

FRANCHISING: THE RELATIONSHIP BETWEEN FRANCHISOR AND FRANCHISEE

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RESUMO

A busca de empreendedores pelo desenvolvimento de organizações e produtos voltados para inovação, visando acompanhar as necessidades dos consumidores e, ao mesmo tempo, conseguir se manter em um mercado cada vez mais competitivo não é uma tarefa fácil. Por essa razão, pode-se observar o crescimento de mercados aparentemente mais seguros, com menor risco de investimento, como o mercado de franquias, que se encontra em expansão por todo o mundo. Este artigo tem como objetivo identificar como se estabelece a relação entre franqueadores e franqueados de unidades franqueadas localizadas no município de Juiz de Fora. Para tanto, foi realizada uma pesquisa de campo junto a trinta e oito franqueados de diversos setores de atuação e, a partir desses resultados, foi possível compreender a relação entre as partes. Verificou-se que o relacionamento do franqueado com o franqueador, na maior parte das vezes, é visto como satisfatório pelos franqueados e que nesta relação ambos primam pela padronização e a continuidade do negócio através de planejamentos que resultem em satisfação, aumento de competitividade e sucesso das franquias.

Palavras-chave: *Franquias. Franqueador. Franqueado. Relação*

ABSTRACT

The search for entrepreneurs who develop organizations and innovative products in order to fulfill the needs of consumers, and at the same time to keep an increasingly competitive market, is not an easy task to be done. Therefore, it is possible to notice both an apparently safe market growth and a lower investment risk since the franchise market is expanding throughout the world. This article aims to identify the relationship between franchisors and franchisees of franchised units in Juiz de Fora, a city located in southeastern Brazil. In order to do so, it was carried out a field research with thirty-eight franchisees of different sectors of the society, and from these results, it was possible to comprehend the relationship between the franchisor and the franchisee. It was found that in most cases this relationship is seen as satisfactory by the franchisees, and that both focus on attaining standardization and business continuity by means of planning result in satisfaction, increased competitiveness, and success of franchises.

Keywords: *Franchises. Franchisor. Franchisee. Relationship*

1 INTRODUCTION

Entrepreneurs aiming at developing organizations and innovative products in order to fulfill the needs of consumers, while being able to remain in an increasingly competitive market, is not an easy task. For this reason, it is observed the growth of apparently safer markets with low investment risk, such as market franchising, which is expanding throughout the world.

In Brazil, this scenario is not different. According to the Brazilian Franchising Association (ABF - Associação Brasileira de Franquias), the franchise sector has shown significant growth in recent years, and receives support of financial institutions for credit, as well as of the Brazilian Support Service for Micro and Small Companies (Sebrae - Serviço Brasileiro de Apoio a Micro e Pequenas Empresas) and the ABF itself.

Given the growth of that sector, it is imperative to understand how it is developed the relationship of the parties involved in this type of business. It is important to know how to establish the relationship between franchisor and franchisee. Thus, the aim of this study is to identify the outlines of the relationship between franchisors and franchisees in franchises in the city of Juiz de Fora.

In order to answer the research question and achieve the proposed objective, the research was guided by theoretical framework related to the franchise system and to information collected from some franchises in the city of Juiz de Fora, MG.

Thus, this study was divided into five sections. The first includes this introduction, and the second section covers the theoretical assumptions that supported the study of franchises. The third one presents the methodology used in research, and in the fourth section it is presented the results and analysis regarding field research. Finally, in the fifth section, it is reported the final considerations of the study.

2 THEORETICAL FRAMEWORK

2.1 Definition of franchise

The franchising market is now in a scenario of increasingly strong expansion in several sectors of the domestic and foreign economy.

Since the internationalization of the franchise system in the 70s, from the United States to the world, it has been observed that its evolution is accompanied by continuous improvement in the relationship between the parties involved and for solutions to entrepreneurs and companies interested in expanding and starting their business in the franchising market (ABF, 2005).

There are several definitions of franchise, and among them, one can be found in the article 2º, Law 8955, which regulates franchises in Brazil and points out that:

Business franchise is the system whereby a franchisor grants the franchisee the right to use the trademark or patent, associated with the right of exclusive distribution or semi-exclusive products or services, and possibly also the right of using implementation technology and management or operating system developed or held by the franchisor, by means of direct or indirect remuneration, without, however, characterization of employment (BRAZIL, 1994).

According to Maricato (2006), in Brazil the term franchise can be used both to denote the franchisee premises and the various rights and duties that the establishment has to explore a particular brand. In addition, although used a few years in the country, terms such as "franchisee", "franchisor" and "franchising" were quickly disseminated, recognized and understood not only by the public interested in the type of business, but also among the general population. It is also observed a more objective view, but no less clear, about franchise:

Franchise consists of the payment made by a business owner to another business owner, by the use of the brand, business strategy, marketing, operational format, administrative/operating system, know-how and expertise (MATTAR 2011, p. 81).

In this manner, franchise system, or franchising, is a form of enterprise for those who intend to expand their business quickly and with low personal investment. On the other hand, it is a great opportunity for those who want their own safe business since the products and the brands are already established on the market (LAS CASAS, 2006).

Pérsico; Paula (2013) points out that although franchising is a process that enables the safe distribution and marketing of products or services, for this system to function properly it is necessary some balance between the parties involved in business. It means that franchisors and franchisees should become partners and share many of their decisions. In order to do so, they must always strive for the best way to retransmit and absorb knowledge and ideas for a best tune possible, in search of a mutually satisfactory relationship between franchisor and franchisee.

