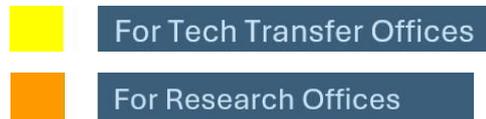


**Workshop**

Negotiating Wisely – Strategies for Better Outcomes in IP Deals

**Level****Advanced****Duration****2 days** – 8.45am 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 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. 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

[Times are approximate. Please expect that the duration of breaks may be shortened throughout the day]

The focus of this workshop is upon practical and proven negotiation strategies. A number are based on [Harvard University's Project on Negotiation](#). Numerous case studies, drawn from Philip's negotiations of technology transactions are given throughout the workshop. They make the negotiation principles covered less theoretical, so that participants can immediately recognise their practical application, specifically in the context of an IP transaction. Transactions include license agreements, collaboration agreement, research agreements, and start up company investment. The emphasis is upon negotiation strategies, as opposed to the negotiation of specific agreements or terms. For the latter, please see our other workshop programs.

DAY 1		
8.45	Arrival	
9.00	Preparing for a negotiation of an IP deal	Preparing strategically. What to make sure you do before the negotiation starts. Finding out about the other party. What to find out about. Sources of information. Tools to help preparations. BATNAs. What they are and how to use them. Benchmarking the deal terms (other than financial terms). How and why to do so. Your team and their roles. The comprehensive preparation when you have time. The one hour preparation when you do not.
10.30	Morning Tea & Networking	
11.00	Negotiate Interests, not Positions, in an IP deal	(Based on Harvard University's Project on Negotiation) What is a position? What are interests and needs? The effect of negotiating positions in a deal and why that is not desirable. Identifying each party's interests and needs. Why that is important. Why negotiate interests and needs instead of positions, and why doing so achieves better outcomes in a deal. Strategies for negotiating interests and strategies for inventing options to address and meet those needs. Making the other party want to negotiate interests instead of positions. Making the other party wants to help you achieve your needs and interests.
	Starting the Negotiation of an IP deal: Strategies at first meetings	Creating the right mood or climate for a negotiation. Gathering information. Why do so. Asking questions as a strategy. Controlling the issues in a negotiation – setting the agenda for the issues you want addressed. Agenda setting strategically. Not being made to commence the negotiation before you're ready. Making the other party informed. Momentum in a negotiation and how to maintain it.
12.30	Lunch & Networking	
1.30	Negotiation Exercise and Report Back	Participants are divided into teams, presented with a negotiation scenario, and challenged to implement the strategies covered in the workshop so far to find solutions to the negotiation challenge set, in a role play exercise. Followed by a report back and discussion about the exercise.
3.30	Afternoon Tea & Networking	
4.00	Negotiating Money Terms in an IP deal	Strategies to more effectively negotiate money terms, including royalties and other license financial terms, as well as research agreement payments. Strategies to carve up a fixed pie. Strategies to effectively expand the pie, and then to more effectively

		carve it. Who should make the first offer. Making an anchoring offer and its effect on the negotiation. What to do if the other party makes the first anchoring offer. The timing and rate of concessions and how they impact the financial negotiation. Packaging proposals and its impact on the negotiation.
	Negotiating with Difficult People in an 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.
5.30	Close	

DAY 2		
9.00	Term Sheets as a Negotiation Tool in an 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.
	Overcoming an impasse and other strategies in an IP deal	Strategies to overcome an impasse. The 'No' word. Position statements. Multi-party negotiations and effective multi-party negotiation strategies. Review methods.
10.30	Morning Tea & Networking	
11.00	Negotiating Electronically	Negotiating by Zoom and Teams etc, and negotiating by email. Things to watch out for. Things to make sure you do. Things to make sure you avoid. Getting the most out of electronic negotiations.
	Influence and Persuasion in an 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.
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. Followed by a report back and discussion about the exercise.
	"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 when 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.
5.30	Close	