网络，通常不由任何中央机构发行，因此从理论上讲，它们不受政府的干预或操纵。加密货币市场由比特币，以太坊，- Binance Coin，Polkadot和Tether领导（按市值排名，20/02/2021）传统企业也正在适应加密货币。我们看到它在支付商品，零售商店，奖励积分，特许经营和金融产品方面得到了采用。

## 品牌忠诚度

您的钱包中可能有多个会员卡，而手机上的应用程序形式则有很多其他会员卡。更糟糕的是，只有不到一半的忠诚会员有效。那些没有忠诚度经营企业的人可能会认为这对企业而言是一件好事，因为积分不能兑现，相反，这对企业来说是一个大问题。无人认领的奖励是公司底线的财务责任，从长远来看可能会损害品牌。最重要的是，要追踪分散在分散的数据库中的多个程序中的

所有数据，这是一个很大的挑战。

无人认领的奖励主要与利益相关者之间的麻烦有关，也可能是在程序制作过程中没有一致的结构，硬件错误以及跨不同产品的不兼容对话造成的。

区块链可以解决这些问题。启用区块链的代币作为链上的奖励，让客户选择兑换方式和兑换的物品。公司可以考虑提供不可撤销的区块链代币作为奖励积分。这意味着公司无法夺走您的积分；您的积分也不能过期。由于所有这些都在链上，因此运行该程序的公司可以降低程序成本，因为该程序是在没有任何监督的情况下自动运行的。

## 加密货币支付

万事达卡将允许商家在今年晚些时候接受以加密货币付款。在此之前，万事达卡通过Wirex等合作伙伴支持有限的加密货币交易。它涵盖付款但不包括结算；硬币在到达商人之前被转换为法定货币。这项新计划使零售业务超越了法定职能，并授权客户使用加密货币。

## 智能合约

智能合约是嵌入在由区块链管理的计算机代码中的自我执行协议。这些代码包含一组规则，根据该规则，该智能合约的各方同意彼此交互并在满足预定条款和条件时自动执行。



区块链是智能合约的理想环境，因为所有存储的数据都是不变且安全的。企业及其客户之间的信任度得到了提高。客户相信，产品和服务是按广告规定提供的，并且如果出现任何问题，公司将诚实的处理。公司信任客户以类似的方式行事，不会试图要求欺诈性的折扣或退款。智能合约可能会成为客户服务体验中的关键工具。总而言之，智能合约可自动执行手动完成的流程，确保安全性，在涉及多方参与时支持多签名账户，并为其其他联系人提供实用程序。从长远来看，它可以节省时间和金钱。

### 代币化和筹款

关于筹款主题，有几种方法可以从公众那里筹集资金。ICO是首字母缩写词，意为初始代币发行，这是为新的加密货币发行筹集资金的方式。它类似于IPO（首次公开募股），后者在新公司进入股票市场时进行融资。IEO（初始交易所产品）是启动基于区块链的项目并将您的代币放置在交易所上的一种智能，快速的方法，而无需承担传统ICO或STO相关的风险。IEO依赖于具有交易功能的交易对手。如果您打算开始特许经营并愿意开箱即用，这可能是您明智地筹集资金的一种可行方法。

### 供应链管理

在供应链中使用区块链有可能提高供应链的透明度和可追溯性，并降低管理成本。如果发生产品召回，则在链上拥有完整的产品信息时，将直接向消费者通报召回情况，并知道他们可以使用现有产品做什么。对于专营权所有者而言，他们可以立即知道哪些客户受到了影响，并能够追溯到问题首次出现的地方。加盟商将能够立即在其当地环境中协助产品召回。



### 案例研究：Golden State Foods和IBM区块链

开发食品出产区块链解决方案的一个主要因素是针对正确的领域进行扰乱。在美国，金州食品通过针对美国文化的一种重要食品牛肉进行了管理。牛肉和肉的来源目前是一个非常重要的问题。在美国国内外，都发生了与肉类有关的各种食品丑闻，这引起了人们的更大关注。另外，近年来，关于动物福利方面的道德关注问题进行了更多讨论，这意味着肉源对市场极为重要。金州食品与IBM合作制定了一项战略，以提高牛肉采购的透明度。根据计划：

- 通过该计划将蛋白质工厂，配送中心和快速服务餐厅链接在一起。
- RFID（射频识别）标签可追踪牛肉的流动。
- 物联网设备监控产品的温度。
- 区块链可以管理不同各方之间的业务规则，从而提高透明度，安全性和可信度。

虽然该解决方案目前尚不能覆盖产品生命周期中的每个环节，但确实可以增加流程中关键要素的透明度。最终，该计划有望成为涵盖产品生命周期各个方面的蓝图。这将大大增加解决方案的吸引力。

### 规章制度

在新加坡，通常不将加密货币视为法定货币，但新加坡税务局将比特币视为一种商品。因此，商品服务税（GST）适用于比特币。对于像加密货币交易所这样的企业，他们必须在新加坡金融管理局（MAS）进行注册，并遵守2020年1月生效的《支付服务法》。选择接受诸如比特币之类的加密货币作为其报酬或收入的企业必





须遵守以下规定：正常的所得税规则。根据《今日亚洲》（Asia Today）的最新报告，从2023年开始，韩国等国家将开始对2023年的买卖产生的加密收益征税20%

### 评估您的业务对区块链的需求

在不久的将来，您将开始获得许多诱人的补助金以用于区块链的采用。很多时候，顾问会为您提供通用的概念和巨大的收益。到那时，您可能被诱惑并采取改变当前设置以适应新的区块链系统的方法。这是不正确的。我将其分解为几个主要的审查。

从业务环境来看，您需要问自己的第一个问题是“是否需要存储状态？”如果您的回答为“否”，则您无需实施区块链。如果您的回答是“是”，那么您需要问的第二个问题是“是否有多个参与者？”如果您的答案不再是，那么您不需要区块链。假设您需要多个参与者，那么第三个问题将是“您可以使用始终在线受信任的第三方吗？”这次，如果您的回答为“是”，则无需使用区块链。如果您的答案是否定的，那么有必要查看适合您的环境的区块链。

“知道所有参与者吗？”是您需要问自己的下一个问题。如果不知道参与者，那么您应该考虑无许可的区块链。无权限区块链是不需要权限即可加入和互动的区块链。它们也被称为公共区块链。大多数时候，无许可的区块链是运行和管理数字货币的理想选择。如果知道参与者，自然就需要询问所有参与者是否受信任。如果它们都是受信任的，则不需要区块链。同样，如果参与者不受信任并且不需要公众进行验证，则应选择私有许可的区块链。私有区块链仅允许经过验证的参与者的选定条目；操作员有权覆盖，编辑或删除区块链上的必要条目。许可的区块链具有私有和公共区块链的属性。如果需要公众进行验证，

那么您应该考虑公共许可的区块链。除了解决信任因素外，通常还可以考虑通过区块链的共享分类帐减少成本核对，从而提高效率。还必须以市场需求为导向，并具有完整的业务逻辑。可以使用区块链来提高效率和降低成本，但是业务本身应该具有价值，没有业务逻辑和市场需求的任何应用都是不可持续的。这些在考虑采用区块链时至关重要。值得信赖的顾问或公司应与公司一起完成整个过程，并回答他们的疑问。对于公司而言，在做出任何技术决定时都不要着急。同样的理论对于采用区块链技术也具有相同的作用。