2.1.1 Franchise Generations

The evolution of the franchise system is an ongoing process, and its classification and "division" in generations vary from author to author. It is considered the evolution composed of five generations adopted by Pérsico; Paula (2013), Maricato (2006), and by ABF (2005).

The first generation franchise, also known as Brands and Product, is rarely found these days. Its main objective is the sale. According to the ABF (2005), it is characterized by little or no operational and marketing support, and by the non-exclusive brands license to franchisees because products and services could be found at other retailers.

The second generation franchise, in which the franchisees receive some support for the operation of the business and the restricted license to use the trademark and distribution of products with or with no exclusivity.

Unlike the second generation franchise, in the third generation, besides the exclusive trademark license, there is the transference of know-how from the franchisor to the franchisee, thus increasing the alignment of the units with the brand and the support franchisees by developing operational manuals and standard setting (PÉRSICO; PAULA, 2013).

The fourth generation is characterized by a high level of professionalism. The independence of the franchisee is suppressed, but there is the understanding that the success of the network depends on the participation of franchisees in making decisions, as well as motivation and commitment of every part. Communication between franchisor and franchisee is stimulated all the time. Thus, it is observed that "the fourth generation franchisors began to worry about having units-models, business plans, and marketing strategies [...]" (MARICATO, 2006 p. 34).

Following the process of evolution, there is the fifth generation franchise. The main difference between these and the fourth generation is that in the fifth generation there is the possibility of repurchasing the units by the franchisor. It is also present the constant concern with learning, products improvement, standardization, maintenance of competitiveness, and the awareness that franchisor and franchisee must have the need to act synergistically in order to evolve, strengthen the brand, meet customer needs and exceed competitors.

2.1.2 Types of Franchise

Franchisors have different ways to expand their business and brand. This decision should be made taking into account the objectives, planning and business strategies. Thus, it is highlighted some types of franchise, according to Las Casas (2006) and Pérsico; Paula (2013):

Single Unit Franchise: the best know of them. In this modality, the franchisee has the assignment of the exclusive right of the brand, operating in a particular location, according to Pérsico; Paula (2013).

Multi-unit Franchise: the franchisee, for performance issues and financial capacity, receives the exclusive right in a given territory and, in turn, is responsible for opening more single unit franchises in that territory in an agreement-established time (PÉRSICO; PAULA, 2013).

Master Franchise: this model is characterized by the power and authorization the franchisor grants to the franchisee to expand its franchise network in a particular region, both nationally and internationally. In this case, the master franchisee is responsible for the contracts signed by him and receives part of the fees and royalties (LAS CASAS, 2006).

Area Development Franchise: the franchisee, by contracts agreed with the franchisor, is responsible for developing the franchise in a region where it does not operate. The franchisee shall open more than one unit of that franchise in this region, at any given time. The franchisees are considered sub-franchisors, as well as the master franchisors, since they have the right to set up their own or outsourced units and have the obligation to support these units (PÉRSICO; PAULA, 2013).

Conversion franchise: according to Las Casas (2006), this modality is related to the exchange of experience among business owners of franchises and independent entrepreneurs. The operation consists of a proposal for conversion, made by large franchise chains, so that independent companies become franchised units.

Once investing in franchise has proved a safer option with less need to make personal investments, the conversion franchise is seen as a beneficial strategy for both sides.

It is observed that, regardless of the type of franchise, in order to ensure the survival of any organization, it is necessary to foster communication, information flow, and absorption of knowledge, especially with regard to the objectives, activities, and achievements of the company (PÉRSICO; PAULA, 2013).

2.1.2 Advantages and disadvantages of the franchise system

The franchise system is an up-in-coming worldwide trend. This growth is related to factors and characteristics that make it an attractive and advantageous system for franchisors and franchisees. On the other hand, it is important to emphasize that this system also provides restrictions to both parties.

The main advantages for the franchisor are effectiveness of business expansion, brand strengthening, and consolidation in different locations, which increases its market share. There is also the reduction of personal investment costs when comparing the expansion franchise to the expansion of independent businesses and economies since networking and larger purchases allow the negotiation with suppliers and partners (MATTAR 2011).

Besides, the franchise system allows the franchisor an “[...] increased availability of time and resources for marketing and development of goods and services [...]” (PÉRSICO; PAULA, 2013 p.14).

In what concerns the disadvantages to franchisees, Maricato (2006) and PÉrsico; Paula (2013) state that the critical point is the relationship between franchisors and franchisees, and the choice of the latter. This is because the definition of the appropriate profile for the franchisees and their constant monitoring by the franchisor are fundamental practices to minimize conflicts and extinguish the downside risks of the brand by a franchisee, since the lack of training and respect for established standards may destroy the image of a particular brand.

Among the risks to the franchisor, there is also the partial loss of control and secrecy because transmission of information and knowledge to the franchisee is required, and the cost of formatting the franchises by means of manuals, training, and constant monitoring (LAS CASAS, 2006).

For franchisees, the advantages result from the fact that they will be working with already established and tested brands, which reduces business risk and increases the chance of success. Therefore, the system encourages the exchange of information and know-how between franchisor and franchisee, as well as support to the choice of where the franchise will be installed. There may also be constant training and consulting promoted by the franchisor (MARICATO, 2006).

Exclusivity to develop and operate the business in a given territory and reduced costs of investment and production are also advantages for the franchisee, who is able to negotiate more easily with suppliers when working in a chain (MATTAR, 2011).

