



CONTACT

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SERVICES

Government Contracts
Franchising & Distribution
Export Controls & Economic
Sanctions
Africa
Global Reach
Arbitration
Fashion
Global Disputes
International Services
M&A and Corporate
Transactions
Food, Beverage & Agriculture

EDUCATION

Brown University, B.A., with
honors
University of Minnesota Law
School, J.D., Editor-in-Chief,
Journal of Law & Inequality

KENDAL H. TYRE

Kendal handles domestic and cross-border transactions, including mergers and acquisitions, joint ventures and strategic alliances, as well as licensing, distribution and franchise matters.

What do you focus on?

Franchising

With over 25 years of experience, I counsel companies expanding through master franchising, area development franchising, international franchising, management contracts, joint venture agreements, licensing agreements and product distribution arrangements throughout the world. I also have extensive experience structuring, negotiating and enforcing domestic and international franchise, license, distribution and acquisition agreements.

I am a frequent contributor to franchise publications and a frequent speaker at franchise programs held by the American Bar Association's Forum on Franchising and the International Franchise Association.

I am the executive director of the LexNoir Foundation and serve as an editor and author for the "Franchising In" international book series published by the LexNoir Foundation. My recent books include *International Franchising 2016: Legal and Business Considerations*, a 600-page publication that covers 41 countries and was a collaboration of over 60 legal practitioners across the globe.

Region Focus (Africa)

Recently, I was appointed to the Trade Advisory Committee on Africa (TACA), which is a U.S. federal advisory committee that advises the U.S. government on U.S. trade policy in Africa. I will serve as a member until 2018.

What do you see on the horizon?

Franchising has experienced phenomenal growth around the world and Africa is no exception. The saturation of Western markets, the relaxation of trade barriers and the globalization of business have pushed franchisors to new African markets to

ADMISSIONS

District of Columbia

New York

distribute their products and services. My franchise practice is at the forefront of this industry trend.

Publications and Presentations

- “Exploring Franchise Investment Opportunities: Win-Win for Building Africa’s Private Sector?” IGD Fall Frontier 100 Forum, Washington, D.C., October 11-12, 2017 (speaker)
- “[United States](#),” *The Franchise Law Review*, 2d edition, chapter 46, Law Business Research Ltd., January 2015 (co-author)
- “National Bar Association 89th Annual Convention & Exhibits,” July 26-August 1, 2014.
NP was a sponsor of an International Forum – an all-day event of seminars on international topics. Kendal was a moderator and speaker at a seminar on licensing, distribution and franchising in Africa.
- “NYSBA Business Law Section and ABA Forum on Franchising,” June 11, 2014. Kendal Tyre was a speaker at this program on international franchising.
- “Accelerating Entry into African Markets,” Lexnoir event, Nixon Peabody’s Washington, DC office, June 9, 2014.
Kendal was a speaker on a panel, alongside Lumkile Mondi, Chief Economist for the Industrial Development Corporation (IDC) of South Africa and Lauri Elliott, Executive Director of The Afribiz Foundation.
- “IP Protection May Promote Additional Franchise Growth in Africa,” *Franchising Business & Law Alert*, September 2012.
- “Market Potential For Franchising In Africa,” *Franchising Business & Law Alert*, June 2011.
- “The Impossible Dream: Controlling Your International Franchise System,” American Bar Association 33rd Annual Forum on Franchising, San Diego, California, October 14, 2010.
- “Drafting the Franchise Agreement,” IFA 43rd Annual Legal Symposium, Washington, DC, May 17, 2010.
- “A New Legal Landscape For Franchising in South Africa,” *Franchising Business & Law Alert*, September 2009.
- “The Basics of Franchising Domestically and Internationally,” National Bar Association’s 84th Annual Convention, San Diego, California, August 5, 2009.
- “News From Around the World: South Africa,” 25th Annual IBA/IFA Joint Conference, Navigating Rough Financial Seas in International Franchising, Washington, DC, May 20, 2009.
- “Legal Representation and Structuring Your Hotel Investment/Ownership Group,” National Association of Black Hotel Owners, Operators and Developers, Miami, Florida, July 24, 2009; Atlanta, Georgia, July 17, 2008.
- “Negotiating Hotel Franchise Agreements - You Can’t Always Get What You Want - But You Need to Understand It,” National Association of Black Hotel Owners, Operators and Developers, Miami, Florida, July 23, 2009; Atlanta, Georgia, July 16, 2008.