**Anndy Lian**是一位早期的区块链采用者，是一位经验丰富的串行区块链企业家，以在政府部门的工作而闻名。他是畅销书“Blockchain Revolution 2030”的作家，目前是现代DAC Technology的顾问委



员会成员。他作为致力于提高亚太地区生产力的政府间组织亚洲生产力组织（APO）的区块链顾问发挥着关键作用。Anndy也是大韩民国政府庆尚北道区块链特别委员会的成员，并与Brock Pierce等行业专家一起。Anndy是初创企业的热心支持者，对多家传统公司进行了投资。在过去的八年中，他一直是私人投资者。安迪以成长型投资的心态，在他选择参与的公司中战略性地证明了这一点。他认为，他目前通过区块链技术所做的工作将彻底改变和重新定义传统业务。他还认为，区块链行业必须“重新分散管理”。

您可以在[www.anndy.com](http://www.anndy.com)上了解有关Anndy工作的更多信息。





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# TRADEMARKS: EVEN THE BIG CAN FALL

By Louise Wolf



In a David versus Goliath type battle, McDonald's lost its rights to the registered trademark for Big Mac. After being registered since 1996, the registration for Big Mac was revoked in January 2019 by the European Union Trademark Office. What went so wrong? What does this mean for trademarks in Australia?



did not provide sufficient support to the affidavits.

McDonald's is in the process of appealing the decision and made a statement that they are confident that the decision will be overturned.

## Supermac's vs McDonald's

Supermac's is a chain of over 100 burger restaurants located in Ireland. Supermac's took its name from the nickname of its founder, Pat Donough, from when he played high school Gaelic football. Pat Donough claims he suffered from 'trademark bullying' by McDonald's as they blocked him from expanding into other areas of Europe on the basis that Supermac's would create confusion in the marketplace with McDonald's.

In 2017, Supermac's applied for cancellation of the Big Mac trademark for non-use in the EU. In January 2019, the EU Intellectual Property Office (EUIPO) made the decision to revoke the Big Mac trademark in the EU on the basis that McDonald's failed to prove genuine use in the EU in the five years before the application was made. Reasons why the evidence was insufficient included: it only related to usage in the United Kingdom, France and Germany; there were three affidavits provided which were given by employees of McDonald's and not third parties; and references to Wikipedia and screen shots of the McDonald's website and various items of promotional material

## Response by Burger King in Sweden

The decision has surprised many. The response of Burger King in Sweden has been sending the internet into meltdown. Within days of the decision, Swedish Burger King was advertising a new menu with products called: Like a Big Mac But Actually Big; The Burger Big Mac Wished It Was; Anything But a Big Mac; Kind of Like a Big Mac But Juicier and Tastier; Big Mac-ish But Flame-Grilled Of Course. This YouTube clip shows customers ordering from the new menu: <https://www.youtube.com/watch?v=rSiIv-J0mpo>.

## Big Mac in Australia

### So what of the iconic Big Mac in Australia?

There are eight Big Mac word marks registered as trademarks in different classes in Australia. A summary of the classes includes: 29 (meat including hamburger patties); 30 (hamburger, coffee, tea, bread, biscuits, cereals); 28 (games, toys, playthings); 32 (beer, non-alcoholic beverages), 21 (food utensils, containers, cups); 42 (restaurant services, take



away food stores); 25 (work clothes); 16 (printed matter, instructional and teaching material, printed publications); 41 (education services; children's entertainment, charitable and fund raising activities); 30 (chicken sandwiches). One wonders whether the trademark Big Mac is or has actually been used in relation to all of those classes and whether they could also be vulnerable to cancellation for non-use in Australia.

## Hungry Jack's in Australia

A level of 'healthy' competition between rivals McDonald's and Hungry Jack's continues in Australia.



In November 2019, Hungry Jack's Pty Ltd registered the word mark "Big Jack" as a trademark in classes 29 and 30. The Big Jack burger has recently started being sold in Australia. One YouTuber (Greg's Kitchen) describes it as looking very similar, but with a sweeter sauce and flame grilled burger <https://www.youtube.com/watch?v=0R4fAES2VDw>.

## The rivalry gets bigger.

McDonald's registered the mark "Mega Mac" in 2013. Whilst not currently available on the Australian McDonald's menu, a Mega Mac a super-sized Big Mac that has been available at McDonald's in the UK and the US from time to time.



In August 2020, Hungry Jack's filed an application for the word mark "Mega Jack". This mark has now been accepted by IP Australia and is in its opposition period. At the same time, Hungry Jack's applied to have McDonald's "Mega Mac" mark cancelled for non-use in Australia.

McDonald's initiated proceedings in the Federal Court immediately claiming trademark infringement, misleading and deceptive conduct and bad faith and seeking cancellation of the Big Jack mark. Their claim is being defended by Hungry Jack's.

In March 2019, Hungry Jack's Pty Ltd applied to register **QUARTER DELUXE** in classes 29, 30 and 43. IP Australia did not accept the trademark for registration, perhaps, on the basis that it was too similar to the well-known McDonald's Quarter Pounder. The QuarterDeluxe mark lapsed in December 2020.

### So why did IP Australia accept the Big Jack and the Mega Jack but not the Quarter Deluxe?

The difference in the approach taken by IP Australia between the Quarter Deluxe and the Big Jack/Mega Jack, may lie in the fact it is clear from the names of the Big Mac/



Big Jack and Mega Mac/Mega Jack that the burger comes from either McDonald's or Hungry Jack's, whereas the Quarter Deluxe has no such identifying aspect to its name and which may make it difficult for consumers to remember whether the Quarter Deluxe is a product of McDonald's or Hungry Jack's.

### Cancellation for non-use in Australia

In Australia, trademarks registered before 25 February 2019 that have been registered for five years, can be vulnerable to cancellation on the ground that they have not been used for the period of 3 years ending one month before the application was filed. If a trademark was registered after 25 February 2019, it only needs to be registered for three years before a non-use application can be brought.

In the case of Mega Mac, McDonald's will have the onus of proving that they have used the Mega Mac mark in Australia within the three years before the application was lodged.

### Takeaway for Trademark Owners

The takeaway point that all trademark owners should take from these stories is that there is always a competitor around the corner who might try to benefit from the reputation you have built in your trademarks. It is very important to ensure you continue to use your trademarks and keep evidence and data relating to the use of such trademarks. For example, records and copies of invoices of sales, photos of products sold, store openings, data relating to views and comments on websites and social media sites and so on may all be useful. In addition, where possible, evidence from third parties who have bought the product or service under that trademark are also likely to be helpful.

**Anyone who has a query relating to their trademarks in Australia or those of a competitor should contact Louise Wolf via [ip@mst.com.au](mailto:ip@mst.com.au).**

## 商标：即使大公司也可能遇到问题

在大卫（David）与歌利亚（Goliath）的类型之战中——Goliath是圣经故事里的一个巨人，他身形巨大，比David更健硕，更高大。可是，最后，David却把Goliath杀死。David与Goliath之战的意思是一个看起来虚弱的人（或小公司）对战一个人高马大的人（或大集团）——麦当劳（McDonald's）失去了其非常畅销的巨无霸（Big Mac）的注册商标权利。自1996年注册以来，Big Mac的注册已于2019年1月被欧盟商标局撤销。什么地方出了什么问题？这对澳大利亚的商标意味着什么？

### Supermac 对 麦当劳

Supermac's由位于爱尔兰的100多家汉堡餐厅组成。Supermac的名字来自其创始人帕特·多诺（Pat Donough）的昵称，那是他上高中玩盖尔足球（爱尔兰式橄榄球）时的名字。帕特·多诺（Pat Donough）声称他遭受“商标欺负”之苦，原因是麦当劳指责Supermac在市场上造成了混乱，因此麦当劳阻止他进入欧洲其他地区。

