The Program on Negotiation at Harvard Law School announces

The Program on Technology Negotiation

A groundbreaking approach to managing the complexity and uncertainty of technology-centered negotiations

In difficult times, your skill as a negotiator can be the difference between success and failure for you and your organization.

Conventional negotiation strategies simply aren’t sufficient when you’re trying to structure joint technology ventures, control intellectual property, manage technology cost & performance, account for the egos of inventors, or cope with differing levels of understanding about how complex systems work.

An Interactive Conference in Cambridge, Massachusetts

May 7-8, 2009                      November 5-6, 2009

“This course should be required for anyone who manages any sort of technology.”
Dealing with the Special Problems of Technology-Centered Negotiations

Negotiation is fundamentally different when technology issues are involved.

1. When some parties understand the technology issues and others don’t, it creates a gap that must be bridged for offers and options to make financial sense to all parties.

2. High levels of uncertainty about whether new systems will work as promised generate more complex agreements and require the involvement of more people to insure the technology will meet specs and expectations, at cost and on time.

3. You have to be prepared to confront the psychological needs of those who make seemingly unreasonable demands for personal reward that threaten to sink the negotiations.

How do you confront these issues in a way that optimizes the outcome? It is difficult to do using standard negotiating strategies that may not account for different levels in skill and education, the fog of technological uncertainty, or parties who expect to be rewarded in ways that seem out of step with their organizations’ interests.

At the Program on Negotiation and the Consensus Building Institute, our research has led to the development of an innovative new approach to dealing with the unusual complexities of technology negotiations. Based on the widely-used mutual gains framework, this expanded approach is meant to help you overcome the difficulties that are unique to technology negotiation, whether you’re:

- a vice president of manufacturing trying to orchestrate the acquisition of an important new production system
- the head of a business unit striving to move a proprietary technology into the marketplace
- a CIO attempting to broker internal consensus over the specs of a new information system
- a CFO seeking closure on an R&D budget
- or any other technical or non-technical executive facing equally important technology negotiation issues.

For someone who’s a buyer or a seller, dealing with complexity inside or outside the organization, developing technology, acquiring the right to use it, facing competing technology interests, trying to negotiate across different organizational sectors, or trying to negotiate risk, cost and reliability, this is a program which could be of enormous value.

Who Should Attend

Those involved with the acquisition, development, distribution, marketing, licensing and management of technology, including Vice Presidents and Directors of R&D, Engineering and Manufacturing, Chief Technologists, project managers, product development managers, heads of divisions that sell or license technology, general management including Chief Executive Officers, Senior Vice Presidents, Chief Financial Officers, Vice Presidents of Sales, Purchasing, Product Service, corporate and private legal counsel, patent and intellectual property lawyers, venture capitalists, inventors and entrepreneurs who want to protect their interests.
At this Program You Will Learn . . .

. . . how to employ an expanded mutual gains approach to resolve problems that arise over:

**Differing levels of understanding about the way complex technologies work**

- when some parties understand technological systems and some don’t, how do you keep this gap from getting in the way of creating and claiming value?
- what impact do the educational background, skill base and high level of specialization of the executives play in the way negotiations proceed?

**Differing interpretations about what the data means**

- is there a sense that data are objective and speak for themselves?
- what happens when the other side disagrees over the interpretation of the data?
- how do you resolve disagreements over what each side sees as “objective standards?”

**Technological uncertainty and problems of compliance**

- accounting for technological ambiguities in the negotiations
- accounting for uncertainties in product viability, construction, performance, and cost
- easing high levels of frustration caused by time pressures and inconclusive outcomes

**The psychology of technology negotiation**

- managing psychological aspects of technology negotiations
- accounting for the expectations of “inventors” or owners of intellectual property
- preventing the risk-taking behaviors associated with invention from making the negotiations fail

**Competing internal interests**

- handling competing internal interests in ways that do not undermine negotiations with potential partner organizations
- when breakdowns in communication threaten to undermine techno-centric negotiations, what can be done to repair the damage?

“Excellent program, concise and practical.”
Andrew John Warner,
Associate Intellectual Property Counsel,
Cell Signaling Technology, Inc.