In terms of disadvantages for the franchisee, it is pointed out little system flexibility, since the control over the franchisee's operations are constant and permanent; the risk of failure occurrences in the system and failure of franchisor; forced location and the costs with the brand, which include the payment of fees and royalties required to operate a franchise and get the franchisor's support (PÉRSICO; PAULA, 2013).

In addition to franchisors and franchisees, the franchise system also offers benefits to costumers. According to Mattar (2011), these advantages are related to the image that the best known and recognized brands go directly to costumers, making it the most secure and reliable purchasing decision, since they believe to have received the goods or service with the same quality in any unit of the chain.

According to Prado (2008, *apud* FEITOSA, 2010), it is important to emphasize that, in order to be successful, a franchise system needs safe, enhanced and constantly tested standards, and opposed or competitive behavior between franchisor and franchisee is unacceptable. There must have commitment, clarity of information and transparent communication, besides the spirit of cooperation for the attainment of both parties' objectives and business growth.

Also according to Maricato (2006), the success presented by some franchisors and the failure of others showed that the system has major differences from independent projects and not just a good investment capital, but knowledge and hard work on the part of franchisors. Currently, this inexperience of franchisors is virtually meaningless in the market because the current franchisors' profile is one that should always try to improve their knowledge and therefore to improve their franchise.

2.2 Analysis model

According to Feitosa (2010), the relationship between franchisor and franchisee is part of a partnership scenario, but also a conflict of interest between them, since franchisors strive to transfer knowledge, technology,

standards, and regulations to be followed by franchisors and these, in turn, from the absorption of this knowledge, seek the expected financial return on investment. Therefore, for the author, the way this process of transfer and absorption of knowledge between them occurs is directly related to the gain in competitiveness and the standardization of processes.

Based on this understanding, Feitosa (2010) formulated an analysis model to identify the outline of this transfer process and absorption of knowledge between franchisor and franchisee, making it possible to identify, when properly transferred and absorbed, whether this knowledge becomes a synonym of competitiveness for franchises. This model was designed from a survey of franchisors and franchisees located in France and Brazil.

The proposed model sought to evaluate the frequency of communication between franchisor and franchisee, the subjects they treated, frequency of visits, performance evaluation of the franchise, frequency of structural changes, effectiveness of the marketing mix, management of items by the franchisor, evidence of competitive elements, transfer of items on the franchise chain and degree of standardization, among others.

Thus, according to the analysis of the research, to Feitosa (2010), the relationship between franchisors and franchisees in the process of transfer and absorption of knowledge occurs similarly in franchises in France and Brazil, and is more effective when specified in the franchise agreement. In addition, according to the author, franchises with greater degree of competitiveness are those which, among other things, have a clear and frequent communication with the franchisor, with greater openness to present suggestions, besides the regular visits franchisors pay to monitor and guide, the clear and accurate performance evaluation, and immediate communication about changes in goods, services and/or processes.

Therefore, to Feitosa (2010) there are differences in competitiveness between the franchise chains and their franchisees, and the degree of the transfer and absorption of knowledge, which directly interfere and drive to competitiveness.

3 METHODOLOGY

In the present study, we chose a research methodology based on the model presented by Vergara (2009), which proposes a division according to two criteria: purposes and means.

As for the purposes, the research has an exploratory nature, since its goal is to explore a still little known subject – franchises and the relationship between franchisors and franchisees. As for the means, it is a bibliographic and field research: bibliographic because books and articles were checked for the theoretical foundation and understanding of the theoretical perspectives related to the franchise market, and field research because questionnaires were applied in franchises in Juiz de Fora aimed at understanding the relationship between franchisor and franchisee and its importance for the maintenance of standards and success of the units.

In this manner, data collection was made by applying questionnaires drawn up based on the model Feitosa (2010), which sought to investigate the relationship between franchisor and franchisee in the city of Juiz de Fora, MG, and involved issues such as the frequency of communication between the parties, the matters the dealt with in this type of relationship, the frequency and purpose of the visits of franchisors to the franchised units, how the supervision of the franchised units for compliance with the established standards is made, the items possible to be changed in the franchise chain, and what is the franchisor's attitude towards the suggestions of changes made by franchisees. We also tried to understand if there is clarity on the criteria used by franchisees in the performance evaluation of franchised units.

Since it was not possible to identify the number of franchises in Juiz de Fora at any public and private body, the sample used in the research was non-probability for convenience, which according to Samara (2007) is a more simple sampling technique in which the researchers select, according to their convenience, individuals they have promptly available and who are willing to answer the questions they prepared. Thus, the questionnaires were distributed from 23rd October and 2nd November 2014, at thirty-eight franchises of different segments in the city of Juiz de Fora, MG, and the results were tabulated and analyzed later.

