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HAL Authorization

" How the actors of the traditional distribution resolving by business laws, tensions related to the mutation of the supply chain:

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Summary: Our research is to analyzes the case of traditional retailers with a view to competing with other on-line commercial and distributors, the objective our research studies is to describe the potential importance of the competition in supply chain management and gaining some competitive advantages by using legal resources like patents or brands.

In our empirical study, we'd like to analyze the case of many traditional retailers around Europe with a view of competition with other on-line traders and distributors, the objective is to understand if using law and management strategy, using business legal strategies like patent or brands or other legal strategies (legal monopoly etc...) helps the traditional retailers to compete again the 100% online retailers, by developing among other a multichannel protected distribution.

Keywords: competitive advantage, supply chain management, legal resources, traditional distribution, multichannel distribution

Our research question is: how the traditional retailers and traders protect their supply chain strategy by using legal resources?

1. Introduction

In the context of globalization, innovation and creativity are becoming a key driver of competitive advantage creation. And in a context of hyper competitiveness in the market, these engines are there to improve the overall performance of the company to meet up to customer expectations and to optimize value creation, It is sometimes a driver of business survival.

Innovation (in the broad sense, so technical but also commercial) and creation have become part of the solution to these problems, this may be a product innovation, an innovation in supply chain management, process innovation, an innovation in marketing, organizational innovation. Here, we'd like to work on competition strategies and competition in SCM by using legal resources and legal protections.

2. Literature Review

2.1 Legal Competitive Advantage in supply chain

2.1.1 Competitive Advantage

Competitive advantage is a theory and a concept developed by several authors, it was first introduced by Porter (1985) who believes that the strategic management must take into account the research and conservation of competitive advantage.

The theory in question shows us that every company must acquire benefits competitive with its rivals, allowing the company to maintain its market share and gain new market shares. This competitive advantage should be sustainable.

For (Porter, 1985), there are mainly two types of competitive advantage. The advantage of the prices and the advantage through differentiation. Each company must adopt a strategy to acquire and maintain a competitive advantage. Porter's theory led to various developments by another author, according to market developments but also in the light of observations, it is with core competence theory of (Prahalad & Hamel, 1990) defined as a harmonized combination of skills and resources that allow the company to distinguish itself in the market.

So, a company that manages to put in place the resources and combinations required for its activity and this harmonized and consistently creates a core of competence, core competency gives it a competitive advantage in everyday language, we can say that the company became a specialist in a particular area and thus has an advantage over competitors.

2.2 Competitive advantage through logistics

A distributor has no direct influence on all the products that they distribute, sometimes the products offered by a distributor are the same that are offered by other distributors in the same market. Competitive advantage through logistics is that some companies are now faced with the problem of multi-channel distribution and the goal of reducing distribution costs.

With the advent of Internet sales and e-commerce, multichannel marketers found themselves obliged to change their logistics systems to remain competitive or even to make their logistics systems a commercial asset. An optimal logistics system can clearly become a competitive advantage for the company, in fact the logistics involved in the customer loyalty efforts by

developing and providing a differentiated service, which has, moreover, the advantage of being more difficult to imitate a product or price (Harrison et al., 2005).

So, logistics should continue its work of breaking down barriers by promoting communication mechanisms, cooperation and mutual commitment, that is to say, the interfaces (Poirel, et al., 2007) and the strong growth in sales distance and Internet channel will also continue to act on current modes of organization (Gozé-Bardin, 2009).

We understand how the company can clearly play the card of the competition logistics, by setting up an efficient logistics system, which allows it to be a step forward compared to its competitors, but this must be done acting on the organization mode, taking into account the internal channel and harmonizing the logistics between the different channels.

2.2.1 Multichannel logistics of traditional distributors

First, multichannel logistics, is the establishment of several distribution channels, it is called distribution channels, multichannel logistics is often mentioned when it comes to a distributor says traditional making the sale in store and online sales, which then has two or more distribution channels, each associated with its online sales department and other store its sales department.

Conventional retailers face multichannel logistics, it is not uncommon that a traditional distributor invest sphere Internet to distribute its products through the Internet, too, becomes a multi-channel retailer, is the case of FNAC, but IKEA or Roy Merlin and even signs of large distributions it predominantly food are made, it is the case of Leclerc-Drive, which offers ordering shopping online and pick them and Intermarché which offers shopping order and receive the delivery.

The establishment of a multi-channel logistics has several virtues, it must first be noted that in 1999 (Frazier, 1999) noted that the strategy of multiple channels becomes the rule and not the exception, that is, -dire the awareness that we must develop a multi-channel logistics and implementation of multi-channel distribution strategies became popular in business since the late 90s, certainly E-commerce was just his first appearances, but many companies were already in competition with what we then called the mail (Oriflame, La Redoute etc. ...).

