Decision tree for agreements

Are you using a distributor/agent?

Yes

You will need a distribution agreement/agency agreement.

No

Is this an early-stage discussion only to explore whether you might work together?

Yes

Are the discussions confidential in nature and would you like to protect the subject of the discussions/your commercial interests?

No

Have you agreed the key terms on which you will enter into an agreement/partnership with this customer/client?

Yes

You should consider entering into a non-disclosure agreement (NDA), also called a confidentiality agreement.

No

You may wish to consider agreeing a heads of terms/ key principles document or memorandum of understanding document to set out the basis on which you will contract with each other.

Or

Yes

You will need to enter into an agreement governing the terms of the arrangement. This might be a services agreement/ a partnership or collaboration agreement/a set of terms and conditions for the provision of goods/a licensing agreement/ a franchise agreement (depending upon the nature of the arragement).*