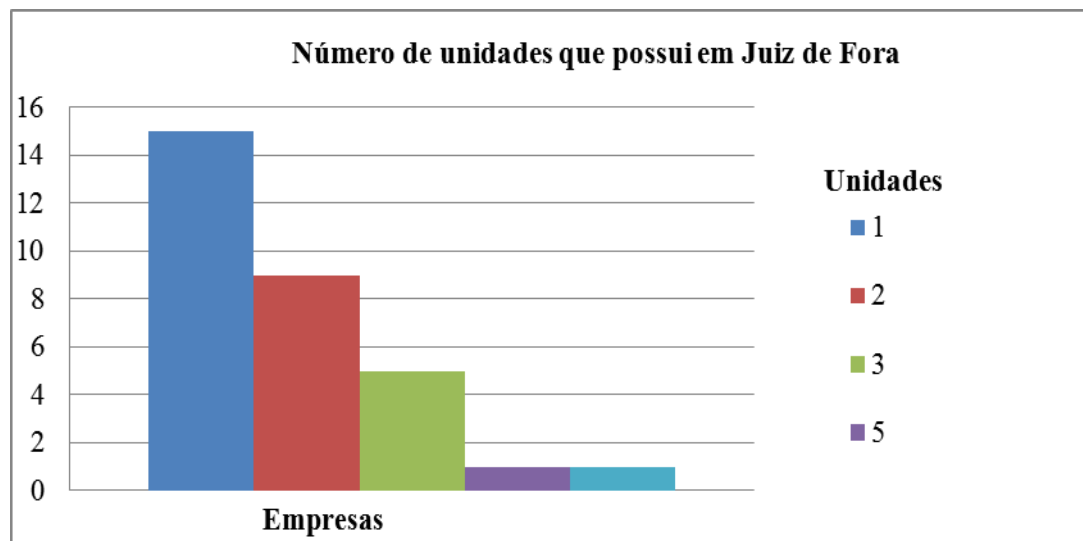
4 FIELD RESEARCH

Questionnaires were applied in thirty-eight franchises in the city Juiz de Fora, MG. This application was given as follows: twenty-five questionnaires were administered on-site and thirteen by e-mail because some franchises could not answer in person. The responsible for the franchises should follow a link sent by email so that they could answer the questions.

Thirty-one responses were obtained, twenty-three on-site and eight via e-mail. Seven other franchisees did not return the completed questionnaire.

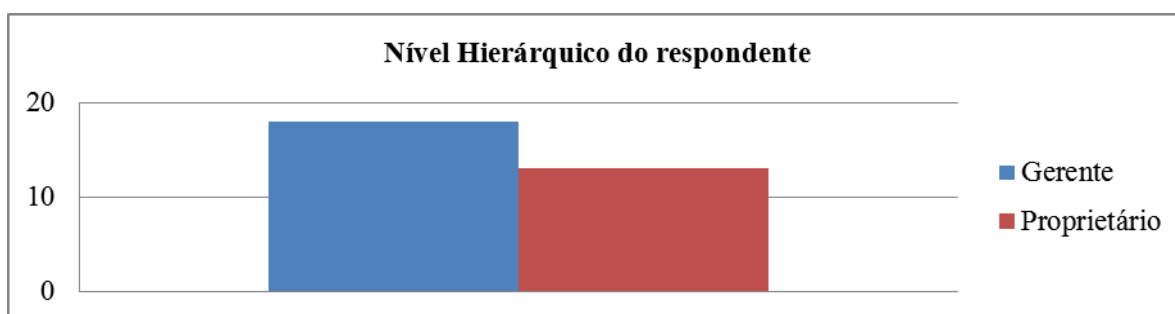
4.1 Research Analysis

As shown in Graph 01, out of the thirty-one franchises which replied, fifteen franchises have only one unit in the city, and only one franchisee has eight units in Juiz de Fora. Thus, it turns out that the territorial space stipulated in the contracts for new franchises openings in Juiz de Fora is applied regularly, so that there is not brand competition in the same territory, and the predominant type of franchise in the city is the individual or unit franchise.



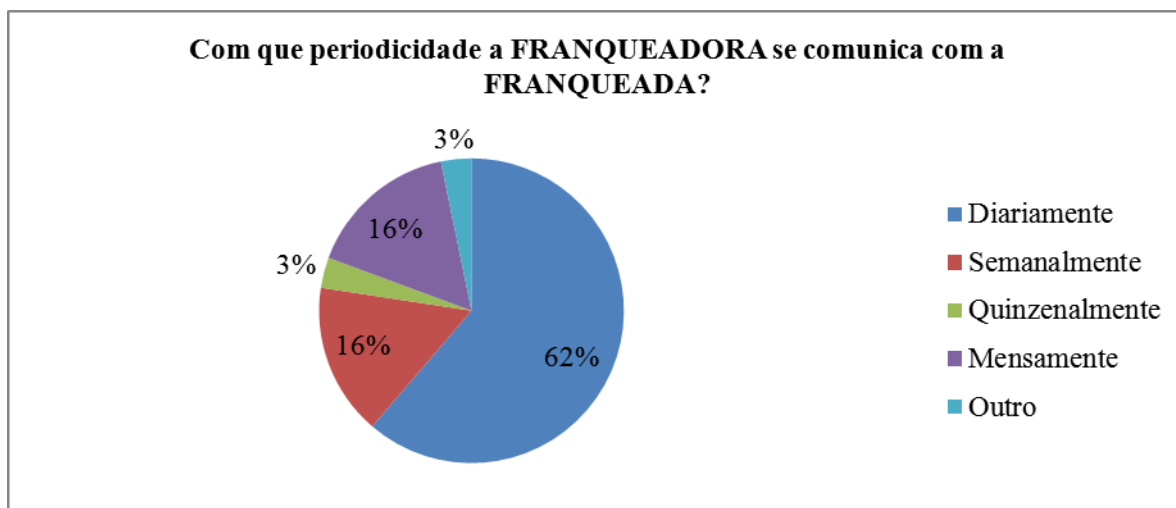
Graph 01: Number of units in Juiz de Fora
Source: Research data

In order to gather information about the relationship of the franchisee with the franchisor, two hierarchical levels should answer the questionnaires: owner and manager. According to Graph 02, eighteen questionnaires were answered by managers and fifteen by franchise owners. This creates the perception that managers understand the relationship with the franchisor and often demonstrate they know the business where they work.