2017年，Supermac申请取消Big Mac商标，以免在欧盟使用。2019年1月，欧盟知识产权局（EUIPO）做出了撤销欧盟巨无霸商标的决定，理由是麦当劳在提出申请之前的五年内未能证明在欧盟真正使用了该商标。证据不足的原因包括：巨无霸商标仅与英国、法国和德国的使用有关；麦当劳提供了三份宣誓书，这些宣誓书是由麦当劳的雇员而非第三方提供的；以及对维基百科的



引用以及麦当劳网站的屏幕截图以及各种促销材料都没有对宣誓书提供足够的支持。麦当劳正在对该决定提起上诉，并声明他们有信心该决定将被推翻。

### 汉堡王在瑞典的回应

这个决定使很多人感到惊讶。瑞典汉堡王的回应一直使互联网陷入崩溃。在法庭做出决定的几天之内，瑞典汉堡王就

在其广告登了一个新菜单，上面的产品叫：像巨无霸，但实际上很大；只要不是巨无霸，等其他调侃的产品名称。这个You Tube剪辑显示了从新菜单中订购的客户精彩片段：<https://www.youtube.com/watch?v=rSilv-J0mpo>。

### 澳大利亚的巨无霸

#### 那这事故对澳大利亚的标志性巨无霸有何影响？

在澳大利亚，有8个巨无霸文字商标注册为不同类别的商标。这些类别的摘要包括：29（包括汉堡肉饼的肉）；30（汉堡包，咖啡，茶，面包，饼干，谷类食品）；28（游戏，玩具，玩物）；32（啤酒，无酒精饮料）；21（食品用具，容器，杯子）；42（餐厅服务，带走食品商店）；25（工作制服）；16（印刷品，教学资料，印刷出版物）；41（教育服务；儿童娱乐，慈善和筹款活动）；30（鸡肉三明治）。

问题：麦当劳是否已在所有这些类别中使用或实际上已经使用了商标巨无霸，以及它们是否也可能因在澳大利亚不使用而容易被取消。

### Hungry Jack's（饥饿的杰克）在澳大利亚

竞争对手麦当劳和Hungry Jack's之间的“健康”竞争在澳大利亚仍在继续。

2019年11月，Hungry Jack's Pty Ltd (有限公司)在第29类和第30类中注册了商标“Big Jack”作为商标。“Big Jack”汉堡最近开始在澳大利亚销售。一个视频分享网站YouTube上传原创视频的网络名人（格雷格的厨房）将其描述为与巨无霸非常相似，但酱汁更甜，而且是火焰烤的<https://www.youtube.com/watch?v=0R4fAES2VDw>。

#### 看来竞争会越来越大。

麦当劳在2013年注册了商标“Mega Mac”。虽然澳大利亚麦当劳菜单目前尚无此商品，但Mega Mac是一种超大型的Big Mac，不时在英国和美国的麦当劳销售。



2020年8月，Hungry Jack's“饥饿的杰克”申请了商标“Mega Jack”的商标。该商标现已被澳大利亚知识产权局接受，并且处于异议期内。同时，Hungry Jack's申请取消麦当劳的“Mega Mac”商标，因为后者在澳大利亚没有使用。

麦当劳在澳大利亚联邦法院提起的诉讼立即诉诸商标侵权，误导和欺骗行为以及恶意，并要求取消Big Jack商标。他们的主张得到了Hungry Jack's的辩护。

在2019年3月，Hungry Jack's申请了QUARTER DELUXE在第29、30和43类的注册。澳大利亚知识产权局不接受该商标的注册，也许是因为该商标与著名的麦当劳Quarter Pounder太相似了。QUARTER DELUXE标志的登记于2020年12月过期。

#### 那么，为什么澳大利亚知识产权局会接受Big Jack和Mega Jack而不接受QUARTER DELUXE呢？

IP Australia（澳大利亚知识产权局）在QUARTER DELUXE和Big Jack / Mega Jack之间采用的方法的差异可能在于，事实是，从Big Mac / Big Jack和Mega Mac / Mega Jack的名称可以明显看出，汉堡来自麦当劳（McDonald's）或饥饿的杰克（Hungry Jack's），而QUARTER DELUXE在名称上没有这种可识别的方面，这可能使消费者难以记住QUARTER DELUXE到底是麦当劳（McDonald's）或饥饿的杰克（Hungry Jack's）的产品。

### 不使用商标导致取消

在澳大利亚，2019年2月25日之前注册的已经注册了五年的商标可能会因其在提交申请的一个月之前的三年内没有被使用而容易被注销。如果商标在2019年2月25日之后注册，则仅需注册三年即可提出未使用的申请。

对于Mega Mac而言，麦当劳将有责任证明他们在提交申请之前的三年内在澳大利亚使用了Mega Mac商标。

### 商标所有人必须注意

所有商标所有者应从这些故事中学到的要点是，总是有一个竞争者可能会从您在商标中树立的声誉中受益。确保您继续使用商标并保留与使用此类商标有关的证据和数据非常重要。例如，销售发票的记录和副本，所售产品的照片，商店开业，与网站和社交媒体网站上的视图和评论有关的数据等都可能有用。此外，在可能的情况下，来自以该商标购买产品或服务的第三方的证据也可能会有所帮助。



任何对其澳大利亚商标或竞争对手商标有疑问的人，请通过ip@mst.com.au与Louise Wolf联系。



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## 2021 SCHEDULE

| SHOW LIST            | SHOW DATE        | SHOW VENUE | SCALE               |
|----------------------|------------------|------------|---------------------|
| 2021 BEIJING(58th)   | 2021.5.22-5.24   | CIEC       | 30000m <sup>2</sup> |
| 2021 SHANGHAI(59th)  | 2021.8.13-8.15   | SNIEC      | 25000m <sup>2</sup> |
| 2021 GUANGZHOU(60th) | 2021.11.26-11.28 | CIEFC      | 20000m <sup>2</sup> |

## 2021 EXHIBIT RANGE

### •Retail

Supermarket, Convenience Store, Specialty Store, Brand Store (Gift, Clothing, Glass, pharmacy, Flower, Bakery, Cooked Food, Fresh Food, Leisure Food, Book, etc.), Vending Machine, E-commerce, Cross-border Shopping etc.

### •Life Service

Hotel, Children Related, Pet Related, Home Related, Beauty, Sports & Recreation, Health & Fitness, Automotive, Cleaning, Senior Service, Financial Service, Travel, Maternal & Infant Care, Photography, Printing, Real Estate Agency, etc.

### •Food& Beverages

Cuisine, Express (Chinese, Western, Japanese, Korean, Thai, etc.), Hot pot, Grill, Café, Pub, Desserts, Snacks, Drinks, etc.

### •Education

Kids English, K12, Art, S.T.E.A.M, Kids Coding, Preschool, Early Child Development, Childcare, Robot, Brain Training, Vocational, etc.

### •Business Service

Consulting Agency, Real Estate Developer, Law Firm, Equipment Supplier, Packaging & Printing, Human Resources Service, Insurance, Commercial Design, IT Service, etc.



## CONTACT :

Tel : (+86) 010-68784990 Email : liyi@ccfa.org.cn

Website [www.chinafranchiseexpo.com](http://www.chinafranchiseexpo.com) / [www.mxj.com.cn](http://www.mxj.com.cn)

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## CONTACT

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lynn.how@koelnmesse.com.sg  
Tel: +65 6500 6712

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# THAIFEX-Anuga Asia Brings You Greater Opportunities Through Hybrid+



**T**HAIFEX - Anuga Asia 2021 will take on a new extended format – Hybrid+, where its programmes will start from May and extend all the way to late September when the physical event will take place. The dates of the physical event will be from 29 September to 03 October.

