

C071089 : MAJOR LAW

KEY WORD : LEGAL CHARACTERISTICS/FRANCHISE CONTRACT

TAVINWONG TAYAPING : LEGAL CHARACTERISTICS OF FRANCHISE CONTRACT.

THESIS ADVISOR : ASSO. PROF. PISES SETHSATHIRA, 125 PP.

ISBN 974-581-515-2.

Franchise is a conferring to others the right to carry on business of the conferror under the same name and trademark. The franchisor has the experience and success in the business while the franchisee wishes to carry on the same business by short-cut way in the manner that the franchisor had the control over the management of the business and the right to impose conditions thereof during the whole period of the contract.

As Franchise Contracts have been originated from foreign countries which have developped their own ideas of business and are related to various types of law thus, the Franchise Contract cannot be cleary classified under Thai Law.

From detailed studies of various aspects and foundation of Franchise Contracts, we find that the fundamental principle of the Franchise Contract is the permission to another to use a right mostly concerns with a trademark. The Franchise Contract does not belong to a specific type of contracts but is an unspecified type which is to be governed by the general rules on juristic act. The fundamental parts of the Franchise Contract are the making of the contract, the restrictive clauses and the termination of the contract. These are subject to the existing laws of Thailand which can still be applicable either directly or by analogy. In addition, due to the special characteristics of the Franchise Contract, such characteristics should be taken into account in considering and determining the problem concerned.