

## 5. NEGOTIATING GUIDELINES AND TIPS

*You don't get the deal you deserve, you get the deal you negotiate.*

Negotiating a technology licensing agreement is the art of reaching an agreement where the licensor grants and the licensee acquires the right to use the licensor's technology on specified terms and conditions. The objective is to set the basis for a mutually satisfactory and ultimately rewarding future relationship. That is, a "win-win" outcome as opposed to a "win-lose" outcome (which, in effect, is a "lose-lose" outcome). To achieve such a "win-win" outcome both the potential licensor and licensee must be mindful of the fact that each party has something of value that they will be bringing to the relationship. Understanding what that value is and understanding the needs and expectations of both parties in entering into such an agreement is the key to a successful negotiation.<sup>31</sup>

### THE PROCESS OF NEGOTIATING A LICENSE AGREEMENT

The negotiation process involves four distinct phases: preparing, discussing, proposing and bargaining.

#### *The Preparation Phase*

This is probably the most important, in that it is almost impossible to recover from, or overcome, inadequate preparation. Preparation includes all that has been discussed thus far in this Manual. That is, both the licensor and licensee would have determined by this stage that for one reason or another a license agreement is in keeping with their respective business objectives. They would have identified each other as likely partners having the potential to complement, strengthen and fulfill each other's business aspirations.

31. See further, Alec and Manro, "Disciplined Negotiation: Worldwide", *Les Nouvelles*, December, 1997 and Fisher and Ury, "Getting To Yes", Penguin, 1991.

# Negotiating Manual

**Adam Clymer**

## **Negotiating Manual:**

*A Handbook of International Trade in Services* Aaditya Mattoo, Robert M. Stern, Gianni Zanini, 2008 This title provides a comprehensive introduction to the key issues in trade and liberalization of services. Providing a useful overview of the players involved, the barriers to trade and case studies in a number of service industries, this is ideal for policymakers and students interested in trade.

**The Negotiation Handbook** Patrick J. Cleary, 2000-11-30 A guide to negotiating written for a broad audience. It walks the reader through the world of negotiating step by step, including the macro and micro processes of negotiations, the importance of adequate preparation, knowledge of the rules and the role and usefulness of a mediator.

**Spinal Cord Injury** Martha Somers, Jade Bender-Burnett, 2024-03-18 A comprehensive approach to complex challenges. Here's the foundational knowledge, skills and understanding physical therapists need to develop and implement rehabilitation programs for persons living with spinal cord injuries. From coverage of pathology and the pathological repercussions through medical and rehabilitative management to patient and family education, students will be prepared to be effective members of the rehabilitation team. They'll also understand the importance of psychosocial adaptation and develop insights into their roles in the process.

**The Practical Negotiation Handbook** Melissa Davies, 2021-10-03 Effective negotiations lead to sustainable partnerships help both parties to achieve higher goals than they would alone and allow organizations to avoid the costly price of conflict. This book outlines a simple and powerful method of negotiating either in person or virtually. The Practical Negotiation Handbook outlines a tried and tested five step process for negotiating lasting agreements with best practice case examples, checklists and tools. This thoroughly practical guide brings together over 25 years of the author's experience negotiating in a variety of countries and contexts to give you the confidence to negotiate any kind of contract or agreement, large or small. Using a solution focused approach which centres around preferred outcomes rather than conflicts and on questioning and listening to the other party rather than trying to convince or impose and making assumptions, this pragmatic book will help build your profile as an ethical and respected negotiator. From contextual analysis and goal preparation to the importance of communication and building an offer, it cuts through the theory and clearly outlines the skills needed to influence the outcome and implementation of any negotiation.

