

NLS NEGOTIATION MEDIATION & CLIENT COUNSELLING COMPETITION

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NEGOTIATION PRELIMS I

Wonder Comics is an Indian comic book publishing company popular across the world for its diverse range of superhero titles. Over the years Wonder Comics grew into a huge multinational company with various revenue streams opening up in the recent past including merchandising and animated television programming. In the early 2000s, they made a bold attempt to enter into the live-action movie industry with two superhero movies - Devilman (2000) and Girlhawk (2001). But both were massive box office failures and this meant that all further plans to develop live action feature films were shelved until there was a coherent plan in place.

Moony Pictures Pvt. Ltd. is a well-established Indian motion picture production studio with a global presence. They specifically achieved considerable success recently by producing a series of science fiction movies that appeal to children. In 2005, Moony Pictures saw the perfect opportunity to develop and produce a superhero film utilizing their expertise in making successful children's films. They also had strong belief in their ability to develop a lucrative merchandize line in connection with any such films. The top management of Moony Pictures understood that acquiring the rights to an already popular comic book character would be much more effective for their plan than creating a character from scratch.

In pursuance of this, the studio entered into discussions with Wonder Comics for acquiring the live-action movie rights to Webslinger, one of the most popular superhero characters under the Wonder Comics banner. Since Wonder Comics had set aside all plans to produce further live action superhero movies, they were amenable to transferring the rights but did not want to lose out on any possible revenues.



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So a deal was struck for the permanent transfer of the live action movie rights to Webslinger with Wonder Comics receiving 2 crore rupees upfront and also being eligible to receive 20% of the global revenue from each movie based on the character and 30% of revenues from merchandising in connection with each of those movies. Moony Pictures felt that they had pulled off a coup and went ahead with the production of a big budget movie titled 'Webslinger'.

The movie released in 2007 and broke all global box office records while also garnering critical acclaim. Kids around the world were sporting Webslinger merchandise and lining up in toy stores to pick up their action figures. The movie was considered path breaking and the studio was lauded for their bold decision making which involved investing considerable resources in the film.

Soon after, Webslinger 2 was announced with a bigger budget and star cast. Unsurprisingly, the sequel (released in 2008) broke all records set by the first movie and the merchandising revenues increased manifold. This emboldened Moony Pictures to go all out for Webslinger 3 by making it the biggest budget movie in history. This however, turned out to be a bad decision as the movie (released in 2009) tanked at the box office with both the fans and critics completely disappointed. The merchandising revenue however was not considerably affected by the performance of the movie.

After a five year gap, Moony Pictures made an attempt to reboot the franchise with a new star cast and director through the "The Amazing Webslinger" (2014). This failed to revive the franchise and resulted in further losses for the studio with the movie attaining critical acclaim without it translating into box office success.



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Wonder Comics was not pleased to see the success of the Moony Pictures movies which featured their character. Though they had received their share of revenues, there was widespread belief in the management that they made a mistake by letting go of one of their major characters.

The new CEO of Wonder Comics, Mr. Lee, decided in 2008 that they need to make their move to capture the new superhero movie market. He planned out an elaborate long term vision for a Wonder Cinematic Universe (WCU) involving the diverse range of superhero characters under their banner.

The plan was laid out in such a way that three solo movies would be released before a massive team up movie titled “Wonderteam”. The first three movies Wonderman (2008), Ladyhawk (2010) and Samurai Sam (2012) were received with tremendous success. This however, could not compare to the success that “Wonderteam” (2014) attained. The movie broke the records set by the Webslinger movies by a huge margin with Mr. Lee being celebrated as the mastermind behind the revival of the Wonder Comics brand.

As per Mr. Lee's plans for the WCU, the next Wonderteam movie is to release in 2018. The Universe has already expanded with many characters being added to the fray. However, Mr. Lee has his sights set on bringing back Webslinger to the Wonder Comics fold and including him in the next Wonderteam film. He believes that he can revive the character in the context of the Universe that he has built and breathe new life into it.

Moony Pictures has not been able to figure out how to best utilize the character in live action movies after the last two setbacks they faced. In light of this, Mr. Lee and the CEO of Moony Pictures (along with their legal representatives) have agreed to meet to negotiate the possible transfer of the live action movie rights to Webslinger.



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NEGOTIATION PRELIMS II

Johan, the author of the International Bestseller, 'Unbowed, Unbroken, Unbent', is a resident of the US, having stayed there for the last 10 years. Born in India, he moved to the US in the year 2005 to complete his MBA. He started his own company soon after leaving university in 2007. Around 2010, in the wake of the economic crisis, Johan's company went under. Johan's finances took a huge hit. Down on his luck, he took to writing to supplement his dwindling income. He submitted a collection of his stories for publication to a number of publishing houses. Most of them turned him down.