Graph 02: Hierarchical level of the respondent
Source: Research data

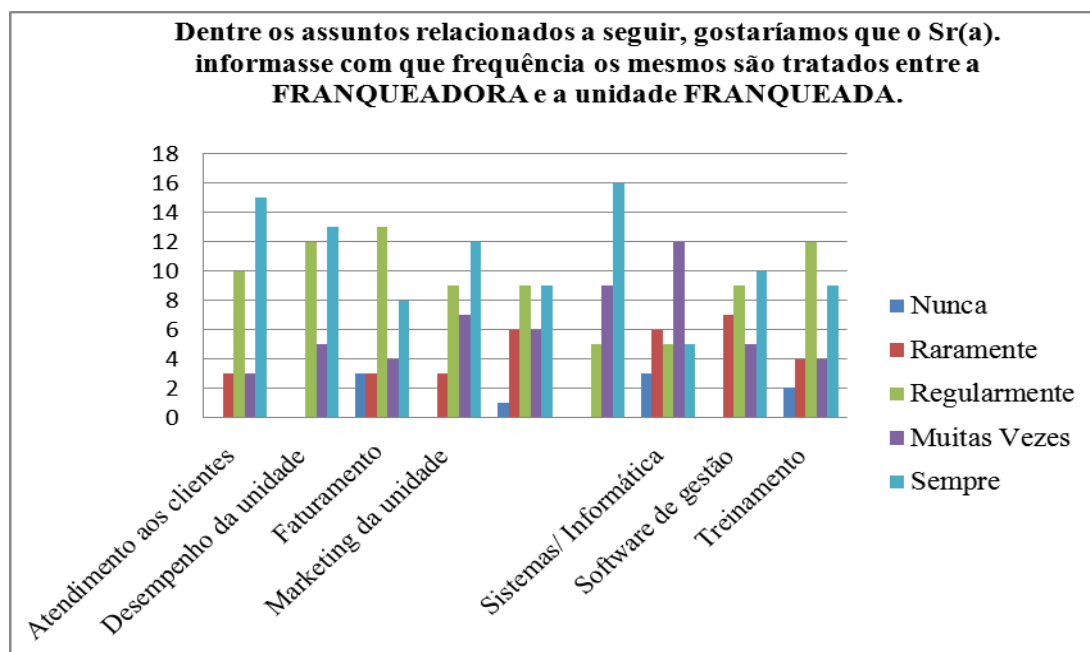
In this type of business, it is important to establish a constant communication between franchisors and franchisees. As can be seen in Graph 03, out of 100% of the surveyed franchisees, 62% of franchisees keep communication with the franchisor in a daily basis, and this dialogue is conducted over the internet, Skype, or chat of software adopted by the franchisor chain. However, this mechanism of daily communication at a distance makes the consultants end up visiting the franchises every six months, as can be seen in Graph 05, and this scenario promotes dissatisfaction of some of the franchise owners and managers who want a more in-person assistance.



Graph 03: Frequency of communication
 Source: Research data

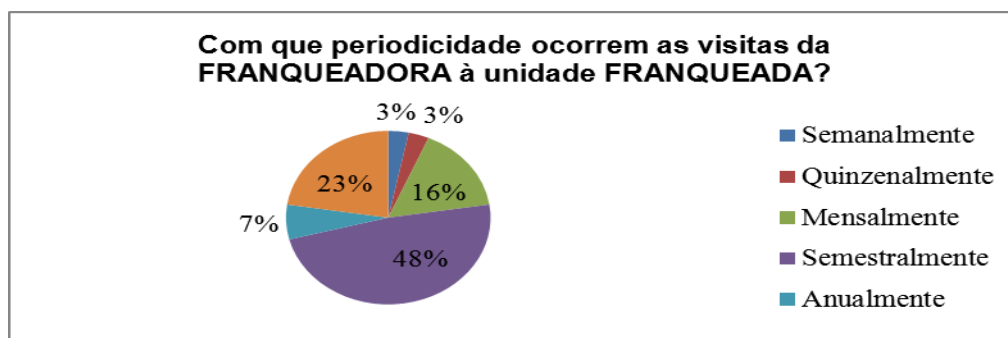
In what concern the subject or subjects discussed during the franchisee's contact with the franchisor, it is observed, as seen in Graph 04, that issues related to the marketing of goods and services, customer service, unit and marketing performance are always treated.

It is believed that the subject "goods and services" is always in evidence due to the perception gained during the research that some franchises have criticized the lack of a better logistics planning or the lack of a distribution center of products, which causes the hold back of goods to be delivered to the franchise units. On the other hand, subjects such as training and management issues are never discussed, which is not under the franchising legislation about the franchisor's duty to help their franchisees and provide training to them to maintain the required standards.



