Effective Negotiation in Licensing

You don't have to be nasty to be successful; fundamental techniques, practiced skills are key

BY RONALD B. COOLLEY*

How successful a license will be and whether it will meet the parties' needs is often determined during the negotiation of the license. Your performance as a negotiator plays a large part in determining whether the license will be a success that is profitable for all parties or a disaster that your company must live with for several years.

Negotiating skills are important in licensing but how you obtain these skills is hard to explain. It is commonly believed that one can jump into negotiations without previous experience and negotiate successfully. The thinking is that one can learn by trial and error. Thus, most of the knowledge about negotiation for these people has had to come from limited personal experience.

Others argue that negotiators are born and it is useless to study negotiation unless you are a "born negotiator." It is well established, however, that the person who has studied negotiation will be more successful in negotiations and will obtain a better license. The experience is that negotiation skills can be learned and knowledge of even the fundamentals can substantially increase your success.

Although you may accept the fact that negotiation can be learned, you may view negotiation as a nasty, intimidating process that makes you cringe at the thought of participating. This impression of negotiation does not fit with your self-image. You do not believe you are hardened or nasty enough to participate in a process that seems to place a premium on these qualities. The truth is that most negotiations are not of this type and an iron will or a hot head are not necessary to be an effective negotiator.

You do not need to change your personality to become a good negotiator. Actually, the key to your success is your own personality. Rather than attempting to change yourself to become someone you are not, you should evaluate yourself and use your strengths and weaknesses to negotiate effectively.

You cannot rely solely on your strengths, however. You must supplement these strengths. In negotiation there are certain fundamental techniques or skills a good negotiator should know and practice. These techniques can be easily learned with a little practice and although they may seem mundane, they can influence the overall negotiation and mold the resulting license.

*Mason, Kolehmainen, Rathburn & Wyss, Chicago, IL.

TECHNIQUES

Confidence

A step in becoming a good negotiator is to believe in yourself and be convinced that you have within you the ability to turn another person to your way of thinking. A characteristic that many of us who lack confidence share is that we can be frightened away by the omnipotence of the word "no." We have been brought up to accept the unalterable finality of it and we lack the confidence to question it.

In the context of negotiation, however, the concept of "no" should be seen in an entirely different light because contrary to what we have been conditioned to believe, "no" is an opening negotiating position. Few negotiations would ever get off the ground if "no" were taken at face value. The good negotiator has the confidence not to take "no" for an answer and is always looking for ways to get around it.

Invite Criticism

Confidence, however, does not mean over-confidence. You should not ignore criticism. Rather than resisting criticism, invite it. Instead of asking your opponent to accept or reject an idea, ask them what is wrong with it. In doing so, they may be able to invent a solution that meets your concerns. By making yourself open to correction and persuasion, you can convince your opponent to be open to the principles and objective facts you suggest.

Language

When asserting a point, a good technique is not to use weak language such as "we likely," "we hope" or "we prefer." Instead use strong language such as "we need," "we must have" or "we require." This is communication which is at the heart of the negotiating process. The better you are able to communicate your point of view, the better your chance of walking away with the license you are seeking.

Open

Successful negotiation requires being open. Being open allows you to come up with or invent creative alternatives which is one of the basic concepts of successful negotiation. In most people's minds, inventing simply is not part of the negotiating process. They see their job as narrowing the gap between positions rather than broadening the options available.

Since success for you in a negotiation depends on the other side making a decision you want, you should do what you can to make that decision an easy one. You want to confront your opponent with a choice that is as painless as possible. By being open you allow yourself to be in their shoes to understand what options appeal

to them. Without such options, there is likely to be no agreement at all.

Site

A decision that must be made during the prenegotiation period is the selection of the site for the negotiation. The site is considered a technique because it can have advantages for one party and disadvantages for the other which can influence the entire negotiation. The site can be your home territory, your opponent's home territory or a neutral site. Selecting your home territory has the advantage of having your files and support personnel close by, and you have the psychological advantage of the other side coming to you.

Going to your opposer's territory, however, has some advantages. It allows you to devote full time to the negotiation and you have available the excuse that information you want is back at your office.

Most negotiators recommend negotiating at a neutral site. Neutral ground is a way to cool a hotly disputed negotiation. It removes perceived territorial advantage which can cause resentment by the visitors harming successful negotiations. Also, distractions such as telephones and support personnel are removed.