With Hybrid+, participants can kick start their THAIFEX - Anuga Asia journey from May 25 - 29 with THAIFEX Virtual Trade Show (VTS) - a 365-day initiative by the Department of International Trade Promotion. VTS welcomed 1,080 online registrants from 77 countries in their first edition in 2020, of which 752 buyers were successfully matched with their target exhibitors. Other digital initiatives, including online matchmaking and webinars, will continue to engage local and international participants from May through September when the physical event takes place with additional elements such as live streaming.

The Organisers opined, “The Hybrid+ model is our response to the industry’s call for continual business engagement until physical convening can be done in a much safer environment. We have been fine-tuning our programme offering by working closely with industry players to understand their needs better, so that we are equipped to support them in this new normal.”



## THAIFEX-Anuga亚洲通过 Hybrid+ 为您带来更多机会



**亚**洲重要的餐饮贸易展览会继续通过多个平台为区域市场提供服务，并于2021年5月至2021年9月提供服务。THAIFEX-Anuga Asia 2021将采用一种新的扩展格式 – Hybrid+，其程序将从5月开始，一直扩展到9月29日至10月3日。

使用Hybrid+，参与者可以从5月25日至29日开始参加THAIFEX-Anuga Asia 虚拟贸易展（VTS），这是泰国国际贸易促进部为期365天的倡议，旨在让大家进展开始他们的THAIFEX-Anuga亚洲之旅。VTS在2020年举办的第一届展会上迎来了来自77个国家/地区的1,080位在线注册者，其中752位买家成功地与其目标参展商配对。其他数字计划，包括在线对接会和网络研讨会，将从5月至9月继续与本地和国际参与者互动。

主办方认为：“Hybrid+模式是我们对行业持续参与业务的呼吁的回应，直到可以在更加安全的环境中进行实体面对面召集。我们一直在与行业参与者紧密合作，以更好地了解他们的需求，从而调整我们的计划，以便我们有能力在新的常态下为他们提供支持”

<http://www.ditp.go.th/>; <https://www.thaichamber.org/>

<https://www.thaifex-anuga.com/en/for-media/media>

Website: [www.thaifex-anuga.com](http://www.thaifex-anuga.com) Facebook: THAIFEX - Anuga Asia

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# Tips To Assist Franchisors Responding To The COVID-19 Pandemic



**F**ranchisors have the potential to be affected on a number of levels a result of the Alert Level 4 lockdown imposed by the New Zealand government on 26 March 2020:

1. Performance of obligations (including payment obligations) of both the franchisor and franchisee under the Franchise Agreement;
2. Performance of obligations under lease documentation;
3. Franchisees looking to exit lease and franchise agreements; and
4. Payment/ retention of key employees.

**Our tips to help franchisors survive this challenging time are:**



1. Communication and planning are key. Form a crisis team/ advisory board to assist you to make decisions. We recommend including a franchisee representative so that they can assist with planning and making decisions which directly relate to franchisees.

2. Have regular meetings – plan regular meetings or regional meetings with your franchisees. This is important to keep the flow of information maintained and to hear valuable feedback from franchisees.

3. Know your franchise agreements – many franchise agreements contain a “Force Majeure” clause. See here for more information about these types of clauses. Make sure you read and understand exactly what the clause says and what the effect of it is. Make sure you are aware of which agreements are due for renewal. Do you need to consider extending the term of the agreement rather than a renewal at this point in time?

4. Consider delaying any franchise sales or purchases during the lockdown period.

5. Consider adjustments to franchisee fees and marketing fees where they are not based on a percentage of sales. If your franchisees pay a local marketing fee, consider waiving this requirement to assist with their cashflow during this time.

6. If your franchise is premises based and you or a related company is the tenant under the head lease, review your lease carefully to see if there any Force Majeure clauses or “no access in emergency” clauses and activate these clauses immediately if they allow you to suspend or pay less rent. Chat to your landlord first before you make any decisions about your lease – you might be pleasantly surprised with their response. Read here for more information about the “no access in emergency” clause. Discuss with your franchisee your strategy for dealing with the leasehold obligations in relation to their premises.

7. If your franchisee has entered into a lease directly with the landlord, talk with your franchisee about their various options and their strategy for dealing with their leasehold commitments. Your franchise agreement will probably require your franchisee to consult with you and obtain your agreement to any proposed variations to the lease.

8. Review any agreements you have with approved suppliers. Do these include Force Majeure clauses? Discuss with supply arrangements directly with suppliers.

9. Keep up to date with any developments from the government which have the potential to affect or assist franchisees – for instance, the recent wage subsidies and business loan initiatives.

10. Do not give your franchisee any advice on their obligations as an employer (other than general information). They should be directed to get their own legal advice.

11. Ensure that your franchisees provide you with up to date information about their solvency so you can work with them at an early stage if any issues develop. Assist them with adjusting their business plans and budgets to reflect the impacts of the lockdown.

12. If your franchise involves the supply of essential business services, ensure that that franchisee has the necessary supply networks in place to supply those services.

13. Review any marketing initiatives and promotions which are scheduled to take place during the lockdown period. Do these need to be changed, postponed or withdrawn altogether?

Most importantly, communicate regularly with your franchisees with compassion. Franchisees will be looking for their franchisor to show leadership during this challenging time.

For more information, contact Lizandra Bailey at [lizandra@turnerhopkins.co.nz](mailto:lizandra@turnerhopkins.co.nz) or 021-774-333.

Lizandra is a commercial lawyer and can assist her clients with pretty much any aspect of business law. One area she is particularly passionate about is franchising and licensing and she currently acts for very well known franchise systems in New Zealand. She also has been asked to speak at legal seminars on franchise law topics.







新西兰政府于2020年3月26日起开始全国进入第4级警报禁闭封锁（Lockdown）状态，很多特许商（Franchisor）都受到了以下几方面的挑战：

1. 双方继续履行《特许经营协议》的相关责任及义务；
2. 履行租赁合同的规定义务；
3. 面对寻求退出租赁和特许经营协议的加盟商；和
4. 保留其员工和薪水支付相关的问题。

### 我们给特许经营者在这个充满挑战的时代生存的13点贴士：

1. 沟通和计划是所有的关键。组建危机小组/咨询委员会，以帮助您做出决策。我们建议包括选举一个加盟商代表人，以便让加盟商的协助规划与加盟商直接相关的决策决定。
2. 举行例会与您的加盟商开展计划例会或区域性会议。这对于保持信息流通的同时，可以让您更好分听取加盟商的宝贵反馈。
3. 重复了解您的特许经营协议。许多特许经营协议都包含“不可抗力”条款。您需要阅读并准确理解该条款的内容以及其法律作用。这样您就可以判断出哪些协议需要更新续订，还是考虑延长协议期限而不是续约。
4. 考虑在禁闭封锁期间延迟任何特许经营销售或购买。
5. 考虑对特许经营费和营销费进行调整。如果您的加盟商支付本地营销费，请

## 冠状病毒：给特许商 Franchisor的-13条贴士

考虑禁闭封锁期间除此费用，从而帮助加盟商改善其现金流。

6. 如果您的加盟生意设计场所涉及租约，那么您需要仔细检查您的租赁，以查看是否有不可抗力条款或“紧急情况下不得进入”条款用来协商暂停（或减少）租金。在对租约做出任何决定之前，请先与房东沟通。并且与您的加盟商讨论您处理与房屋有关的租赁义务的策略。