- “What is the Committee on Foreign Investments in the United States (CFIUS) and How Does it Impact Cross-Border Deals?” LexNoir Foundation Corporate Counsel Forum, Washington, DC, April 24, 2009.
- “Strategies and Challenges for In-House Corporate Counsel, An International Perspective,” Edward Nathan Sonnenbergs/Nixon Peabody Forum, September 16, 2008, Cape Town, South Africa; September 18, Johannesburg, South Africa.
- “Understanding Mergers & Acquisitions,” National Bar Association, 83rd Annual Convention, Houston, Texas, July 30, 2008.
- “Who is Making an Impact on Diversifying Their Brands,” by Kendal Tyre and Phil Wilkins, Franchising World (June 2008).
- “Fusiones y Adquisiciones en los Estados Unidos: Tendencias, (Mergers and Acquisitions in the U.S.: Trends),” Seminar co-sponsored by Nixon Peabody LLP and Lupicinio Eversheds, Madrid, Spain, June 3, 2008.
- “Inadvertent Disclosure and Metadata: Lessons for Transactional Attorneys,” LexNoir Corporate Counsel Forum, Chicago, Illinois, April 17, 2008.
- “How to Choose and Fund Your Franchise,” Congressional Black Caucus Foundation’s 37th Annual Legislative Conference, Washington DC, September 28, 2007.
- “Franchise Opportunities for Women and Minorities,” International Franchise Association Educational Foundation MinorityFran Seminar Series, Detroit, Michigan, May 25, 2007; Milwaukee, Wisconsin, June 2, 2007; Buffalo, New York, June 19, 2007; Los Angeles, California, June 22, 2007. International Franchise Expo, Washington, DC, April 1, 2007, June 3, 2006, April 9, 2005, April 10, 2004; and West Coast Franchise Expo, Los Angeles, California, November 4, 2005.
Panelist providing legal primer on franchise law issues.
- “Trends, Insights and Navigating New Developments in the M&A Marketplace,” Metlife Law Forum, Long Island City, New York, January 10, 2007.
- “Fundamental Deal Terms Governing Risk Allocation in M&A Transactions,” Center of International Legal Studies; Cape Town, South Africa, November 17, 2006.
- “Embracing Diversity in Franchise Systems and Managing Associated legal Risks,” American Bar Association 29th Annual Forum on Franchising, Boston, Massachusetts, October 12, 2006.
- “Diversity Boot Camp—Proven Strategies for Large and Small Franchisors,” Institute of Certified Franchise Executives, Las Vegas, Nevada, February 24, 2007, and Palm Spring, California, February 26, 2006.
- “Doing Business in the U.S.,” seminar co-sponsored by Nixon Peabody LLP and Sonnenberg Hoffman Galombik (Cape Town and Johannesburg, South Africa), April 4–6, 2006; seminar co-sponsored by Nixon Peabody LLP and Ecija Abogados (Madrid, Spain), June 27, 2006.
Panelist providing overview of corporate and commercial law issues related to doing business in the United States.
- “Understanding the Uniform Franchise Offering Circular,” Minority Franchise Buyers Conference, Queens, New York, March 25, 2006, and April 23, 2005.
Panelist providing overview of legal issues involved in buying and selling franchises.

- “The Business Case for Diversity,” 2005 Business Diversity Conference, Manchester, New Hampshire, October 13, 2005.
Panelist for seminar providing overview for the business case for diversity.
- “Representing the U.S. Franchisor Domestically and Abroad,” National Bar Association’s 80th Annual Convention, Orlando, Florida, August 2, 2005.
Panelist providing overview of key legal issues involved in international franchising.
- “International Franchising Basic Track Workshop,” International Franchise Association’s 38th Annual Legal Symposium, Washington, DC, May 11, 2005.
Panelist providing overview of key legal issues involved in international franchising.
- “Building a Practice,” Canadian Association of Black Lawyers Annual Conference, Toronto, Canada, February 7, 2005.
Panelist for presentation on LexNoir.org, an international network for lawyers.
- “Current Issues in Mergers and Acquisitions,” NBA Commercial Law Section Corporate Counsel Conference, Miami, Florida, February 28, 2003.
Panelist for presentation on the importance of due diligence in corporate transactions.
- “Current Issues in Cross-Border Transactions,” National Bar Association Annual Convention, San Francisco, California, August 10, 2002.
Panelist for presentation on privacy legislation and its impact on cross-border deals.
- “The African Growth and Opportunity Act,” International Affiliates Meeting of National Bar Association, Cape Town, South Africa, June 15, 2001.
Panel moderated by Kendal Tyre. In addition to Mr. Tyre, the panel included the then minister of justice of South Africa, Penuel Maduna, and advisors from the U.S. Embassy in South Africa.

Representative Experience

- Represented a Kenyan multinational corporation in its acquisition of a traffic cone manufacturer in the United States
- Represented a South African entity in the wine industry expanding its operations into the United States.
- Represented a large U.S. retail restaurant franchisor in the expansion of its franchise system to Canada, South Korea, Mexico, Romania, Russia, Nigeria, South Africa and South Korea
- Represented a U.S. media corporation in its stock purchase of U.S. technology company

Recognition

Awarded the 2017 ABA Forum on Franchising Diversity Award

Recognized as one of the “Most Influential Black Lawyers of 2015” by *Savoy Magazine*

Recognized by *Who’s Who Legal 2014* as being among the world’s leading franchise lawyers

Recognized by *Chambers Global* as a leader in international franchising in 2014, 2015, and 2016

Recognized as one of the world’s leading franchise practitioners by *The International Who’s Who of Franchise Lawyers 2013*

Awarded the National Bar Association’s Presidential Award for the outstanding service to the organization during the 2003–2004 bar year for his service as chief-of-staff to the NBA president, Clyde E. Bailey, Sr.

Recognized as a “Legal Eagle” by *Franchise Times* magazine

Affiliations

Member of the American and National Bar Associations.

Member, Editorial Working Group, "International Mergers and Acquisitions Due Diligence," published by the International M&A subcommittee of the Committee on Negotiated Acquisitions of the Section of Business Law of the American Bar Association.

Former chair of the International Law Section of the National Bar Association.

Former president and cofounder of the Rochester Black Bar Association, an affiliate of the National Bar Association.