

The Art of Negotiating Agreements for Film and TV

November 14-16, 2024, Berlin

PROGRAM SCHEDULE

Wednesday, November 13 ----- **DAY OF ARRIVAL**

19:30 _ Welcome Dinner at Restaurant ZUR LETZTEN INSTANZ

Address: Waisenstrasse 14-16, 10179 Berlin

Thursday, November 14 ----- **DAY ONE**

9:00 ___ Welcome and Introduction of Experts and Participants

9:30 ___ Introduction to Basic Principles of Drafting and Negotiating Agreements: Dos and Don'ts

Ulrich Michel, Noerr LLP

10:30 _ Coffee Break

11:00 _ Who is Out There to Make Deals with: Possible Non-Traditional Partners for Production and Distribution

Leaving the 'comfort zone' of the 'usual suspects' as possible buyers and funders in the traditional sector (the government, institutional bodies, broadcasters, cinemas, sales agents, distributors), Wendy Bernfeld kicks off with a birds-eye view across the wide spectrum of partners beyond traditional with whom indie producers can deal. She will present a comprehensive overview of the rapidly evolving and sometimes overlapping and bewildering array of international digital sector buyers, funders and middlepersons. Wendy will also address "hybrid" approaches and other trends affecting windows, rights and revenues (TVOD, SVOD, AVOD, FAST channels, etc.). Awareness of and navigating beyond just the usual suspects and Big5 types, to their various mainstream and regional competitors and to more complementary thematic 'niche' platforms, can greatly strengthen opportunities, positioning and content negotiations.

Wendy Bernfeld, Rights Stuff

12:30 _ Lunch Break

14:00 _ Underlying Principles of The Psychology of Negotiation and Conflict Resolution

Psychology is crucial for negotiating and resolving conflicts: Dealing with the relevant facts of the matter and differing interests is rather straight forward in most negotiations. The "soft" factors, however, can be decisive for the outcome of a negotiation. The mystery of communication, emotions, needs, values and the individual perception of the world govern our attempts to find an agreement with other people and to resolve conflicts. Ulrich Michel will introduce the participants to the psychology of negotiation and conflict resolution.

Ulrich Michel, Noerr LLP

15:30 _ Coffee Break

16:00 _ Techniques for Successful Negotiation and Conflict Resolution / Part 1

Ulrich Michel will present numerous techniques from communication sciences, NLP - Neuro Linguistic Programming, Emotional Intelligence, mediation, the Harvard Method, etc. for successful negotiations. These include smart strategies and well-tried "tricks". The participants will have the chance to exercise many of these techniques. In this Part 1 the focus will be on the nature of negotiation, an exercise in game theory in negotiation exercise and respective negotiation strategies.

Ulrich Michel, Noerr LLP

17:30 _ End of Day One

19:00 _ Meet in the lobby for a group walk to dinner

19:30 _ Dinner at Restaurant 3 SCHWESTERN

Address: Mariannenpl. 2, 10997 Berlin

- DETAILS ARE SUBJECT TO CHANGE -

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Friday, November 15 ----- DAY TWO

9:00 ___ Collegial Consultation

Collegial consultation is a structured, peer-based approach where professionals come together to discuss challenges and find solutions in a confidential, supportive environment. It encourages reflection, feedback, and collaborative problem-solving, helping participants gain new perspectives and enhance their skills through shared experiences and mutual learning. The participants will be introduced to and apply this format for an actual challenge of their choice.

Ulrich Michel, Noerr LLP

10:30 _ Coffee Break

11:00 _ Inside Out – Perspectives & Interests of a Sales Company

Tine will invite you into the world of a sales agent, agreements, international sales approach and strategies for aggregation negotiations. What - and how are rights handled, and what is important (aka Key points) to fight for.

Tine Klint, Level K

12:30 _ Lunch Break

14:00 _ Techniques for Successful Negotiation and Conflict Resolution / Part 2 (incl. short break)

Conflicts can be a significant risk for a production and its exploitation. The extra-judicial resolution of conflicts is part of the art of negotiation and requires a basic understanding of conflicts and resolution schemes. Ulrich Michel will introduce the participants to the psychological and systemic dynamics in conflicts and offer recommendations for smart ways to resolve them. More specifically, the participants will learn how to cope with other's and regulate own emotions in negotiations. Finally, the group will test a format that helps to understand and clarify conflicts one-sided, i.e., without the involvement of the other side.

Ulrich Michel, Noerr LLP

16:30 _ Coffee Break

17:00 _ How to Work the Film/ TV Markets

In this session, initially in lecture, then more interactive format, Wendy addresses tips, tricks, practicalities around film/TV festivals and markets to help maximize one's business and networking opportunities – before, during and after. This includes pragmatics on how to prescreen/navigate the databases of attendees and speakers – filtering and prioritizing – and then tips on outreach methods to the 'right' companies, people, roles. She also highlights other market resources including seminars, conferences, events and other more spontaneous 'on the ground' approaches. She will as an example draw on the most recent MIPCOM Cannes TV market as well as other markets tabled interactively by the participants.

Wendy Bernfeld, Rights Stuff

18:00 _ End of Day Two

19:00 _ Meet in the lobby for a group walk to dinner

19:30 _ Dinner at Restaurant MAX UND MORITZ

Address: Oranienstrasse 162, 10969 Berlin-Kreuzberg

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Saturday, November 16 ----- DAY THREE

9:00 ___ Deal Making Basics: Approaching, Agreeing and Cooperating with (VOD-) Platforms

In this session, we drill a bit more into the angles around dealmaking with both traditional players and VOD / OTT platforms, including regarding prep, approach, offers, deal memos versus formal contracting, etc. in the VOD world. Some pitfalls and practicalities and tips are tabled around pragmatics around prep, verbal and written interplay affecting negotiations, and some key distinctions between the indies world and majors are canvassed. Underlying time pressures as a factor also addressed: Do you want a good deal or a fast deal?

Wendy Bernfeld, Rights Stuff

10:30 _ Coffee Break

11:00 _ Techniques for Successful Negotiation and Conflict Resolution / Part 3

The group will train a well-proven method for the resolution of conflicts and discuss a number of persuasion techniques.

Ulrich Michel, Noerr LLP

12:30 _ Lunch Break

14:00 _ Handling Challenging Positions

Here we look at some examples of challenging or confrontational positions (either real or fake, posturing), such as deal-breakers, brinkmanship, bluffing, aggressive or abusive negotiation partners, favored nations clauses, so-called 'standard forms', cumulative versus successive 'rolling' on points, and impact of so-called 'trial' deals.

Wendy Bernfeld and Ulrich Michel

15:30 _ Coffee Break

16:00 _ Techniques for Successful Negotiation and Conflict Resolution / Part 4

This final session will focus on specific aspects of body and mind in negotiation and conflict resolution: Ulrich Michel will give some impulses and lead you through a short exercise to establish a state of mind and connect to your body to cope well with difficult situations in your negotiations (and other challenging interactions in your professional life).

Ulrich Michel, Noerr LLP

17:00 _ Debriefing

Ulrich Michel, Noerr LLP

17:15 _ Final Evaluations

17:30 _ End of Workshop

19:00 _ Meet in the lobby for a group walk to dinner

19:30 _ Dinner at Restaurant TAPAS Y MÁS

Address: Neue Grünstraße 17, 10179 Berlin

Sunday, November 17 ----- DAY OF DEPARTURE