**The Strategic Negotiator** David Wanetick, 2017-07-10 In *The Strategic Negotiator*, David Wanetick provides a refreshing alternative to the Marquess of Queensberry approach to negotiations promoted by ivory tower academicians. *The Strategic Negotiator* brilliantly addresses the nitty gritty of outflanking opponents in high level negotiations. *The Strategic Negotiator* bursts with actionable and practical advice for negotiators. Powerful lessons are drawn from history and diplomacy. Negotiations come alive in these pages as colorful vignettes from the worlds of commerce, investment, music and entertainment are shared. Original negotiating gambits such as the Moonwalk, the Circular Saw, the Velvet Crowbar, Shakedown, Disinfectants and the Advanced Eulogy are introduced. The intricacies of negotiating around specific contractual terms are expounded upon. Insights into

Auctions Exclusive Negotiating Periods 360 Contracts Liquidation Preferences Bilateral Options Wedges Escrows Entry of Competitor Provisions and Most Favored Nation Clauses await the reader Specific strategies for outflanking regulators bullies frenemies bosses and venture capitalists are provided Decisions of the Federal Labor Relations Authority United States. Federal Labor Relations Authority,1998 **Negotiation** Susan Heather Blake,Susannah Leahy,2001 Most lawyers whatever their field of practice negotiate with others to get their job done Many lawyers will be involved in the legal negotiations that are an inevitable part of the litigation process Negotiation skills are therefore a vital part of a lawyers repertoire Negotiating is a complex and challenging intellectual activity It takes considerable skill and experience to get what you want from the different situations where negotiation skills are called for Internationally it is recognised that negotiation skills can be taught can be learned and can be developed This Manual gives the reader a thorough grounding in the theory of negotiation It includes material on the different contexts and types of negotiation the different bargaining strategies and tactics that can be used the various techniques of persuasion as well as insight into the different cognitive influences that can affect how we negotiate Also included are practical chapters covering the basic methods of preparation that are required in order to negotiate successfully including a detailed analysis of the negotiation process itself There is helpful information on how to conclude a negotiation and the different methods of recording settlement terms as well as coverage of some of the ethical considerations involved in legal negotiations With coverage of the theory and the practice of negotiation this Manual provides a comprehensive guide to those who use negotiation skills in their work **The Negotiator's Handbook** George Fuller,1991 This handbook provides you with all the tools you need to succeed as a negotiator **Tackling Sex**

**Discrimination Through Collective Bargaining** Linda Dickens,Barbara Townley,David Winchester,Great Britain. Equal Opportunities Commission,1988 *A Guide to NITA Materials* ,1985 **Negotiation Skills in the Workplace** Larry Cairns,1996 A useful tool for trade unionists at all levels I'll be expecting to see some well thumbed copies in branch offices over the next few years Geoff Martin Senior London Organiser UNISON Tribune A valuable insight into skills for negotiators Jimmie Airlie Chief Negotiator Ford UK An essential tool Arthur J Johnson Executive Director Commonwealth T U Council Provides a valuable insight into skills for negotiators a help to experienced and less experienced negotiators alike Jimmie Airlie Ford UK More and more people are now involved in negotiations at all levels in workplaces around the world Clear and accessible this invaluable handbook provides sound guidelines for all individuals and group representatives engaged in negotiating with management or colleagues Using case studies to illustrate each stage Larry Cairns offers practical advice on every aspect of the negotiating process from basic concepts through to closing and editing the deal including Planning and preparing for negotiations resolving intra group conflict across the table negotiations power and attitude in negotiations negotiators and the law implementing the deal *Municipal Journal, Public Works Engineer Contractor's Guide* ,1980

*Negotiation* Susan Blake,Susan Heather Blake,Inns of Court School of Law,Susannah Leahy,Margot Taylor,1998

**Public Sector Bargaining in the 1980s** Rene Saran, John Sheldrake, 1988      *Professional Negotiation and Influencing*  
Michael Hudson, 2002      **The Notaries' and Commissioners' Manual** William Lamartine Snyder, 1906      **Drawing the**  
**Line at the Big Ditch** Adam Clymer, 2008 In this remarkable and revealing tale noted journalist Clymer shows how the  
decision to give up the Panama Canal stirred emotions already rubbed raw by the loss of the Vietnam War and shaped  
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exercise influence in order to change someone's thinking behavior and decision making the      **Understanding Industrial**  
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