

# TerraLex 2007 Asia-Pacific Regional Meeting Taipei, Taiwan

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## Strategies for Negotiating International License Agreements

March 30, 2007

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# The Three B's

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1. Be Prepared 準備好
2. Be Efficient 有效率
3. Be Smart 要聰明

# Be Prepared

## 準備好

- Know your client's expectations
- Know the other side

知己知彼，百戰不貽；不知彼而知己，一勝一負；  
不知彼不知己，每戰必貽。

If you know the enemy and know yourself, you need not fear the result of a hundred battles. If you know yourself but not the enemy, for every victory gained you will also suffer a defeat. If you know neither the enemy nor yourself, you will succumb in every battle. Sun Tzu (544-496 BC), *The Art of War*

# Be Prepared (cont.)

## 準備好

- Consult local counsel for country specific law and practice
  - (e.g., protecting IP, notice period/compensation for termination of licensees/distributors, antitrust considerations, payment/repatriation issues)

# Be Efficient

## 有效率

- Is a letter of intent really necessary?
  - May slow momentum or delay deal
  - Despite definitive agreement, one party may consider the LOI to be the real terms of the deal
  - Make sure to delineate binding and non-binding terms
- Does your counterpart have authority to make a deal?
  - Valuable compromises are difficult to take back
  - “Shuttle negotiations” are time consuming and ineffective

# Be Smart

## 要聰明

- “Heat of the battle” can narrow vision and inhibit creativity. Set aside time to generate a variety of solutions
- Consider using others to negotiate impasses
  - Kick problem “upstairs”
  - Consider third party “go-between”
  - Especially valuable when dealing with individuals or cultures that avoid confrontation

# The Three C's

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Reminder: Feb. 1 Deadline For Posting Annual Workplace  
Illness & Injury Statistics

Must "C" attractions in Taipei

# Taipei 101

Reminder: Feb. 1 Deadline For Posting A  
Illness & Injury Summary

Tallest Building in the World



Source: Guinness World Records

# Din Tai Fung

Reminder: Feb. 1 Deadline For Posting A  
Illness & Injury Summary

Top Ten Best Restaurant in  
The World



Source: The New York Times

# Taiwan's National Palace Museum

Best Collection of Chinese Art in the World



Source: The New York Times

# Thank You

Reminder: Feb. 1, 2014 is the deadline for filing a claim for Workplace  
Illness & Injury. Submit your claim to the Department of Industrial

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