

BUDDLE FINDLAY NEGOTIATION COMPETITION 2007

NATIONAL ROUND 2

Common facts for all negotiators

Kacha Daron Bohen recently starred in the movie Dorat: Cultural Gleaning's of New Zealand for Glorious Nation of Timbuktu. This movie has been highly successful and is well-known for its side-splitting yet somewhat unusual humour. Bohen even picked up a Silver Globe for best actor in a musical comedy for his role as Dorat. Due to the incredible success of the movie, Dorat has become a household name and people all over the world are quoting catchphrases from the movie. The most famous catchphrase of all being "I want".

One of the most memorable scenes from this movie is when Dorat acts out a scene from Baywatch wearing a very unique and unusual red swim suit. At the time of making the film there was nothing quite like this swimsuit on the market. Therefore, Speebo Swimwear Limited was commissioned to design and create the swimsuit especially for the movie. The swimsuit is best described as the "Stretched-V".

Speebo Swimwear is the world's leading swimwear brand. They sell their products all over the world to America, Europe, Middle East, Africa, and the Asia Pacific. Since the launch of the movie Dorat, they have received numerous requests from customers wanting to purchase their own Stretched-V. Demand for this style of swimwear appears to be highest in Europe, and the Asia Pacific. Subsequently, Speebo has decided to manufacture the Dorat swimsuit for sale in these areas. There is no doubt the demand for the Stretched-V would never have been this big if it hadn't been worn by Dorat in the movie. Therefore, Speebo has decided to approach Bohen to become the spokesperson and model for this new design of swimwear. Speebo would like Bohen to promote the swimsuit as the character Dorat.

Two weeks ago Sam Smith, the account manager for Speebo met with Bohen to express their interest in having Dorat as their spokesperson and model for this new design of swimwear. The meeting was highly successful with both parties agreeing that this partnership would have huge potential. Subsequently Bohen requested that Speebo send him a letter setting out the main points of their offer.

One week ago Bohen received a letter from Speebo. The letter firstly states that they require Dorat to be spokesperson and model for a term of one year beginning on 1 September 2007 and ending 31 August 2008. The letter also states that they propose to pay Bohen \$1.5 million dollars in return for Dorat being the spokesperson and model for the Stretched-V swimsuit for the period which is agreed upon. In addition, Bohen would receive 7% of the profits from the sales of the Stretched-V swimsuit. Speebo has also decided to produce the Stretched-V swimsuit Red, Yellow, Blue, White and Black. Bohen will be required to model the Stretched-V in all these colours. Another major term of the agreement is that Bohen would be required to attend 10 photo shoots every month. Speebo will use these photos for promotional material such as posters and billboards.

Bohen has considered the main terms set out in the letter from Speebo and believes it would be best for the parties to meet to discuss the terms they have proposed. Bohen owns all of the intellectual property connected with his character and the movie, and has been looking for opportunities to capitalise on the value of his character. Both parties would like to come to an agreement as soon as possible on this matter, and therefore a meeting has been scheduled for their respective lawyers to attempt to negotiate an agreement which is acceptable to them both.