Companies combining Internet sales and sales in traditional stores often win more success online than their competitors Pure Player (Poirel & Bonet, 2008) and these companies having a dual distribution system often have greater financial resources than the start- up, in-depth knowledge of the sector, an industrial and logistics experience, excellent relationships with suppliers and an extensive customer base (Kotler et al., 2003).

We can say here that traditional sales company well established in its sector with a certain expertise in this area share to a good start when she joined the market for online sales, observations have shown that these companies win more success they are often already have a certain reputation in their fields and that the consumer already knows.

Traditional retailers are already established on the market, they already have a guest book and purchasing departments often have access to the most competitive suppliers and finally as it is to firms for some time and with a large number of stores, then they have a experience in logistics that may not have new entrants in a market.

2.2.2 *The difficulties of the multichannel logistics*

We have seen the positive contributions that can produce a reorganization of the logistics system, we also observed the adoption of multichannel logistics by traditional distributors who develop their business in e-commerce and are then obliged to adopt a multi-channel logistics.

However, adopting a multi-channel logistics is not without difficulties, according to (Rosenbloom, 2007), the emergence of cross-channel conflict can be an obstacle to the establishment of a multi-distribution strategy and believes also that it is not easy to obtain systematically a system click & mortar reduced costs and increased market share (Rosenbloom, 2007), it is not enough to set up a multichannel system, it is still necessary that the This system is synchronized to say that synchronization and synergy to be established between the different distribution channels, thus avoiding conflicts of distribution channels (a conflict between distribution channels will cost driver). This is why the supply chain must be coordinated or synchronized (Rosenbloom, 2007).

So multichannel logistics is not a process that is taking place in a simple way and if the project is poorly managed, it can be malfunctioning generator and therefore costs, we must develop channels that take into account the needs stores like those of orders placed through the website and communication, analysis and ongoing management must be done for the channel operation is optimal, in fact the goods will pass in part through the same channels to be distributed later differently, depending on its destination (store client or customer pure player).

2.2.3 *The theory of legal resources*

The theory of legal resources that we mentioned and developed by Christophe Roquilly (2007-2010) is part of the "law and management" approach, a lot of managers neglect the importance between resources and the context offering the possibility of employing its resources. So this last decade, a concepts connecting management to law are increasingly used as the terms "Advocacy", engineering or legal management (Aliouat and Roquilly, 1996), legal strategy or more recently the term tips legal (Bagley, 2008), these terms trait of an emerging notion which is that the legal factors must be mastered by the firm in order to try to restructure, develop and deploy its strategy, "the law becomes a determining element of the management "and in particular strategic management by its articulation no longer comparable to tools, but to cultures and methods of solving fundamental problems fundamentally revisited in a dynamic, constructivist and transversal approach. "(Aliouat and Roquilly, 1996 to). Thus (Porter, 1996, al) thinks that the legal resource approach (law and management) adds legal considerations to a model which combines the resources of firms with an approach of dynamic capacity which integrates (the mode) the concept of the value chain, the five forces and the strategic competitive context. This theory or approach sees the law as an element of acquisition of competitive advantage that some authors have even called legal advantage, it is interested in the behavior of companies through their law with the objective of understanding how the law can be used by companies to achieve a competitive advantage, so this strategy is clearly part of a competitive advantage strategy, but not by itself since it is backed by other strategies (innovation technique, price, etc.) .), according to Aliouat (2010): these are three trends in the contribution of a new legal framework which is both normative and inventive, factual and strategic, inside and outside the country. company considered as a set of intentions, capacities, practices, risks and values.

4. Methodology

Our study will be one or several longitudinal case studies made at the same time, in fact, the case study is an empirical inquiry that investigates a contemporary phenomenon within its real-life context, where the boundaries between the phenomenon and context are not clearly evident and in which the sources multiple information are used (Yin, 1984). So the case study seems the most appropriate means of investigation in this case, in fact, we are witnessing a phenomenon in commercial strategy at large which is the development of e-commerce, the context in which develops e-commerce is a rapidly changing environment and with a permanent change, as traditional retailers have not said their last word and in turn, they develop in the field of E-commerce through a so-called multi-channel distribution (selling classic and distance selling).

Our sample will consist primarily of many companies which are considered as a traditional retailer, and our problems to understand how the traditional retailers use supply chain strategies at the same time or legal resources or legal protection for to compete again other retailers like the 100% online retailers.

Indeed, the case must have some representation to afford some generalization of the results obtained through the study, however, we believe that the widespread obeys a number of criteria and often the cases are confronted to the theories, literature review and confronted between them, the multiple case studies on the same subject or the same problem to allow some broadening of knowledge, which is why the results may need to be taken with caution and that be careful to rapid generalization, and that's why the study need to be step by step.

Our methodology will be quantitative and qualitative, it's will be a mixt methodology, first of all, we will make a questionnaire, maybe a survey for more than one hundred companies, the second study will be a qualitative study, for a selected companies and the third study will be qualitative to with a preference for a contrast companies, a contrast cases, one company which realized completely the adoption of a law and management strategy and a company which have difficulties with that.

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