If you find yourself at your opponent's home territory, be aware that the setting may have been deliberately designed to make you want to conclude negotiations promptly. If you believe the physical surroundings to be distracting or prejudicial, you should refuse to continue the negotiation until the setting has been made more conducive to the negotiation.

While on the subject of the physical surroundings, you should be aware that many people consider the head of the table the seat of power. If you are in charge of setting up the room in which the negotiation is to take place, you should insure that neither head of the two negotiating groups sits at the head of the table. This will avoid a possible adverse reaction from some members of the negotiating teams.

Listening and Asking Questions

Two of the most important negotiation skills or techniques are listening and asking questions. These techniques allow the negotiator to get information and be persuasive.

Listening enables you to key in on what is important to your opponent and to communicate with that person. It can be devastating to a negotiation if one party thinks his opponent is not listening.

Reaction to interruptions can be just as devastating. Interrupting your opponent while he is making a point instead of listening should be eliminated from your behavior not only because of the devastating effect but also because it can be costly. If you interrupt a proposal, you may miss something which was about to be proposed in addition to what you have already heard.

A good way to demonstrate to your opponent that you are listening is to ask questions. Do not stop listening, however, in anxiety to ask a question. Write down the question and wait for the proper time to ask it.

Asking questions provides the asking party with control over the process of the negotiation allowing that person to accomplish more in the negotiation sessions. Control is the result because questions permit the asker to channel the stream of conversation in any direction he chooses.

What if you are getting insufficient answers to your questions. One response is to wait. People tend to feel uncomfortable with silence, particularly if they have doubts about the merits of something they have said. Silence often creates the impression of a stalemate which your opponent will feel compelled to break by further answering your question or coming up with new suggestions.

Of course, you will not always be asking the questions. When you are confronted with questions, remember the above discussion. In addition, do not give in to pressure to provide quick answers. Quick answers are often not the best answers. If answers must be given quickly, you should prepare before the negotiation begins by thinking of as many questions that are likely to arise in the negotiation as you can. The more you are able to think about possible questions, the better your answers will be during the negotiations.

Before you ask the right questions and provide the best answers, however, you must get to know your opponent personally. If you do not know your opponent personally, it is easy to attribute diabolical intentions to questions, answers and proposals made by your opponent. The time to get to know your opponent is before the negotiation begins. Try arriving early to chat before the negotiation and linger at the conclusion of some of the negotiation sessions for additional conversation.

The knowledge gained from these conversations can be used to understand your opponent's point of view in the negotiation. Understanding his point of view is not agreeing with it but it may lead you to revise your own thinking about the merits of the negotiation. Understanding your opponent's point of view adds to the likelihood of the success of the negotiation by removing some of the emotional content. You are better able to recognize his constraints, problems and needs and create solutions during the negotiation that result in a better license for all parties.

WAYS TO NEGOTIATE

Once you understand the fundamental techniques desirable for a negotiator, you should select and learn the proper method to conduct the negotiation. The preferred method of negotiation may be selected by three criteria: first, it should produce as wise an agreement as possible; second, it should be efficient; and third it should improve or at least not damage the relationship between the parties.

There are three ways of negotiating that have been suggested as having the capacity to meet these criteria. The first of these is positional negotiating. In positional negotiating, negotiators try to resolve conflicting interests by talking about what they are willing and unwilling to accept. The positional negotiator takes an extreme starting position and stubbornly holds to it deceiving the other side as to his true views. As arguing over positions continues, the negotiators tend to lock themselves into those positions creating incentives to stall settlement.

If the other side announces a firm position, the positional negotiator's response is likely to be to criticize and reject it. The negotiation becomes a contest of wills and the task of reaching a settlement becomes a battle

with each side trying to force the other side to change its position. Anger and resentment is the result.

Positional negotiation thus strains and sometimes destroys the relationship between the parties. This result is due to more attention being paid to positions and less attention to meeting the underlying concerns of the parties. Any license reached may reflect a mechanical splitting of the difference between final positions rather than a solution tailored to the legitimate interests of the parties. The result is often a license that is less satisfactory to each side than it could have been.

Many negotiations conducted in a competitive, positional environment have ended in a license that often appears to be a complete victory for one side. Such a license, however, will rarely stay intact. Unless the terms arrived at have been advantageous in some way to the loser, he will soon seek means of changing the license.