“Well worth the investment.”
Angela Costello,
Director,
CBN

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**Take the Program on Negotiation home with you after the course is over.**

Negotiation is an award-winning monthly newsletter published by the Program on Negotiation at Harvard Law School. This newsletter provides expert advice and practical tips that help you continue to develop your negotiation skills – from showing you how to avoid common pitfalls to helping you get results that meet your interests. We think you will find that it makes an invaluable supplement to the program you choose to attend through the innovative ideas, strategies and case examples it offers. For more information about Negotiation newsletter, go to www.pon.harvard.edu.
Using specially developed exercises, simulations and case studies, we have designed a unique executive briefing and workshop. The following is an overview of the agenda for this intensive two-day program:

**Day One**

1. **Introduction: Adapting the Mutual Gains Strategy to Technology Negotiations**

When you are involved in a technology-centered negotiation, you must be prepared to deal with two fundamental kinds of problems:

- **gaps in technology awareness**, where some of the parties have an in-depth level of understanding of the way complex systems work that transcends what the average person knows. Traditional approaches to negotiation won’t work in situations where some of the parties are unable to enrich the proposed options or deals because they don’t understand the technical requirements or dynamics of the systems involved.
- **levels of technological uncertainty**, and the impact of trying to factor in whether the hardware, software and systems are likely to meet specifications and expectations around cost, time-frame and performance.

In addition to the usual uncertainty of whether people will do what they promise, how do you deal with more complex agreements, the involvement in the negotiation of a wider range of participants from each organization, and the need for more attention on how to handle follow-through?

Using a simulation that highlights key elements of the mutual gains approach to negotiation, you’ll be introduced to an expanded negotiation framework designed to help you deal with these technology negotiation issues in the context of an information technology problem.

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**Technology Negotiation #1**

Apply the expanded mutual gains technology negotiation framework in a role-play between two senior managers from Finance and IT faced with negotiating an annual budget increase for information technology updating. Learn how to search for joint gains through various value-creating moves and resolve this all-too-familiar information technology issue.
2. Dealing with the Psychology of Technology Negotiations

Beyond the two fundamental problems that repeatedly occur in technology negotiations, there is an important, third critical problem to address: the often unspoken psychological perceptions, expectations, beliefs and goals of “expert” parties.

When innovators who have developed the technology are at the table, even if they are not the primary representatives of the groups involved, their differing expectations can drive out what would otherwise be accepted as reasonable negotiation outcomes.

What is the best way to negotiate with parties who expect to be rewarded in ways that might not be consistent with the interests of their own organizations? How do you effectively anticipate and manage different beliefs, emotions and motives in order to generate reasonable solutions?

Using a simulation that highlights key elements of the mutual gains approach to negotiation, you’ll be introduced to an expanded negotiation framework designed to help you deal with the psychological challenges – and opportunities – that often underlie technology negotiations.

There is a certain risk-taking dynamic to invention and innovation that lie at the heart of technological entrepreneurship. What do you do about people whose desire to be personally rewarded could wind up sinking the deal? What role can the business leader play as a facilitator?

“Very relevant for successful R&D efforts of developing countries.”
Oliver Osuagwu, Professor, Centre for Computer Engineering, American Heritage University (Nigeria)

“... highly insightful for any negotiator.”
Nimit Sawhney, Senior Software Architect, MoreMagic Solutions, Inc.

**Technology Negotiation #2**

This simulated internal technology negotiation involves three executives, including the technology’s inventor, discussing if and how to sell a technology that never quite found a large market and is draining the capacity of the manufacturing floor. Among the issues you’ll decide:

- do you sell the technology, license it for specific use or keep it in-house?
- if you keep it in-house, how will you handle ongoing manufacturing and cost issues? How much will you spend on marketing?
- if you sell or license the technology, how quickly will you do it, what will you charge and how will you manage the ensuing need for layoffs/retraining?
- how will you address the short term need for productivity and efficiency while encouraging a culture of innovation?
Day Two

3. Dealing with Technology Uncertainty and Gaps in Technology Awareness

In this segment we will apply the lessons learned in Day One and examine how the negotiation process is affected by:

- uncertainties in technology development
- differences in the understanding about technology, and
- differences in communication about technology

In the context of technological uncertainty and gaps in technical awareness, we’ll discuss how significant uncertainties regarding product viability, construction, performance and cost, differences in the education and skills bases of the parties and ambiguities defining the intellectual property affect the negotiation process. These all present challenges to an agreement.

You will experience how increased technological uncertainty makes it harder to create and distribute value, requires much more attention to ways of ensuring performance, can involve a wider range of players in every organization and, as a result, can generate more complex agreements than other kinds of negotiations.

4. Dealing With Your Worst Technology Negotiation Nightmare: A Negotiation Clinic

In this expert-led session, participants bring examples of difficult problems they’ve faced or are facing in their own technology negotiations. Potential options and solutions will be discussed in the context of the new technology negotiation framework.