7. 如果您的加盟商直接与房东签订租约，请与您的加盟商谈谈他们处理租赁承诺的策略。取决于加盟合同，您的特许经营协议可能有要求租赁的变更需要获得您的同意。

8. 查看您与供应商之间的协议。是否包括不可抗力条款？直接与供应商讨论供应安排。

9. 紧跟政府的任何影响或协助加盟商的政策，例如最近的工资补贴和商业贷款计划。

10. 不要给您的加盟商关于雇主任何关于雇主法相关的建议（一般信息除外）。应该指导他们寻求自己的法律建议。

11. 确保您的加盟商向您及时提供其偿付能力的信息，以便您可以与您的加盟商在问题出现的早期就协助他们解决问题。这些协助包括协助他们调整业务计划和财政预算，包括进封锁期间给生意带来的影响。

12. 如果您的特许经营涉及提供基本业务服务（essential business service），请

确保该特许经营者拥有必要的网络供应来提供这些服务。

13. 查看计划在禁闭封锁期间内进行的任何营销计划和促销。是否需要全部更改或推迟签署这些加盟协议的更新文件。

在这个特别的时期，我们建议您与您的加盟商进行及时和定期的沟通以展现特许经营者的领导力。

有关更多信息，请与Turner Hopkins 的商业团队联系。



联系：合伙人 Lizandra Bailey, Joy Yuan 资深律师. 联系：09-486 9576; joy@turnerhopkins.co.nz

Disclaimer: the

content of this article is for general information only, it is not legal advice; 请注意本文只为读者提供一般信息,在这篇文章中所包含的内容不构成法律意见。

Joy Yuan practices

in all areas of commercial and property law. Joy frequently has been asked to speak at legal seminar to the New Zealand

Chinese community. She is fluent in English and Mandarin. She has extensive expertise in commercial and property law. Her strong commercial and business sense ensures that the most professional and practical advice is provided to her clients.



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## 2019 EVENT HIGHLIGHTS

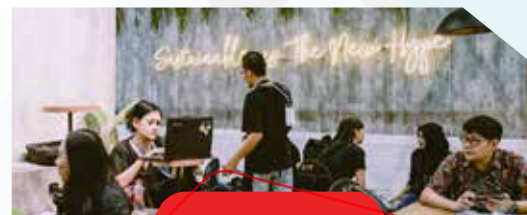
  
**20**  
COUNTRIES

  
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COMPANIES

  
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 FLEI - Franchise & License Expo Indonesia





# INDONESIA'S LEADING INTERNATIONAL FRANCHISE, LICENSE, RETAIL & BUSINESS OPPORTUNITIES EXHIBITION & CONFERENCE 10-12 SEPTEMBER 2021



## EVENT PROFILE

The 18th edition of FLEI 2021 will be the best gateway for international franchises, brands and licenses that

are yet to be in Indonesia, and for Indonesia's own franchises, brands and licenses that are looking to expand to the entire Indonesia market or ASIA region.

## ORGANISER

Panorama Media - Indonesia

## STRATEGIC PARTNERS

Indonesian Chambers of Commerce & Industry (KADIN)  
The Indonesian Franchising & Licensing Society (WALI)

## ENDORSED BY

Ministry of Trade; Ministry of Industry; Ministry of Co-operatives and Small/Medium Enterprises; Ministry of Tourism & Creative Economy; Jakarta City Government

## WHO SHOULD EXHIBIT?

**Exhibit Segments:** Advertising/Photography/Digital Art; Automotive Services & Products; Beauty & Cosmetics; Business Consultants; Computer/Internet/Gaming Centers; Courier& Document/Cargo Handling; Education Institution; Entertainment; Fashion Brands and Labels; Fitness/Sports/Health Centers; Jewelry ;Laundry & Dry Cleaning ;Personal Care & Beauty Centers; Printing/Copying/Refill Centers ;Property & Real Estate; Recreation & Hobby ;Restaurant/Café ;Retail; Tour/Travel/Tourism; etc.

RSEI-Retail & Solution Expo Indonesia: 4 areas: Retail Tech-Equipment, Retail Store Furnishing, Retail Services, and Internet Retailing.

## WHO SHOULD VISIT?

Master Franchisees, Franchisees, Master Licensees, Licensees, Franchise Consultants, Intellectual Property Rights Legal Consultants, Entrepreneurs, Investors, Business Owners & Operators, Governments, Retailers, Distributors, Associations, Property developers, Media and any individuals seeking business and investment opportunities from Indonesia and the ASIAN region.

## 印尼领先的国际特许经营/ 许可经营/零售和商机展览和 会议-2021年9月10至12日

## PROGRAMS & ACTIVITIES

- International Franchise Forum & Conference 2021
- BizMatch (Business Matchings) – Online, Offline & Onsite
- FLEI VIP Club
- Franchise Brands Presentations
- Franchise Clinics
- Franchise Classes
- Meet & Greet with brand owners

## WHY INDONESIA?

1)Indonesia is the 4th most populous country in the world with >53% of the population living in the urban area, 57% are from middle class, with 7 million being added each year. 2)An investment-led economic expansion has kept Indonesia's economy growing at a solid pace, reaching 5.3% in the first quarter of 2019.3) Franchising has been the most popular choice by Indonesian investors to build their own businesses.4) Consumer spending in Indonesia is projected 7.7% annually until 2030.

## WHY JOIN FLEI 2021?

**THE GATEWAY** - Indonesia's leading & biggest international franchise, license, retail & business opportunities exhibition & conference.

**THE BEST PLATFORM** - Meet face to face with more than 20,000 qualified buyers and investors from all over Indonesia & Southeast Asia.

**THE MOST COMPREHENSIVE** - There will be more than 700 brands who will expand into Indonesia.

**TARGETED QUALITY BUYERS** - Reach out to potential Master Franchisees and investors via Franchise & License Expo Indonesia - FLEI The VIP Club Members.

**Contact:** Marzuk Herry – Project Manager; Mobile Phone: +62 815 13229998 Email: marzuki@panoramamedia.com  
Sharon Sunaryo – Marketing; Mobile Phone: +62 896-6760-4988; Email: sharon@panoramamedia.co.id  
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- [marketing.ifra@dyandra.com](mailto:marketing.ifra@dyandra.com) ( Ms.Michelle Oliviy )
- [raenita@dyandra.com](mailto:raenita@dyandra.com) ( Mrs. Raenita Pristiani Aktuariana )
- [rizky.mustiko@dyandra.com](mailto:rizky.mustiko@dyandra.com) ( Mr. Rizky Mustiko )

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# JAPAN INTERNATIONAL FRANCHISE SHOW



为期四天的日本国际特许经营展览会共有16,801人参观。在展览中,各种服务,例如老龄化社会的需求,家庭食品,产品交付等吸引了许多准加盟商。众多对海外品牌感兴趣的分销商,投资者和投资机构齐聚一堂。

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The JAPAN INTERNATIONAL FRANCHISE SHOW is one of the biggest franchise exhibitions and earned one of the most respected names in Japan.

A total number of 16,801 people visited the four-day show. In the exhibition, a variety of services such as the needs of aging society, home food, product deliveries and so on were featured. A large number of distributors, investors, and investing institutions interested in overseas brands gathered for the event.





# “So, why do you think some of your franchisees are underperforming?”

The common denominator among these concerns is that they're less operational and more philosophical. They're a reflection of what franchisees think and feel about their business.