On the other end of the spectrum is soft negotiation. In soft negotiation the moves are to make offers and concessions, to trust the other side and to yield as necessary to avoid confrontation. Since each party seeks to be nice, an agreement is likely but it most likely will not be a wise one. There is also a significant danger in using soft negotiation. The danger is it opens you up to someone who plays a hard game of positional negotiation.

There is another approach to negotiation that is neither hard or soft. Instead, it is both hard and soft. This approach is principled or creative negotiation. It seeks to decide issues on the merits rather than through a procedure focused on what each side says it will and will not do.

Principled or creative negotiation allows you to look for neutral gains for all parties whenever possible. Where interests conflict, you insist that the results of the negotiation be based on some fair standards independent of the will of any of the negotiators. This method of negotiation allows you to obtain what you are entitled to and still be decent. You can be fair while protecting you and your client against those who would take advantage of your fairness.

Principled or creative negotiation does not require your competitive attitude be abandoned. In principled negotiation you are competitive on the principles you assert. Since you select principles you believe in and you believe are right and fair, you can be competitive without feeling you are being nasty or unreasonable.

There are significent advantages to the principled or creative way of negotiating. It elicits strong support for the resultant license, good feelings toward the other party and a willingness to cooperate in the future. these advantages are worth noting for there is a growing trend on the part of the courts to establish a climate making it easier for a licensee to rescind its contractual obligations. In this environment it would be prudent for the negotiator to pursue a negotiating strategy that does not encourage the use of the anti-license weapons that are evolving on behalf of licensees.

ELEMENTS OF CREATIVE NEGOTIATIONS

Preparation

The most important thing you can do in principled or creative negotiation is long before the negotiation begins, start your preparation. During preparation devote some time to be inventive. It is difficult to design optimal solutions while under pressure just prior to or during negotiation since trying to decide in the presence of an adversary narrows your vision. Also, in negotiating a substantial license with much at stake, creativity is often inhibited. It is possible to offset these constraints by setting aside a designated time, both before and during negotiation, within which to think up a wide variety of potential solutions that advance shared interests and reconcile differences.

As a license negotiation approaches, you should take the following steps in preparing: define the subject matter; research and gather facts; explore the type of person your opponent is; evaluate yourself, examine your strengths and weaknesses; decide on your goals and alternatives; plan your strategy; and rehearse the negotiation in advance using another person as a devil's advocate.

Fact Gathering

An important phase of preparation is research and fact gathering. Research supplies information to help anticipate the strategy of your opponent during the impending negotiation. It is essential to examine the past history of your opponent and his client, inquire into his previous transactions and look into every business venture and license he has consummated.

It is informative to investigate any deals your opponent and his client have failed to conclude successfully. Frequently, you can learn a lot about negotiators and their clients from their failures as well as from their successes. If you carefully analyze the reason a license fell through or a negotiation failed, you often can get a good understanding of how your opponent and his client think and operate. It is also informative to ascertain external pressures operating on your opponent and his client in view of these past successes and failures.

During and after your fact gathering, you must make it a practice to verify all the facts gathered. This reduces your risk of being deceived and of entering the negotiation with misinformation which can be more harmful than having no information.

Agenda

After gathering the facts, it is important to line up your arguments before you commence the negotiation. It is easy to forget something you meant to assert when you are caught in rapid cross conversation during negotiation. Pre-thinking your position and writing down the points you want to cover prior to the negotiation helps to avoid forgetfulness.

Writing down the points you wish to cover can be accomplished through an agenda. An agenda may be prepared by one or both of the negotiators. The negotiator that prepares the agenda controls what is discussed and more importantly, what is not discussed. Preparing and having the other side accept your agenda has advantages. It can put your opponent on the defensive. You must be careful, however, not to permit the agenda to be bound to an arbitrary, uncontrolled arrangement.

Settlement Range

An important part of preparing your argument is

devising a settlement range. A settlement range is the range of all possible settlements you would be willing to make in the negotiation. You set two boundaries on your settlement range; a least acceptable result and a maximum supportable position. The maximum supportable position is the absolute most you can ask for in your opening position. The least acceptable result is the point at which you would be better off walking away and forgetting the license rather than take less.