However, a small publishing company took up the chance to publish his book. As it turned out, 'Unbowed, Unbroken, Unbent' became one of the best-selling books of 2014. Johan is still intent on achieving business success and is seeking to combine his passions of business and writing. In pursuance of the same, he has invested in a new publishing house.

Johan's parents, Mr. & Mrs. Singh, who live in New Delhi, India, have long been pressurizing him to get married. However, Johan has always resisted the pressures of his family. After the success of his book and given his advancing age (Johan was born in 1983), Johan's parents became even more insistent. They asked Johan to come visit them in India. Johan did so in the summer of 2015. He thought that this was simply a chance for him to catch up with his family as he had not visited them since first moving to the US.

However, upon reaching New Delhi, he realized that this was another effort by his parents to get him married. They set up a meeting with the family of one Mr. Franz. Mr. Franz is a big businessman in Karnataka and his daughter Susila is a 23 year old MBA graduate. The two families met each other the day after Johan landed in India.



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Mr. Franz, his wife and his daughter flew in to Delhi to meet Johan and his family. During the meeting, the two sets of parents agreed to get Johan and Susila married. Johan did not have a say in the matter and given the social setting chose not to raise an objection. The wedding was set to take place a month from the date of the meeting.

After the meeting, he told his parents that he was not willing to marry Susila and asked them to call off the wedding. However, Johan's parents begged him to reconsider. Johan's mother asked him to consider the social fallout of backing out from the marriage and told him that she would never forgive him if he brought such disrepute to the family.

In the face of such severe pressure, he agreed to reconsider and let them know his decision in a few days. The next day, Mr. Franz came to the house of Mr. & Mrs. Singh along with a number of his relatives in order to discuss the arrangement of the weddings. Mr. Franz insisted upon paying for half of the wedding expenses. In pursuance of the same, he gave Rs 2 crore to Mr. Singh.

Wedding preparations began in full earnest in the Singh Household. The Singhs spent approximately 1.2 crores of the money that Mr. Franz gave them within the next few days. Most of this money was spent on the suggestion of Mr. Franz. He suggested that special caterers be flown in from Israel to cater to the guests, a helicopter be hired to fly the bride in for the wedding ceremony and flight and accommodation expenses of guests be handled by the parties.

However, soon after, Johan told his parents that he could not go ahead with the wedding. This caused great acrimony in the household. Despite the many protests of his parents, Johan refused to acquiesce to the wedding.



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The Singhs finally told Mr. Franz that the wedding would have to be called off. Mr. Franz flew into a blind rage upon hearing this news. He accused the Singhs of attempting to swindle him and demanded that the marriage take place. This led to a complete breakdown of relations between the families. As a result of his newfound celebrity status, Johan's personal life was followed very closely by the media, especially in the US.

A leading US tabloid soon came out with the revelation that Johan was gay and had a boyfriend named Danny in the US. This news created ripples in India. Mr. Franz saw this announcement as a confirmation that the entire wedding was a con by the Singhs and they intended to deceive him from the very beginning. Mr. Franz has alleged that the Singhs intended to defraud him to pocket the 2 crores.

Mr. Franz demanded that the Singhs return the 2 crores he gave them along with interest and also threatened them with legal action. The Singhs had already spent a substantial amount of the 2 crores and therefore could not pay the entire amount back. Mr. Franz has threatened that in case the money is not returned in a week, he will file a case of Cheating against the Singhs. He has also threatened to file a case under the Dowry Prohibition Act in order to teach the Singhs a lesson.



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NEGOTIATION QUARTER FINALS

With a coastline of 7,517 km, the Republic of Indiana faces persistent threats from the strengthening of the strategic stronghold of its neighboring countries, Harshastan and Badaina in the Indiana Ocean. The Ministry of Defence (MoD) of Indiana is seeking to refurbish and enhance its military capabilities under the secretive Advanced Technology Vessel (ATV) project.

Specific Dynamics Corporation Ltd. (SD Corp) is a United States based global defence company which supplies equipment ranging from combat vehicles, communication systems and submarines to customers including the Indiana Navy.

The need to develop maritime stealth capabilities would require the submarine arm (sub-arm) of the Indiana Navy to induct more submarines. However, with the budget allocation to defence and security in the fiscal year 2016-17 of merely 4% of the GDP (amounting to US Dollars 40 billion), the MoD is hard pressed to fund the crucial ATV project.

Presently, the sub-arm of the Navy has one nuclear powered submarine, INS Charak which has considerable advantages over the conventional diesel-electric submarines viz. significantly lesser frequency of surfacing which provides longer submersion time for missions, greater speed and no need of refueling in the lifespan of the submarine.

