



THE 'MILLION DOLLAR' COMMA

Visualisation has many advantages. There's a good reason why visualisation is used for traffic regulation. I will register the 'Do not enter' traffic sign 60,000(!) times faster than I register the text. And that's convenient with the holidays around the corner. As a result, understanding and following trafficsigns are no longer restrictions when it comes to jumping in the car and heading off to France for a welldeserved break.

And once you're lying in the shade of a French parasol, think about what visualisation could mean for your international alliances. As a firm that operates internationally, we benefit from the use of visualisations in negotiations and when closing deals. Research shows that while it also helps *native speakers* understand content faster and better, the effect is stronger for *non-native* speakers. The chance of misinterpretation by *non-native* speakers is also much smaller.

There are many cases where such misunderstandings have resulted in years of litigation. Bell Aliant v. Rogers Telecom is probably the most famous. Two Canadian companies entered a bitter legal battle with one another, which eventually lasted 18 months and cost more than a million Canadian dollars. All for a comma! The question underlying this case was whether Bell Alliant could terminate a contract by giving notice or whether the contract was '*iron-clad*' until the end of the agreed period. The source of the confusion was a comma in the English version of the agreement that suggested that the first

interpretation was correct, while the French version of the agreement supported the latter interpretation. This discrepancy would definitely have come to light if visualisation had been used when the parties entered into the contract.

In an international context, we are inclined to think that we understand one another, but in reality communication doesn't always go as smoothly as we'd like. At Houthoff, we're aware of this fact. That is why we experiment to find suitable means to avoid such miscommunication and make our negotiations more efficient. The recent pilot programme we started with the use of rapid sketch artists during international negotiations exemplifies this. We are also researching the extent to which contract design can prevent misunderstandings.

Legal Design | *Designed to deliver*

— Author: S. van Hecke