You must be careful not to set a rigid least acceptable result. By rigidly setting this lower position you limit your ability to benefit from what you learn during the negotiation. A rigid bottom line also inhibits imagination by reducing the incentive to invent a customized solution which would reconcile differing interests in a way advantageous to both parties.

Negotiating Team

A decision that should be made early in your preparation in whether to negotiate alone or with a team. The environment, the subject matter of the negotiation and its importance and the number of opposing negotiators are some of the factors that should be considered in making this decision. The advantages of a team are: it allows the use of a number of people with different technical backgrounds who can correct mistakes or facts; it enables pooling of judgments; and it presents the other side with a large opposition.

The advantages of a single negotiator are: it prevents your opponent from directing questions at the weaker members of the team or from creating disagreement among team members; it places complete responsibility on one person allowing on-the-spot decisions and the freedom to make or gain concessions. It should not be overlooked that even if you decide on a single negotiator, you still need an assortment of players in a one-on-one negotiation. When you negotiate alone, you must be your own team and train yourself to wear many hats depending on which expert is needed.

Generally, a team will be preferred. Being outnumbered or being alone is a terrible disadvantage in most negotiating situations. Many activities go on during a negotiation and it is best to have several members each responsible for one or two of the activities.

A negotiation team should at least include a leader, a summarizer and a recorder. The leader will be empowered to make unilateral decisions without reference to the other team members, do most of the speaking and generally lead the negotiation toward a conclusion. The summarizer follows the discussion and buys thinking time for the leader by intervening at the appropriate time. The recorder remains silent. The recorder is often the legal or technical specialist and his duty is to observe and offer corrections or technical input during breaks in the negotiation. The recorder should also keep notes of the discussions and write down the terms of the agreement. You should be careful in expanding the number of team members beyond these three since you improve communications by limiting the size of the team.

No matter what size team you chose, you should carefully select each member. There should be a balance of different negotiation skills. If each member has the same skills and attitude, everyone can overlook the same judgments. The team should be composed of a group of specialists and each should negotiate in the area of his or her specialty. It is the function of the lead negotiator to use the specialization of each team member to the maximum advantage.

It is also the lead negotiator's responsibility to enhance the credibility of the negotiation team in every possible way. For example, a competent engineer with patents should not be introduced merely as "our engineer." He should be introduced in a way that emphasizes his past experience, accomplishments and special qualifications. People who are thought to be authorities in a field exert more influence than those who are not.

Strategy

One of the remaining things you should consider doing in preparation for negotiation is to think about your strategy. This allows you to predict how your opponent will react to your proposals. You can then decide how you can counteract their reaction or resistance.

You should implement your thinking by acting out the negotiation. This can be valuable training since it permits you to act out the entire negotiation before it takes place. You should play both your role and your opponent's while an associate assumes the role of the opposite party. This helps you to see what can occur in the negotiation in a manner more vivid than merely talking about it.

Telephone Negotiations

It may occasionally occur that you will be confronted with the necessity of negotiating over the telephone. Telephone negotiations are not of themselves either good or bad and they are often the only sensible way to do business.

It is generally better, however, to face an opponent than to deal through the telephone. The telephone inhibits the exercise of negotiation skills by limiting the readability of signals and imposing an awkward time constraint that later leads to entrenchment of positions. Meeting your opponent face to face is by far a better negotiation stance. Misunderstandings can be corrected in seconds and adjustments can be made to meet contingencies as they arise.

If you must negotiate over the telephone, you should make sure that you and not your opponent is the better prepared. If possible, be the caller. The caller has the advantage of surprise. There is not enough time to gather your thoughts and proposals during a telephone negotiation if you are caught by surprise.

TACTICS

Up to now we have examined what negotiation is, how to prepare for negotiation and some of the skills or techniques of a negotiator. There is an additional aspect of negotiation that many consider the most important. This aspect is negotiation tactics. Tactics serve to put pressure on your opponent, not in a harmful way but constructively. Whether you are raising your opponent's doubts about getting better license terms from you or you are increasing your opponent's needs for a settlement by throwing in extras or changing the circumstances that impact upon the negotiation, the key of tactics is that you are exerting pressure on your

opponent to settle where you want to settle.

To be the best negotiator you can, you should be aware of all or most of the tactics available to a negotiator both for defense and offense. With this knowledge, a skillful negotiator is able to spot the kind of conflict and the nature of his opponent's tactics and go into the negotiation with the right ammunition.