Franchisors know well how a franchisee's mindset directly impacts their execution of the system. But when I look at the agenda of their conventions, I see all the usual sessions about marketing, new products and vendors, and all things operational. There might be some social activities to build goodwill and some pep rally antics on stage to get people “pumped up,” but rarely is there any meaningful discussion around the human factors that so clearly influence business performance.

There are reasons for this. Some franchisors don't fully appreciate the extent to which these issues limit franchisees. Others are uncomfortable straying from business topics. Many simply don't know themselves how to address these matters. They may be experts in frozen yogurt, senior in home care, and mosquito control. But human behaviour and group dynamics are different disciplines altogether. They're also not within the scope of the franchise agreement.

Great franchise organizations go beyond franchisee hard skills and also support their soft skills, resulting in a system of owners who are as confident as they are competent. That helps them run better businesses and improves their level of satisfaction.



## Getting Franchisees to Their “Point of Clarity”

We do our best work when we operate from our *point of clarity*. This state of mind isn't defined by positivity or enthusiasm (which is what most brands promote at their events), but by clarity. This is our ability to look at our circumstances objectively without allowing emotions to cloud our judgement.

Sometimes what franchisees need most isn't to be pumped up but calmed down. Business ownership is an emotionally charged experience. When expectations aren't met, when sales drop, when customers complain, franchisees feel it. Those feelings cause franchisees to draw incorrect conclusions, lose trust, and panic. Often, they talk to each other, reinforcing their fears and mistrust of the corporate team.

Part of the problem is the human brain itself. When we perceive danger (physical or financial), it triggers our amygdala. That's our brain's fire alarm. It leads to a fight or flight response. And when it's

**T**his is one of the standard questions I ask franchisors who bring me in to keynote their conventions.

Typically, I get the same standard answers:

*“They're complacent.”*

*“They don't trust us and stick to the system.”*

*“They resist change.”*

*“They don't give customers the experience they should.”*

*“They spend too much time running their business and not enough time growing their business.”*



active, it blocks the neural pathways to the prefrontal cortex, the part of the brain responsible for logic, reason, and problem solving. In other words, when we're freaking out, we can't access the part of brain that's good for business.

To help franchisees return to their point of clarity, you need to help them disengage their amygdala and appeal to their sense of reason. Let's look at a few ways to do this.

## 1. Support Franchisees with Empathy

True empathy isn't cheering someone up. Empathy is acknowledging someone's emotional state and being with them. That requires attention. It requires listening. Sometimes when someone's upset, all they really want is to be heard. (Just ask your spouse!)

Franchisees complain to me that their franchisor doesn't listen to them. I believe the real problem is that their franchisor doesn't make them *feel* heard. There's a difference. You don't need to implement every idea franchisees suggest, nor should





you hold back on smart changes some resist. But you do need to give franchisees the time and forum to express themselves. Then engage them in conversation – not debate. Really listen. Explain their perspective back to them to confirm you got it right. Strong franchise networks are driven by partnership more than policy. So acknowledge your franchisees' feelings and perspectives, and make sure they feel their input matters.

## 2. Support Franchisees with Data

A field consultant told me about a franchisee who complained of a drop in sales when corporate opened another location in his city. The consultant ran a report that verified the drop in sales, but also an *increase* in transactions. More people were coming in, but the franchisee's ticket average had decreased, suggesting the real problem was poor customer service and salesmanship.

*Objective information can trump feelings, guesses, and suspicion. Help franchisees reframe their concerns with facts.*

There's a difference between "My business is crashing!" and "My business is down 20%." Give them context for their performance by providing information about what's happening in the system and in the industry. But don't just present that data. Use it to return them to their point of clarity. If things are better than they realize, make that case. If problems are real, give them the facts and reassure them with your plans or suggestions. Use data to encourage and inspire, not just to inform.

Objective information can trump feelings, guesses, and suspicion. Help franchisees reframe their concerns with facts.

## 3. Support Franchisees with Positive Reinforcement

Business owners don't typically get the feedback and praise they'd otherwise get from an employer. But they need it. People have an innate desire for acknowledgement. For many franchisees, this is just as important as profit.

Your acknowledgement – formal or otherwise – means a lot. Be generous with your awards. Offer lots of praise. Instruct field support to find things franchisees are doing well and say something.

I explain to franchisees that great customer service elevates the emotional

state of customers. What they get is less important than how they feel. This is just as true in franchise support. Franchisees are paying you for operational guidance. But if you can also help them feel good running their business, they'll run it better. Catch them doing things right and praise them often. Your outside acknowledge will help combat any inner self-doubt.

You haven't just sold your franchisees a business. You've sold them a ticket to a psychological rollercoaster ride. Appreciate their emotional journey. Help them achieve clarity as aggressively as they seek sales. They need the right aptitude and the right attitude in order to succeed. Developing both will boost performance, increase their satisfaction, and grow your brand.

**Scott Greenberg helps franchisors close the franchisee performance gap, and franchisees grow their business. He's the author of the book *The Wealthy Franchisee: Game-Changing Steps to Becoming a Thriving Franchise Superstar*. More information at [www.scottgreenberg.com](http://www.scottgreenberg.com)**



# “为什么您认为您的某些加盟商业绩表现不佳？”

这些问题的共同点是它们与营运生意的关系较低，更具哲理性。它们反映了加盟商对其业务的看法和感受。

特许人（盟主）非常清楚被特许人（加盟商）的心态如何直接影响他们对系统的执行。但是，当我查看他们的大会议程时，我会看到会议内容都与营销，新产品和供应商以及营运事物有关。当然，主办方也

可能会进行一些社交活动以建立关系及商誉，并在舞台上进行一些鼓舞人心的滑稽动作来使参与者“被感觉精力充沛”，但是很少有人会围绕如此明显影响业务绩效的人为因素——士气——进行有意义的讨论。

这是有原因的。一些盟主并不完全理解这些问题在多大程度上限制了加盟商的业绩。其他则不愿意从商业话题中逃脱。许

这 是我在不同加盟大会做主题演讲时常提出的标准问题之一。

通常，我得到相同的标准答案：

“他们很自满。”

“他们不信任我们及不跟随我们的系统。”

“他们抵制变革。”

“他们不会为客户提供应有的体验。”

“他们花时间发展业务。”

多更根本不知道如何解决这些问题。这些特许人来自各行各业——他们可能是冷冻酸奶的专家，高级家庭护理和防蚊专家。但是人类行为和群体动力学完全是不同的学科。更遭的是这类问题也不在特许经营协议的范围之内。

优秀的特许经营组织不仅让他们的加盟商拥有硬技能，而且还支持他们的软技能，

从而形成了一个拥有自信和能力的所有者体系。这有助于他们经营更好的业务并提升他们高满意度。

### 使加盟商达到“明确点”

从逻辑上讲，从清晰的角度出发，我们对事物会尽力而为。这种心态不是由积极性或热情（大多数品牌在活动中所倡导的）决定的，而是由明确性决定的。这是我们客观地看待我们的情况的能力，而不会让情绪笼罩我们的判断力。

有时候，加盟商最需要的不是感觉精力充沛而是冷静。经营一门生意往往牵涉到许多充满感情的体验。当业绩达不到预期，销量下降，顾客抱怨时，加盟商就会情感上受影响。这些感觉时常导致加盟商得出错误的结论，失去信任并开始恐慌。通常，他们彼此交谈，加剧了他们对特许经营公司团队的恐惧和不信任。