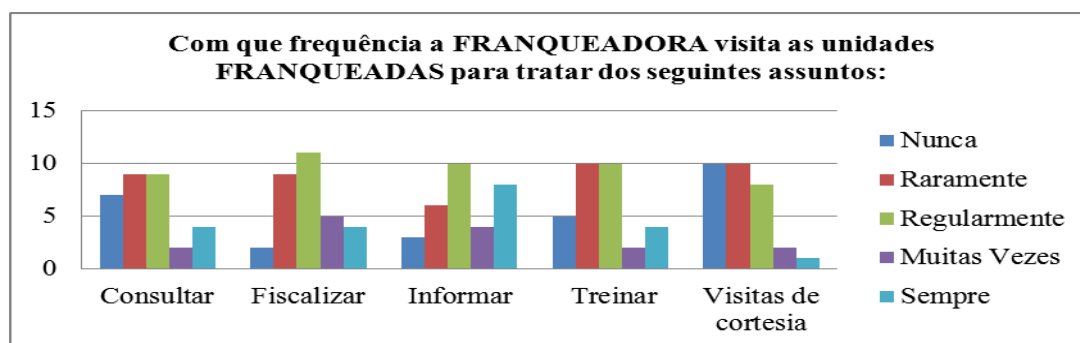
Graph 04 – Frequency of the listed subjects
 Source: Research data

According to the survey we carried out, out of 100% of the surveyed franchises, 48% of them receive visits from franchisors every six months, and only 3% receive these weekly visits. It demonstrates that even if there is a daily communication between franchisor and franchisee, as highlighted in the Graph 03, the frequency of visits is considered by many franchisees as an important aspect in the relationship with the franchisor, since they state these encounters should happen more frequently so that critical subjects are performed more efficiently.



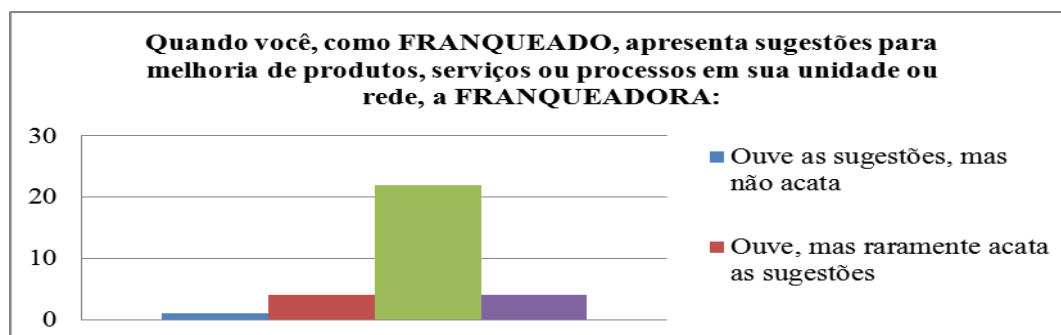
Graph 05: Frequency of visits
 Source: Research data

By analyzing Graph 06, it can be observed that franchisors visit the franchised units regularly in order to address issues such as consulting, monitoring, information, and training. Some of the surveyed franchises pointed out that informal visits never happen, but inspections are frequent because they maintain the standards set in the contract. This supervision is made directly by the franchisor or by mystery shoppers, where customers go to the units as if they were ordinary buyers, but they are actually on the behest of the franchisor in order to monitor the standards, service, and product quality, among others.



Graph 06: Frequency of the listed subjects
 Source: Research data

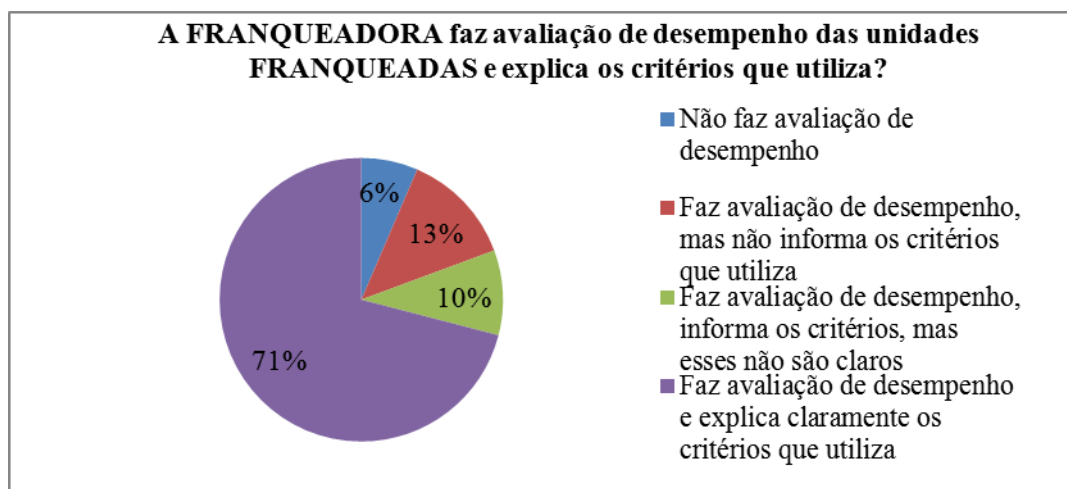
According to the Graph 07, which addresses how the franchisor behaves when franchisees present suggestions to him, out of the thirty-one units studied, twenty-two responded that the franchisor listens, analyzes and sometimes takes up the suggestions, and only one franchise claimed the franchisor listens to the suggestions, but does not accept them. This demonstrates that the franchisors take into account the considerations observed, suggested or criticized by their franchisees, and after an analysis of the circumstances, they accept them or not. This is a way to stimulate and enhance the participation of every part in favor of improvements for all units of the chain.



