

The Art of Negotiating Agreements for Film and TV

December 9-11, 2021, Berlin

PROGRAM SCHEDULE DRAFT

Wednesday, 8. December _____ **DAY OF ARRIVAL**

19:00__ **Welcome Reception and Dinner**

Thursday, 9. December _____ **DAY ONE**

9:00 __ **Welcome and Introduction of Experts and Participants**

Dina Rubanovič, Erich Pommer Institut

Ulrich Michel, Attorney & Business Mediator

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

Ulrich Michel

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 (PVOD, TVOD, SVOD, AVOD, 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

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

17:30__ End of day one

19:00__ Meeting in hotel lobby for joint walk to dinner and dinner at nearby restaurant

- DETAILS ARE SUBJECT TO CHANGE -

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Friday, 10. December _____ DAY TWO

9:00 __ **Interests of Possible Partners & Your Own**

We will look together at possible interests involved on the side of the various interested partners – in order to be in a better position to handle these interests in a smart matter in prep and in the course of negotiations. Interests can range beyond commercial dealmaking to other public or personal goals such as social 'impact', wide reach, promotion (of platform or self), and short vs long term angles partnerships – all playing into the negotiations.

Ulrich Michel and Wendy Bernfeld

11:00 __ Coffee break

11:30 __ **Techniques for Successful Negotiation and Conflict Resolution / Part 2**

Continuing to dive into and test the different negotiation techniques, in this session we will focus on the preparation and conduct of negotiations.

Ulrich Michel

13:00 __ Lunch break

14:30 __ **Techniques for Successful Negotiation and Conflict Resolution / Part 3**

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

16:00 __ Coffee break

16:30 __ **Inside Out – Perspectives and Interests of Possible Production or Distribution Partners**

Tine Klint, LevelK

18:00 __ End of day two

19:00 __ Meeting in hotel lobby for joint walk to dinner and dinner at nearby restaurant

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Saturday, 11. December _____ DAY THREE

9:30 __ 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

11:00 __ Coffee break

11:30 __ Techniques for Successful Negotiation and Conflict Resolution / Part 4

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

Ulrich Michel

13:00 __ 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 5

The final session of Ulrich 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 and Wendy Bernfeld

17:00 __ Debriefing

Ulrich Michel

17:15 __ Final Evaluations

17:30 __ End of workshop

19:00 __ Meeting in hotel lobby for joint walk to dinner and dinner at nearby restaurant

Sunday, 12. December _____ DAY OF DEPARTURE