This does not mean that prior to the negotiation you select what you believe to be the best tactics and not change from that selection. Flexibility is imperative. Tactics that are appropriate at the start of a negotiation may prove unsuitable later. It is often advantageous to use two or more tactical approaches in the same negotiation. In deciding what tactics to use, there is one rule that should not be forgotten; never use a tactic unless you have considered what counter measures your opponent is likely to pursue.

Authority

The tactic of giving the negotiator only limited authority or tying him down to specific instructions beyond which he can not commit can be advantageous. The opposing party, realizing that the other negotiator is bound to his instructions, is more restrained in his demands. In this way, limited authority is a source of power.

To combat the tactic of limited authority, before the negotiation starts you should find out the authority of your opponent. You should not waste your time and energy in a negotiation with the wrong person. Similarly, it is best to avoid negotiating with your opponent's agent. If at all possible, you should negotiate with the principal.

Beginning of the Negotiation

At the beginning of the negotiation, you should start with the big issues getting them resolved before attacking the smaller issues. Big does not mean highly controversial. It is best to start with issues that are easy to settle. Do not, however, set your initial demand near your final objective. The first offer should never be the final offer. Proposals are tentative and exploratory in the opening rounds. They point the way the negotiation is to proceed.

The initial offer should be high. Most successful negotiators open with a high demand and make smaller concessions as the negotiation proceeds. You must be careful with your opening position, however. You only get one opportunity to state your opening position and it is important that you make the most of it. It is almost impossible to reverse directions if you belatedly realize your initial position was unsatisfactory.

Your opening proposal should go as far as you can and still have justification. If it is so outrageous that it is beyond all reason, however, you will undermine your credibility and impair your chance of reaching a settlement.

If you are completely in the dark about what your opponent will settle for, try to keep your opening proposal concealed. Try to get your opponent to make the first offer. His first offer may be better than what you were going to ask, but even if it is not, you will know where he stands.

Once the negotiation commences and your opponent makes a proposal, your response should not be an absolute "no" with no explanation for that response. Such a response merely results in an argument or even a breakdown in the negotiation. Instead, respond by explaining which parts of the proposal are of interest to you and which parts are not. This notifies your opponent of the areas needing work and further evaluation. It creates a more productive atmosphere if you agree to investigate items in a proposal although you intend to reject them later.

If you are faced with a "no" to one of your proposals with no explanation, you must follow the above procedure in reverse. Ask your opponent for reasons for the rejection. Ask for alternatives and try to coax your opponent into discussing the proposal and ways to make it acceptable to the parties.

The wrong response to an opponent's rejection of your proposal is to reward your opponent by offering your own alternatives. By doing this you make all the movement and all the concessions. This allows your opponent to say "no", sit back and wait for you to give him everything he wants.

Change Negotiators

Another tactic is to change negotiators during the negotiation. Your opponent will have difficulty coping with this tactic. Once your opponent grows accustomed to dealing with somebody, it is uncomfortable to start all over again with a new negotiator.

This tactic generally favors the new negotiator. He has a chance to retreat from previous concessions, introduce new arguments, delay agreements or change the nature of the discussions to a different subject. The pressure falls on your opponent to bring the new negotiator up to speed on past arguments and agreements.

Extras

A tactic to get your opponent to accept your proposal is to offer additional items or extras that are of greater value to your opponent than they are to you. These extras, however, are effective only insofar as they fulfill needs of your opponent. In making effective use of extras, timing is the key factor. If they are thrown in too early, they will seem like routine concessions and may be taken for granted. A single, well-timed extra or concession often assures acceptance of your proposal.

In giving extras or concessions you start small, giving grudgingly. If you are too generous with early concessions, you can reveal things about your position and strategy that can be harmful. Early concessions or extras are also easily forgotten. If you hold back some of those early concessions, you may be able to make a more attractive package on some of the later major issues.

In order to come up with some enticing extras, you must do some exploring of your opponent's situation during your preparation for the negotiation. Learn your opponent's needs and how you can satisfy those needs at little cost to you.

If your opponent makes a concession and expects something in return, there is no reason that you must respond in kind. You should not feel shy or guilty about accepting the concession and you have several options as to how you can respond. You can concede more or less than your opponent; you may offer a concession immediately or promise something in the future; or you

may choose to concede nothing and merely continue to talk.