Graph 07: Behavior of the franchisor towards the franchisee suggestions.
 Source: Research data

According to Graph 08, in the case of the franchisor's attitude towards the suggestions made by the franchisee, it can be seen that in 71% of the surveyed franchises, it is made a performance evaluation where the criteria used are clearly explained, and only 6% of the franchises do not make the performance evaluation. This shows that,

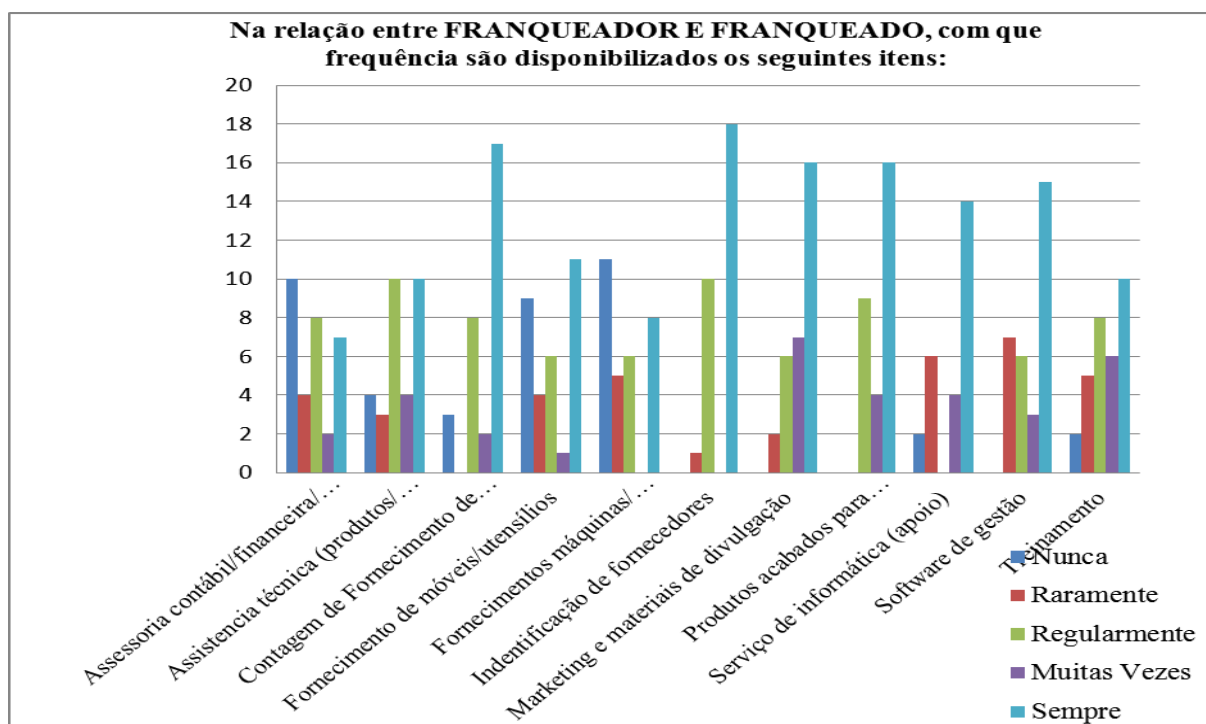
in most cases, franchisees receive clear feedback on the performance of their units and understand the questions they have been evaluated and why.



Graph 08: Performance evaluation of das franchised units
 Source: Research data

Graph 09 shows the availability of advisory services in many parts of the franchisor to the franchisee, and it is clear that items such as supply count of raw materials, identification of suppliers, marketing and promotional materials, finished products for commercialization, and management software are the mostly available to franchisees, i.e., more aspects related to inputs and operation of the franchise, which gives the same standardization required by law.

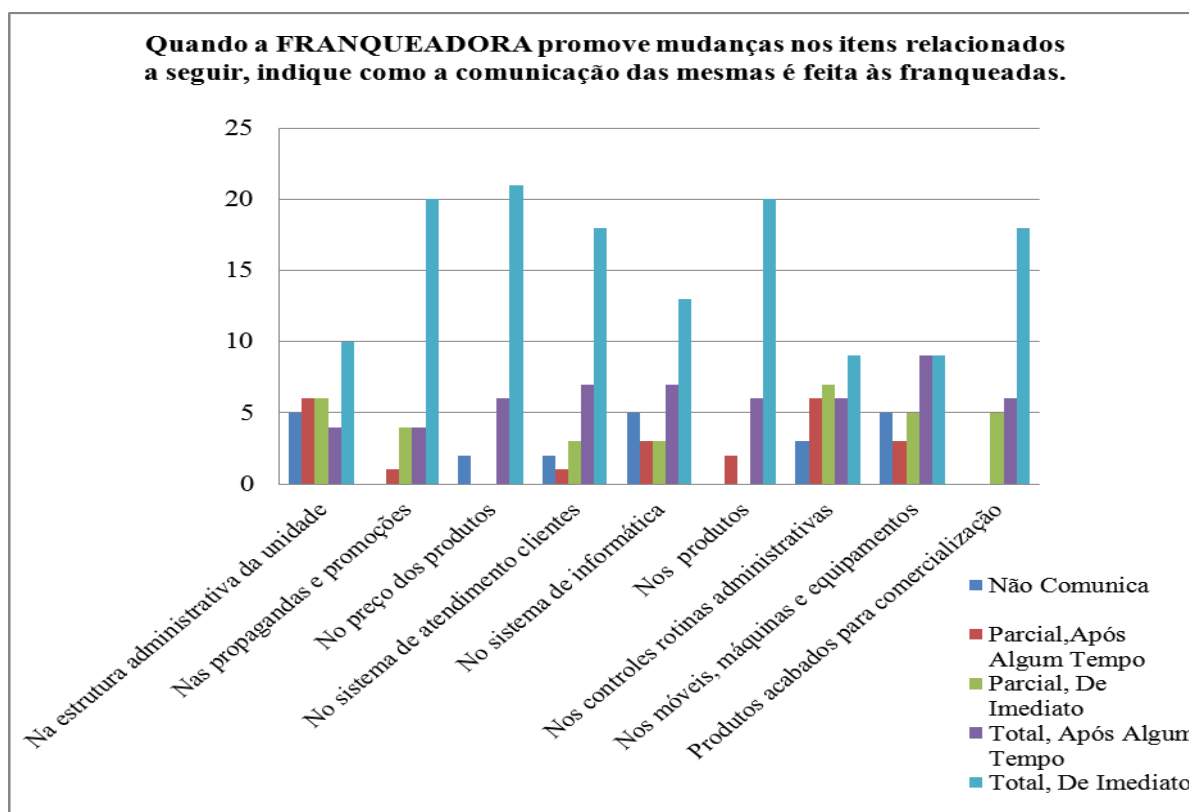
In contrast, aspects related to the administrative part of the franchise such as accounting, financial and legal advice, provision of furniture and fixtures, and supply of machine and equipment are almost never made available by the franchisor, and each franchisee is responsible for taking these products and services to your unit. A deficiency of supply of these items might be a long-term problem for the franchised units, since a sound management and standardization of furniture and equipment are also important to the quality of the final product or service provided to the customer.