问题的一部分是人脑本身。当我们察觉到危险（自然或财务上的危险）时，它会触发大脑杏仁核。那是我们的大脑的火警。这会导致战斗或逃跑反应。当它活跃时，它会阻止通往额叶前皮层的神经通路，前额叶是负责逻辑，原因和问题解决的大脑部分。换句话说，当我们惊慌失措时，我们无法访问对业务有益的大脑部分。

为了帮助加盟商恢复清晰，身为盟主，您需要帮助他们脱离杏仁核并诉诸理性。让我们看一些实现此目的的方法。

### 1.以同情心支持加盟商

真正的同理心并不是仅仅使某人振作起来。真正的同情心是在承认某人的情感状态并与他们在一起。这需要盟主对其加盟商的特别注意。前者需要倾听后者。有时候，当某人不高兴时，他们真正想要的只是被倾听。（不妨问问你的配偶！）

加盟商向我抱怨他们的盟主不听他们的话。我相信真正的问题是他们的特许人没有让他们感到被听到。这有区别。当盟主的您无需实施加盟商提出的每一个想法，也不必忍受某些抵制的明智更改。但是，您确实需要给加盟商一些时间和平台或管



道来表达自己。然后让他们参与对话，而不是与他们辩论。向他们解释他们的观点，以确认您了解对了。强大的特许经营网络是伙伴关系而非政策驱动的。因此，请承认您的加盟商的感受和观点，并确保他们觉得自己的投入很重要。

### 2.为加盟商提供数据支持

一位被总部派到现场协助门店的工作人员（实地顾问）告诉我一个加盟商，他抱怨总公司在他所在城市开设另一个地点时销售下降。该顾问运行了一份报告，该报告验证了销售额的下降，但交易量切有所增加。其实越来越多的客人进了他的店，但他的平均票价却下降了，这表明真正的问题是不良的客户服务和销售技巧。

客观信息可以压倒不客观的感觉，猜测和怀疑。盟主需要帮助其加盟商用事实重新制订或说明他们的担忧。“我的生意快要崩溃了！”和“我的生意下降了20%”之间是有区别的。”通过提供有关各连锁和整个行业中发生的情况的信息，为他们提供绩效的背景信息。但是，不要仅仅显示这些数据。使用这些数据来使加盟商恢复清晰。如果事情比他们想象的要好，那就强调这点。如果问题确实存在，那您必须向他们提供战略建议及计划。使用数据来鼓励和启发，而不仅仅是告知。

### 3.通过正增强来支持加盟商

企业家（因为不是职员）通常不会从雇主那里得到反馈和称赞。但是他们其实需要它。人们天生就有觉得被认可的愿望。对

于许多加盟商而言，这与利润一样重要。

您给与的认可（无论是正式的还是其他方式）意义重大。这方面必须慷慨。提供很多赞美—多多益善。总部应该吩咐到现场协助门店的工作人员（实地顾问）特地发现加盟商做得好的事情，并给与称赞。

我向加盟商解释，出色的客户服务会提升客户的情感状态。客户得到的东西并不比他们的感觉重要。这道理在特许经营也是如此。加盟商向盟主支各种费用，理该得到良好的操作指导。如果盟主也可以帮助他们经营自己的生意时感到满意，那么这些加盟商会做得更好。经常表扬他们。您对他们的外部认可将有助于消除他们任何内在的自我怀疑。

您卖给您的加盟商不仅仅是一门生意。您其实也卖了一张过山车的票。您必须了解他们会有一段长远的情感之旅。您务必帮助他们在寻求销售时积极地提高清晰度。他们需要正确的天资与才能和正确的态度才能成功。同时开发两者将提高他们的业绩，满意度并且扩大强化您的品牌。

斯科特·格林伯格（Scott Greenberg）帮助特许人缩小被特许人的业绩差距，并扩大特许人的业务。他是《The Wealthy Franchisee: Game-Changing Steps to Becoming a Thriving Franchise Superstar》的作者。有关更多信息，请访问[www.scottgreenberg.com](http://www.scottgreenberg.com)



# Calendar of Events 世界特许经营活动表

**Note: All event dates and format (physical or virtual) are subject to change due to COVID19 situation**

**注意: 所有活动日期或形式可能都因冠状病毒COVID19 情况而更改**



## 2021

### 2<sup>ND</sup> QUARTER

#### April 四月

9 - 11 **Franchise Asia Philippines (FAPHL) 2021**  
Manilla, Philippines  
[franchiseasiaph.com/](http://franchiseasiaph.com/)

#### May 五月

22 - 24 **CCFA China Franchise Expo**  
Beijing, China  
[chinafranchiseexpo.com](http://chinafranchiseexpo.com)

25 - 29 **THAIFEX Virtual Trade Show**  
Bangkok, Thailand  
<https://thaifex-anuga.com/en/>

#### June 六月

18 - 19 **FCA Franchising & Business Opportunities Expo**  
Brisbane, Australia  
[franchisingexpo.com.au](http://franchisingexpo.com.au)

### 3<sup>TH</sup> QUARTER

#### July 七月

1 - 3 **International Franchise Seoul 2021**  
Seoul, Korea  
[ifskorea.co.kr/ko-kr.html](http://ifskorea.co.kr/ko-kr.html)

9 - 11 **19th International Franchise, License, and Business Concept Expo & Conference (IFRA) 2021**  
Jakarta, Indonesia  
[ifra-indonesia.com](http://ifra-indonesia.com)

28 - 30 **21st Malaysian International Food & Beverage (MIFB) Trade Fair**  
Kuala Lumpur, Malaysia  
[mifb.com.my](http://mifb.com.my)

#### August 八月

13 - 15 **CCFA China Franchise Expo, Pudong, Shanghai**  
Shanghai, China  
[chinafranchiseexpo.com](http://chinafranchiseexpo.com)

#### September 九月

10 - 12 **Franchise & Licensing Expo (FLEI 2021)**  
Jakarta, Indonesia  
[franchise-expo.co.id](http://franchise-expo.co.id)

15 - 17 **Malaysia International Retail, Franchising & Licensing Fair (MIRF 2021)**  
Kuala Lumpur  
[mrca.org.my](http://mrca.org.my)

24 - 27 **Taipei International Chain & Franchise Expo (TICFE) Autumn 2021**  
Taipei, Taiwan  
[franchise.org.tw](http://franchise.org.tw)

26 - 29 **Franchise Expo Paris 2021**  
Paris, France  
[franchiseparis.com/fr-fr.html](http://franchiseparis.com/fr-fr.html)

28 - 30 **Speciality & Fine Food Asia 2021**  
Singapore  
[speciality-asia.com](http://speciality-asia.com)

28 - 30

**Restaurant | Pub | Bar Asia 2021**  
Singapore  
[rpb-asia.com](http://rpb-asia.com)

29 - 3 Oct

**THAIFEX – Anuga Asia “The Hybrid Edition”:**  
Bangkok, Thailand  
<https://thaifex-anuga.com/en/>

### 4<sup>TH</sup> QUARTER

#### October 十月

1 - 2 **International Franchise Show London**  
London, United Kingdom  
[thefranchiseshow.co.uk](http://thefranchiseshow.co.uk)

9 - 16 **Franchise International Malaysia 2021 (FIM 2021)**  
Kuala Lumpur, Malaysia  
[mfa.org.my](http://mfa.org.my)

14 - 16 **Franchise International Malaysia 2021 (FIM 2021) (Physical)**  
Kuala Lumpur, Malaysia  
[mfa.org.my/newmfa](http://mfa.org.my/newmfa)

14 - 16 **International Franchise Seoul (IFS) – Autumn 2021**  
Seoul, South Korea  
[ifskorea.co.kr](http://ifskorea.co.kr)