The MoD has decided to award the contract for procuring two nuclear powered submarines with ballistic missile capability based on the lowest bid (L1 bid) of USD 4 billion made by SD Corp. Despite the apprehension raised by erstwhile deals involving Indiana's MoD facing allegation of corruption and the consequent fear of imposition of high penalties under the Foreign Corrupt Practices Act (FCPA), SD Corp has agreed to negotiate the terms of the



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contract for the purpose of concept formulation, designing and construction of the two submarines. The terms to be negotiated would include the value of the contract, maintenance subcontract and the duration of construction.

Note: The provision on Anti-Bribery in the FCPA attributes liability of a corrupt conduct by a foreign government official to the US individual, business entity or employee of a US business entity which is dealing with such foreign government.



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NEGOTIATION SEMI FINALS

Ciao Tours Pvt Ltd is a travel agency, founded by Mr./Ms. Kiran Swami, which offers chauffeured transport services in the city of Malgudi. They own a fleet of 950 Tata Indicas, 500 Innovas, and 550 Nanos to offer cab rides, and also short term rentals to those customers who do not require drivers but only cars. Since their establishment in 2013, Ciao has received frequent patronage from those travelling to and from the Malgudi International Airport.

This was due to it purchasing parking space in the vicinity of the airport, which meant that it was economical for its cabs to wait to be hailed by flyers. In fact its business with flyers was so roaring that their tagline was “Fly through the streets”. Their characteristic feature was a small blue light on every car’s roof. Their mode of operation involved receiving calls from customers at their call centre in Downtown Malgudi. If there was availability near the customer’s location, the call centre would send the cab driver’s details to the customer’s cell phone. In this manner, Ciao made travelling around the city comfortable.

In 2015, SuperCabs entered the scene. In the age of smartphones, they took the process of booking a cab entirely to a mobile application platform. At the click of a button, within 30 seconds, a customer could book a cab to her destination. This took Malgudi by storm, and soon, Ciao had lost 50% of its market share in cab bookings to Super. Further, Super was managed by a young, dynamic team who wished to create brand value in the eyes of those aged 18-30. Their tagline was “We so fly”, to appeal to young consumers who were savvy with slang. This upset Ciao as it was similar to their own tagline. Super also aggressively advertised their pay packages to attract drivers. 300 drivers from Ciao joined Super by the end of 2015, which alarmed Ciao greatly.



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However, in its hurry to expand, Super did not take the time to verify its drivers' credentials. This led to Super Cabs being involved in two fatal accidents in December 2015, which received negative press coverage.

Ciao sensed an opportunity and, in January 2016, hired people dressed as janitors to put up a large banner saying "SuperCabs kill people" across the facade of Super Cabs' main corporate office. This also received coverage across Malgudi, and social media was abuzz with this newsworthy happening. The CEO of SuperCabs, Mr./Ms. Surya Mani, released a press statement indicating that they would be pursuing a defamation action, and made a shocking allegation against Ciao.

S/he alleged in the statement that Ciao had installed network jammers in the Malgudi airport building so that travellers could not book cabs using the Super mobile application. Ciao responded to this with a press statement of its own, denying the above. It also added that not only had Super passed off its trademark but also stolen away its drivers. Further, Ciao alleged that Super was dialing its call centres and making false bookings in order to interfere with the working of Ciao's cabs. It sought to bring these to the attention of the Competition Commission.

At this stage, both Kiran and Surya decided that they needed to attempt to discuss these issues in person, in the interest of their businesses. They meet along with their lawyers to resolve the above matters.



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NEGOTIATION FINALS

April, A.D. 2205.

It is a time of great darkness. Two decades after the War of Annihilation, Earth is still reeling from the effects of a nuclear war between the nine nuclear superpowers. All erstwhile countries have been destroyed. Upon their ashes have emerged three great nations – Angustia, Menschland and Jamaika. Thousands of nomadic tribes have emerged in the rest of the world, each controlling its own territory and living off the scarce natural resources that have survived the nuclear fallout.

In this post-apocalyptic world, the Bureau for the Unification of Non-Nuclear Earth (BUNNE) has been entrusted with the task of ensuring world peace and the guarantee of basic international order. All three nations are members of BUNNE with equal voting rights.

Angustia comprises of a population of approximately 600,000 people. Most of this population adhere to a faith known as Da'ir. Da'irism arose amongst the Angustian people in the aftermath of the war. They fervently believe that the only way to avoid future nuclear war is to establish a unified Da'ir state across the world. Towards that end, the Angustian Grand Senate has undertaken an aggressive policy of “guerilla espionage” across the world.

