

**Workshop**

Negotiating Wisely – Strategies for Better Outcomes in IP Deals

Level**Advanced****Duration****2 days** – 8.30am to 5.00pm.**Program**

A detailed description of the workshop program is below.

How this workshop helps tech transfer professionals

There is more to negotiating a license than turning up to a meeting and stating what we want. If the other party does that as well, the result could be the negotiation turning into a haggle where perceived bargaining strengths dictate the outcome, rather than the outcome meeting the needs of each party. Or, the negotiation could reach an impasse.

This workshop is about the best practice strategies developed at [Harvard University's Project on Negotiation](#) applied to the negotiation of a license and other IP transactions.

- Should we make the first offer in a royalty negotiation, or should we wait for the other party to do so? Which strategy is more likely to be advantageous to us?
- What strategies can we employ to enlist the other party's cooperation in seeking solutions that meet our needs in the negotiation?
- How can we make our proposals more persuasive to the other party?
- How can we leverage our proposals to make them more compelling to the other party?

Unlike other negotiations where at their conclusion the parties never see each other again, when a licensor and licensee negotiate, the end of the negotiation is the beginning of a long term relationship, lasting many years. How do we negotiate effectively to optimise the deal terms in our favour, without putting at risk this important long term relationship?

This is not a "generic" negotiation workshop. It is specifically about negotiating IP licenses and other IP transactions, practical examples and case studies of which are given throughout the workshop.

Presenter

Philip Mendes

Delivery style

Interactive workshop style.

Emphasis on discussion, participants asking questions, contributing their comments, and sharing their experiences.

We find that this interactive workshop style keeps participants alert, and achieves a more effective learning and skills building outcome.

Materials

Each participant receives a set of bound workshop materials which will be an ongoing reference resource.

Certificate of Completion

A Certificate of Completion is provided to each participant.

NEGOTIATING WISELY: STRATEGIES FOR BETTER OUTCOMES IN LICENSE NEGOTIATIONS

DAY 1		
8.30	Welcome and Introductions	
9.00	Preparing for a negotiation of a IP deal	Making sure its not over before you begin. Preparing strategically. What to make sure you do before the negotiation starts. Finding out about the other party. Sources of information. Tools to help preparations. Identifying interests and needs. BATNAs. Benchmarking the deal. Your team and their roles.
9.45	Preparing for a negotiation of a IP deal (cont)	As above, continued
10.30	Morning Tea & Networking	
11.00	Negotiate Interests, not Positions, in a IP deal	The effect of negotiating positions on a deal. What are interests and needs? Why negotiate interests and needs instead of positions, and why doing so achieves better outcomes in a deal. Strategies for negotiating interests and inventing options. Making the other party want to negotiate interests instead of positions.
11.45	Starting the Negotiation of a IP deal: Strategies at first meetings	Creating the right mood or climate for a deal. Information gathering. Asking questions as a strategy. Controlling the issues in a negotiation – setting the agenda for the issues you want to address. Agenda setting strategically. Making the other party informed. Accommodation. Momentum in a negotiation and how to maintain it.
12.30	Lunch & Networking	
1.30	Negotiation Exercise	Participants are divided into teams, presented with a negotiation scenario, and challenged to implement the strategies covered in the workshop to find solutions to the negotiation challenge set, in a role play exercise.
2.45	Negotiating Money Terms in a IP deal	Strategies to more effectively negotiate money terms in a transaction. Strategies to carve up a fixed pie. Strategies to effectively expand the pie, and then to more effectively carve it.
3.30	Afternoon Tea & Networking	
4.00	Negotiating Money Terms in a IP deal	As above, continued
4.45	Negotiating with Difficult People in a IP deal	Strategies for dealing with a difficult party. How to handle a difficult negotiator – things to make sure you do, and their effect on the difficult negotiator. Strategies and techniques including reframing. How to find joint solutions.
5.30	Close	

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DAY 2		
9.00	Term Sheets as a Negotiation Tool in a IP deal	What a term sheet is. How a term sheet can be used as a negotiation tool. Types of term sheets. How to prepare the right type of term sheet. Effect of term sheets on the negotiation, the parties' relationship, and the length, outcome, and cost of the negotiation.
9.45	Overcoming an impasse and other strategies in a IP deal	Strategies to overcome an impasse. The 'No' word. Position statements. Negotiating by email. Multi-party negotiations and effective multi-party negotiation strategies. Review methods.
10.30	Morning Tea & Networking	
11.00	Influence and Persuasion in a IP deal	Influence and persuasion techniques and strategies. Things that make you able to persuade. Creating a climate that enables you to persuade. Techniques that don't persuade, and those that do. Persuasion tools that every negotiator needs to have.
11.45	Influence and Persuasion in a IP deal (cont)	As above, continued.
12.30	Lunch & Networking	
1.30	Negotiation Exercise	Participants are divided into teams, presented with a negotiation scenario, and challenged to implement the strategies covered in the workshop to find solutions to the negotiation challenge set, in a role play exercise.
2.45	"Dirty Tricks" in a Negotiation and How to Deal with Them	Common "dirty tricks" that a party negotiating may employ. Recognising them. How to respond to them, and how to deal with them effectively to neutralise them or to lessen their effect.
3.30	Afternoon Tea & Networking	
4.00	The Cultural Factor in a Negotiation	Awareness of cultural aspects in negotiating. Cultural themes and considerations to assess and be informed about to effectively negotiate in a cultural context. Observations on negotiating with American, European and Asian parties.
4.45	The Cultural Factor in a Negotiation (cont)	As above, continued.
5.30	Close	