The important rule is to make all concessions conditional. You must not feel constrained to stay with a concession on a specific issue. The whole final license is more important than individual issues or clauses. Indicate to your opponent that all concessions or extras are tentative and based on the agreement of a total license.

Threats

Threats are a tactic occasionally used when one party has the power to inflict punishment on the opponent without significant retaliation. The stronger party should not close its mind to the use of a threat if long-run relationships are not important or will not be violated if a threat is used. The criticalf question is whether the hostility generated is likely to result in an unstable agreement.

Interestingly, threats are one of the most often used tactics in negotiation, but threats can lead to counter-threats in an escalating spiral that can destroy a negotiation. Some of the dangers of this tactic may be reduced if the threat is implied rather than spoken.

Although threats are dangerous, they can be useful. When everything you have tried in a negotiation has failed, a threat may be worth a try. It should be used, however, only when the issue is important and when you cannot budge your opponent and you are out of alternatives.

When considering using a threat, it should be recognized that a threat used in negotiation is not designed to hurt or destroy your opponent. It is merely designed to create a need for a deal. It makes your opponent reevaluate his position.

Good negotiators rarely resort to threats. They do not need to since there are other ways to communicate the same information. Warnings of the consequences of your opponent's actions, for example, are more legitimate than threats and are not vulnerable to counter-threats.

If you find yourself on the receiving end of a threat and your opponent can theoretically crush you, you may consider throwing yourself at the mercy of your opponent. This may work because the other side can relate to you and your position and may be hesitant to take advantage of someone who is defenseless.

Dirty Tactics

The tactic of threat borders on being a dirty tactic. Dirty tactics are unethical maneuvers intended to gain an unfair advantage over an opponent. You probably will be confronted with dirty tactics sometime in your negotiating career. Once a dirty tactic is recognized, most people respond by putting up with it or responding in kind. Neither of these responses will cure the problem.

The better procedure to follow is: recognize the tactic; raise the issue of the use of this tactic; and question the legitimacy and desirability of this tactic. Following this procedure not only makes the dirty tactic less effective, it may also cause your opponent to be concerned about alienating you.

You should not attack your opponent personally for using a dirty tactic. This could cause him to become defensive and make it more difficult to give up the tactic. A personal attack may also leave your opponent with a residue of anger that will interfer with other issues.

Deadlines

Any negotiation will completely fill the amount of time available. The shorter the time, the faster the negotiation will be concluded. In many negotiations no significant movement towards settlement occurs until a deadline is at hand.

Most of us enter a negotiation with a self-inflicted weakness, a deadline. We are aware of the time pressure on us and this knowledge makes us less effective. It is important to recognize that deadlines are flexible. Although deadlines may be in part imposed by your client or boss, the deadline is primarily your own making. You do not need to ignore deadlines, but you should analyze them. They can be altered. Instead of worrying about your deadlines, you should be thinking of the deadlines imposed on your opponent and how you can use them to your advantage.

Final Offer

As the end of the negotiation approaches, a final offer must be made. The timing of the final offer contributes to its believability. A good offer made early may look like a bluff, but one made after days of discussion can appear to be the bottom line.

You should consider having two final offers; a first final offer and a final final offer. Final final offers give you a psychological advantage. They tell your opponent that you have really extended yourself to reach an agreement on a license.

Ending Negotiations

The end of the negotiation does not necessarily occur at the time of the final offer. The longer the negotiation continues the more time you have to extract all of the concessions available from your partner. The longer you negotiate, however, the longer your opponent has to extract concessions from you. This can be a problem particularly since many negotiators are unable to terminate a negotiation. Unable to close, they keep negotiating often conceding what appear to be minor concessions but when added up can be formidable in cost.

One of the first lessons a negotiator must learn is when to stop. There is a critical point in a negotiation at which it must be terminated. You must learn to recognize this point. If you try to close too early, you risk not closing at all. The final offer you used too early will lack credibility if used later.

When you have gotten what you want, that is the time to close. When you reach this point, finalize the license then and there. If you allow your opponent to think about it and come back the next day, he will come back with new ways to snatch the advantage out of your hands.

Reopening

If after the negotiation is ended you determine that the license is a bad one or that a clause is wrong, do not hestitate to reopen negotiations on the issues that concern you. It takes courage to call everyone back