20 - 23 **Thailand Franchise & Business Opportunities (TFBO 2021)**  
Bangkok, Thailand  
[thailandfranchising.com](http://thailandfranchising.com)

#### November 十一月

4 - 6 **Vietnam International Retail & Franchise (VIRF) 2021**  
HCMC, Vietnam  
[vietrf.com](http://vietrf.com)

10 - 13 **SIAL InterFOOD 2021**  
Jakarta, Indonesia  
[sialinterfood.com](http://sialinterfood.com)

12 - 13 **Franchising & Licensing Asia 2021**  
MBS, Singapore  
[FranchiseLicenseasia.com](http://FranchiseLicenseasia.com)

18 - 20 **Restaurant Asia 2021**  
Singapore  
[restaurantasia.com.sg](http://restaurantasia.com.sg)

18 - 20 **International Coffee & Tea Asia**  
Singapore  
[intlcoffeetea-asia.com](http://intlcoffeetea-asia.com)

26 - 28 **CCFA China Franchise Expo, Guangzhou**  
Guangzhou, China  
[chinafranchiseexpo.com](http://chinafranchiseexpo.com)

29 - 1 Dec **Saudi International Halal Expo 2021**  
Riyadh, Saudi Arabia  
<https://saudihalalexpo.com>

**NOTE: For the latest updates, please visit <https://www.asiawidefranchise.com.sg/events/>**

**注意: 有关最新更新, 请访问<https://www.asiawidefranchise.com.sg/events/>**



# ASIAWIDE Franchise

## 爱思威特许经营

### ASIAWIDE FRANCHISE CONSULTANTS PTE LTD (AFC)

is one of the most experienced franchise consulting companies in Asia. We currently have more than 70 franchise and associated offices in more than 50 nations. In the last 32 years, we have provided professional consulting services to more than 1300 companies in Asia to expand locally and worldwide.

With our worldwide network, in-depth knowledge, insight (our consultants have managed franchise companies before joining us) and qualifications – e.g. CFE, CMC, CPC and PMC (Senior PMC), we are able to help clients from various industries to develop very strategic and effective franchise packages, conduct incisive franchise audits, help franchisors find suitable franchisees in various parts of the world, and to develop various market entry strategic plans into foreign territories. We also act on the franchisor's behalf in executing certain affairs (e.g. training, audit, termination, etc.). Our sister company Asiawide Trends Pte Ltd is the publisher of the world's only English-Chinese *Asia Franchise & Business Opportunities* magazine that is very popular in Asia since March 1994. We are the most active consulting company in Asia as we participate in over 30 franchise and related shows in Asia every year.

We help our clients to digitalise their franchise system through our Asiawide Digital Advantage ("ADA"). Our franchise management system will be deployed with customized performance dashboards so that our clients will be better able to ensure standards and manage the quality of their franchisees/outlets. In addition, franchisors could also gain better insights into their franchisees' / outlets' financial and operational performance.

We have been awarded many awards, e.g. for contributing to the growth of franchising by CCFA (China), ACFPT (Taiwan), ARFF (ASEAN), WALI (Indonesia), EFDA (Egypt), etc.

### 组织

爱思威特许经营顾问私人有限公司(32年业绩), 是公认的最成功的特许(连锁/加盟)经营咨询服务公司之一, 其超过70个办事处(包括加盟商及策略伙伴)遍及世界超过50个国家和地区。

### 服务范围

爱思威特许经营顾问私人有限公司的服务范围广泛, 包括:

1. 协助商家发展特许经营/连锁店/经济组合体系的全方位解决方案;
2. 我们拥有一个称为ADA的特许经营管理软件, 该软件使特许经营者(盟主)能够有效地管理其加盟商(或经销店)的质量/标准, 并增强其业务的运营(包括培训和财务方面)。
3. 扮演经纪人角色, 协助企业及个人加入特许经营体系;
4. 出版特许经营刊物, 定期出版中英文「亚洲特许经营加盟连锁·投资良机」杂志(自1994年);
5. 每年参与30多不同国家与区域的特许经营展览、研讨会及相关活动(包括组织赴北美、欧洲、中日韩、东盟考察团)
6. 我们还代表特许经营公司(盟主)执行某些事物(如培训他们的加盟商;审核加盟商日常业务操作;办理合约终止的手续与流程,等.)
7. 其他辅助服务。

### 我们的成绩

爱思威特许经营顾问私人有限公司

在本区域已为超过1300个不同行业的企业提供综合广泛而又高度专业化的咨询服务。

本公司团队力量精良, 现有高级顾问多名, 均具有美国特许经营协会授予的注册特许经营管理专家(CFE)头衔, 高级执行管理顾问(Senior PMC)等。

爱思威自诞生以来, 获得了很多的奖项和赞誉, 如: 10年贡献奖(中国连锁经营协会2008); 卓越贡献奖(台湾连锁加盟促进协会2014); 区域贡献奖(东盟连锁加盟协会2015) 及突出贡献人物奖2017, 等等。



**We know franchising.**

140 Paya Lebar Road #09-20 AZ@PayaLebar  
Singapore 409015

Tel: (65) 6743 2282 Fax: (65) 6743 1139

[www.asiawidefranchise.com.sg](http://www.asiawidefranchise.com.sg)

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t : @Asia\_Franchise

in : asiawide-franchise



Asiawide Franchise Consultants Pte Ltd's website has a new look. Do visit us at [www.asiawidefranchise.com.sg](http://www.asiawidefranchise.com.sg) or scan the QR code on this page.

爱思威特许经营顾问私人有限公司的网站有一个全新的面貌。请立即访问[www.asiawidefranchise.com.sg](http://www.asiawidefranchise.com.sg)浏览此页面上的二维码。



# We are connected internationally...

## Our Strategic Partners:



**Australia**  
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**Cambodia**  
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**Canada & Africa**  
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**China (North)**  
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**China (Western)**  
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**China (Shanghai)**  
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**China (Chengdu)**  
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**China (HK/Guangzhou/Macau)**  
Norman Cheung



**China (Hong Kong)**  
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**India**  
Srinivas Kona



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**Indonesia**  
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**Malaysia**  
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**Malaysia**  
(3) Yau Sir Leng



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Ferenz Feher



**Middle East**  
(1) Sary Hamway



**Middle East**  
(2) Mukesh Viroomal



**Mongolia**  
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**Myanmar**  
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**New Zealand**  
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**Pakistan**  
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(1) Marvin Q. Da Silva



**Philippines**  
(2) Henry Ong



**Portugal**  
(1) Jose Antonio Cavaco



**Portugal**  
(2) Ana Martins Correia



**Romania**  
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**Russia**  
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**Russia**  
(2) Vasil Gazizulin



**South Africa**  
Vera Valasis



**Taiwan**  
Lin Ku Yeh



**Thailand**  
Sethaphong Phadungpisuth



**USA**  
(1) William LeSante



**USA**  
(2) Mark Shieh



**USA**  
(3) Charlie Weeks



**Vietnam**  
(1) Adrian Leong



**Vietnam**  
(2) Dau Van Huan

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**More strategic partners, all with high integrity in other countries, will be recruited on an ongoing basis so as to serve our customers even better.**

**18 Latin American partners since May 2019**







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loss account  
simulation



Set up and  
opening  
support



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promotions  
initiatives



Comprehensive  
franchise system with  
on-going upgrades



On-going consultation  
and performance  
monitoring

Contact us to learn more about our franchise

+6016-526 6599

myfranchise@oldtown.com.my

www.oldtown.com.my

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Have A Sip, Eat First