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Steve Fedder: Lessons from 'The Founder'

By: Commentary: Steve Fedder | February 2, 2017

The new film "The Founder" is an ironically titled story of how the real-life Ray Kroc leveraged a single fast-food restaurant Dick and Mac McDonald started into an international franchise phenomenon...

Michael Keaton is brilliantly cast as Ray Kroc, an ambitious-but-less-than successful salesman of milkshake machines to drive-in style restaurants of the early 1950s. While following-up on his first large order, Kroc discovers the distinctive, assembly-line process and carryout food format...

Wanting to maintain the quality of their operations in the franchises, the McDonalds reserve the right to control all decisions relating to the products and methods of operation. Without having his own lawyer present for a contract signing, Kroc agrees to receive 1.5 percent of the McDonalds' businesses...

Facing money troubles due to the small returns on the franchising royalties, Kroc encounters Harry Sonnenborn, a former vice president at Tastee Freez, another growing franchise. Sonnenborn helps Kroc see the way to achieve real money was in owning the real estate to lease back to the franchisees...

Required viewing

The three principal elements of franchising are a recognizable trademark; the payment of a fee; and significant control over the method of doing business. "The Founder" demonstrates the importance of all three...

The film raises a number of issues pertinent to any franchising decision:

- Does the concept have a trademark that will be recognized as representative of a quality product or service by potential consumers?
Is the mark sufficiently unique so as to associate the goods or services with your business and not be confused with the goods and services of another?
Is the mark protectable under state and federal trademark laws?
Does the product or service have appeal beyond a narrow geographical or ethnic market?
Is there sufficient capital to promote the brand and assure quality control and adherence to system standards?

Dick and Mac McDonald had a terrific trademark, but they didn't protect it. They had devised a unique and effective operating method, but couldn't protect it. They had sufficient capital to operate their single stand but insufficient capital to prevent Ray Kroc from stealing their name and their concept...

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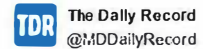
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Maryland Senate votes final legislative over of Hogan renewable energy veto



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