Graph 09: Frequency of availability of items between franchisor and franchisee.
 Source: Research data

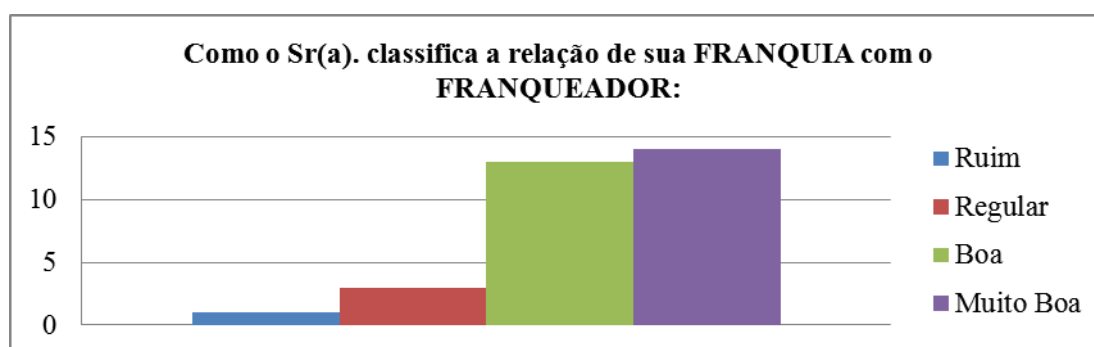
In what concerns the Chart 10, when it comes to the changes made in several aspects of the operation transmitted to the franchisees, it is observed that when the changes made in some marketing mix components - product, price, promotions, customer service system, the change is communicated immediately.

However, when changes occur in the administrative routine and structure, computer systems and furniture, and machinery and equipment, the communication is not usually completed. Once again, it shows that franchisors are more focused on the operational area of the units than the administrative and management systems.



Graph 10: Communication of the changes made by the franchisor.
 Source: Research data

Graph 11 demonstrates the classification of the franchisee about their relationship with the franchisor, and out of the thirty-one surveyed franchises, fourteen units classified it as Very Good, thirteen consider it Good, three responded that it is a Regular relationship, and only one franchise considers it a Bad relationship.



Graph 11: Classification of the relationship between franchise and franchisor
 Source: Research data

Besides, in the research in question, we tried to understand the perception of the franchisee about the aspects it would improve in its relationship with the franchisor. Thus, out of the thirty-one respondents, fourteen units considered it a Very Good relationship and see no need to improve it in any way. It is worth noting that about the aspects to be improved, among the answers of the other seventeen consulted franchises, there have been many requests for improvement of communication between the parties and for franchisors to visit them more

frequently and longer so they can answer questions, make control, provide products and even conduct trainings. Another noticeable aspect is the possibility of greater flexibility with regard to the amount of products to be purchased by the franchisee, which not always portrays the real demand for these products.

5 FINAL CONSIDERATIONS

After this study, there is evidence of lack of public and private agencies in Juiz de Fora aimed to supply the number of franchises located in the municipality. Therefore, it was not possible to survey the number of franchises objectified initially, then becoming necessary the adoption of a sample non-probability for convenience.

Among the analyzed franchises, the predominant format is the unit or individual type, which belongs to the fourth and fifth generations, characterized by safe standards and constantly enhanced by encouraging communication and participation, and franchisor and franchisee acting congruently with commitment and cooperation for the intended goals.

On the relationship between franchisor and franchisee, it can be seen from the survey results, it is characterized by a daily virtual communication relationship over the internet, which enables some support to solve frequent problems with the cash flow system, stocks, sales and exchange process, in addition to support for the marketing of goods and/or services. It shows that the virtual technical support offered by the franchisor leads to an immediately solution and establishes transference of knowledge, besides high level of standardization.

The franchisees express their opinions and ask for improvements to the units, which in large part, when possible, are accepted by the franchisors. This scenario is a characteristic of the generations above mentioned.

With the analysis of the results and their association with the concepts explored, it is concluded that the franchisee's relationship with the franchisor, in most cases, is seen as satisfactory by the franchisees, who also indicate some shortcomings about the logistics involving the delivery of goods and services and about the frequency of visits to the units. However, franchisors believe that these problems can be solved with no major difficulties by increasing or creating a center of distribution and improving the dialogue and frequency of visits, for example. It is important to emphasize that the relationship between them strives for the standardization and continuity by planning proper actions that result in satisfaction, increased competitiveness, and successful franchises.

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