Menschland is completely under the control of Herr Atreides, a dictator who rose to power following a military coup. A cult of personality has developed around Herr Atreides, and the majority of citizens of Menschland (comprising of 500,000 Xennists and 300,000 Da'irs) believe him to be the redemption of the nation. The Xennists believe in the organization of society along military lines, and have welcomed the rise of a strong, dispassionate ruler committed solely to the glory of the fatherland.



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In A.D. 2202 the Angustian Grand Senate, in furtherance of its policy of “guerilla espionage” sent 786 spies to infiltrate the higher realms of power in Menschland including the army and Herr Atreides’ closest clique of advisors.

In A.D. 2203, following a major intelligence operation, 752 of these spies were discovered by the army and summarily executed. Their heads were put on pikes at the gates to the capital of Menschland. Herr Atreides issued an international warning that any such acts of espionage would amount to a challenge to the sovereignty of Menschland and would incur armed retaliation.

In January, 2205, another spy wearing a micro-chip locket, containing 150 docketts detailing Angustian state secrets, was caught by the Menschlandian army and detained at a high-level security facility. The only reason he wasn’t killed was because of his knowledge of the passwords required to access these docketts. Enraged, Herr Atreides ordered his army to start killing each and every Da’ir, irrespective of nationality, labeling them as traitors.

He launched his genocide – a mass extermination of Da’irs by atomic disintegration. The Menschlandian Army kills 3000 Menschlandian Da’irs every day. Under the pretext of a purge, Herr Atreides also began expanding the territory under Menschlandian control.

In February, 2205 the Menschlandian Army established control over Oceania, a small territory rife with civil war. Aerial reconnaissance by the army revealed *the largest* deposits of Minerva – a mineral essential to sustain life on post-apocalyptic Earth. Due to Earth’s now radioactive atmosphere, *all* humans around the world require a monthly injection of Minerva, in order to survive. Without Minerva, human life will cease to exist. Minerva deposits around the world, and especially in Menschland are running low.



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Trouble is, Menschland cannot access the Minerva deposits it has discovered in Oceania, since they are heavily guarded by an Oceanian warlord – an ally and regular recipient of arms and ammunition from Angustia. Moreover, Menschland is unable to exterminate the warlord due to lack of information of his location.

By now, winter has set in Menschland and caused a major famine. 5000 Xennites are dying every day from hunger. The Government of Menschland is in dire need of food supplies. Angustia is capable of providing the food supplies that Menschland requires. However, in light of the recent retaliation by Menschland, specifically the mass genocide of Da'irs, BUNNE is planning on imposing sanctions on Menschland, as a result of which no country may export anything into Menschland. In a meeting, Jamaica has already agreed to the imposition of such sanctions, while Menschland has vehemently argued against the same, stating humanitarian grounds. Therefore, Angustia now has the casting vote.

Further, the extermination of Da'irs in Menschland has also created a politically volatile situation in Angustia. Citizens of Angustia are demanding that the Grand Senate take urgent and forceful steps to stop the massacre. This fear is exacerbated by Angustia's desire for a united Da'ir state. If all Da'irs in Menschland die, the Angustian Da'irs have promised anarchy and destruction.

Due to the highly top-secret nature of the information contained in the dockets, which, if revealed, could be potentially damaging to Angustia, Angustia has demanded the extradition of its spy. Further, Angustia has also requested Menschland to stop exterminating Da'irs. On the other hand, Menschland is in dire need of food supplies and access to the Minerva in Oceania. They are also receiving intelligence information on Angustian secrets from the spy every day.



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The President of Angustia, Señor Pepite has now invited Herr Atreides for negotiations on the following issues:

1. Extradition of the Angustian spy
2. The killing of Da'irs in Menschland and elsewhere
3. Food supplies and casting vote of Angustia at BUNNE regarding imposition of sanctions
4. Supply of arms and ammunition to Oceanian warlord

Please note that each minute in the course of this negotiation equals 1 day on Earth, where the negotiations are taking place. Both parties have 70 days to arrive at a settlement. Parties have agreed for a ceasefire and complete cessation of ALL casualties (including death from famine) for the first 10 days. From Day 11, the ceasefire shall no longer be in place.

As of today, there are 180,000 Da'irs and 310,000 Xennites remaining in Menschland. Moreover, the spy has passwords to 150 docketts containing top-secret information and has already released passwords to the first 30. There are therefore 120 docketts of information remaining to be revealed. He is being subjected to third degree torture and is revealing passwords to 2 docketts/day from the Day 10 of these negotiations. You have 70 days. If you do not arrive at a settlement, both nations shall cease to exist.



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