About The Program on Negotiation at Harvard Law School

For 25 years, the Program on Negotiation at Harvard Law School has been one of the world’s outstanding negotiation training institutions, and through the innovative research of its faculty has helped to evolve the field itself. It was founded as a collaborative effort among faculty at Harvard, MIT, Tufts and other Boston-area universities to design, implement and evaluate improved dispute resolution practices. A dynamic, interdisciplinary research center, PON serves a unique role in the world negotiation community by developing new thinking on negotiation theory, creating new material for negotiation education, and nurturing a new generation of negotiation teachers and scholars. Each year, business and government leaders, corporate trainers and corporate counsel are among the 2,500 people who participate in PON’s negotiation training courses.
Lawrence E. Susskind is Ford Professor of Urban and Environmental Planning at the Massachusetts Institute of Technology and co-director of the MIT-Harvard Public Disputes Program. He is President of the Consensus Building Institute, a not-for-profit firm that mediates complex public disputes around the world. He was the first Executive Director of the Program on Negotiation at Harvard Law School.

Professor Susskind’s research, teaching and professional practice focus on consensus building in the public and private sectors. He has conducted training in negotiation for numerous corporations in North America and Europe, as well as for a variety of federal and state agencies.

He has served as a mediator in more than 50 complex public disputes and has written numerous books and articles. Professor Susskind is author of the award-winning books *Dealing With an Angry Public* (Free Press, 1996), and the *Consensus Building Handbook* (Sage Publications, 1999).

Joel Cutcher-Gershenfeld is Dean of the School of Labor and Employment Relations at the University of Illinois, Urbana-Champaign. He is also co-director of PON’s Program on Negotiation in the Workplace.


Hal Movius, Ph.D. is Director of Assessment Coaching and Training at the Consensus Building Institute. Trained as a social and clinical psychologist, he helps organizations to build excellence in the areas of negotiation, communication, emotional intelligence and conflict management.

He works with leaders to tailor and deliver leadership and management training programs that target specific needs within their organizations. He has created and brought to market 360-degree assessment tools and provided feedback and coaching to individual clients in numerous organizations, including many technology organizations.

Dr. Movius has served as Research Associate at Harvard Business School and at the Udall Center for the Study of Public Policy. His research focuses on negotiations, leadership, emotion, and trust.

“Carefully conceived, professionally delivered seminar from leading authorities in the field.”

Phillip Glenn,
Professor,
Emerson College

“This workshop greatly expanded my understanding of how to create greater value for my institution through technology negotiations.”

Joseph Moreau,
Chief Technology Officer,
State University of New York, Oswego

About The Consensus Building Institute

The Consensus Building Institute (CBI) is a non-profit organization committed to refining the art and science of consensus-building.

Founded by the co-director of the Program on Negotiation at Harvard Law School’s Public Disputes Program, Lawrence Susskind, CBI supports both direct intervention and theory-building on all levels of government and between government and industry.
I wish to attend the following session of The Program on Technology Negotiation (check box below). Sessions have been scheduled to allow you to attend certain programs on successive dates. If you register for more than one program now, you will receive a $300 tuition discount on each additional program you select at this time.

To Register: Visit our website at www.pon.harvard.edu; or Return this form to Ms. Laura Rogers, Center for Management Research (conference administration office), 134 Rumford Avenue, Newton, MA 02466; or Call Ms. Rogers at: (781) 239-1111; or Fax this form to (781) 239-1546. Confirmation will be made via mail and email. You may also email us at pon@execseminars.com.

Special Savings: If you register for more than one program from our curriculum at this time, you pay the full tuition for the first program and deduct $300 from the tuition for each additional program you select, except where other discounts already exist. If you need more information, feel free to contact us (see above).

Accommodations: We have reserved a block of rooms at a hotel convenient to the program site. Information on how you may arrange for accommodations will be sent to you approximately eight weeks prior to the program.

Certificates: Certificates of Participation will be awarded for each program.

Attendance Limitations & Liability: Attendance at all programs will be reserved on a first-come, first-served basis. If a program is canceled, liability is limited to the registration fee.

Please Select From Below:
- Check enclosed. Payable in U.S. dollars to CMR/Tech Negotiation.
- Please bill me. Payment is expected prior to program.
- I can’t attend on the dates listed. Please notify me of future programs.

(If your company requires a PO, please submit it as quickly as possible.)