



MEDIATION OF IP DISPUTES: A PHILIPPINE EXPERIENCE

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I. INTRODUCTION

Challenges of globalization

- Fast-paced international trade
- Increasing interface of economies
- Evolving business models
- Advancement of technologies

Effective IPR enforcement

- Time
- Cost
- Competence
- Predictability
- Implementation of decisions

II. IP MEDIATION MECHANISM

- Establishment of IP Mediation Office
- Rules and Procedure on the Mediation Proceedings (Office Order No. 154, S. 2010)
 - mandatory referral of cases
 - providing settlement period
 - confidentiality of the proceedings
 - providing sanctions
- Bureau of Legal Affairs
 - ADR Services
- Accreditation Process for Mediators
- Training for Mediators
 - Integrated Mediators' IP Rights and Skills Training
- WIPO Center and IPOPHL Collaboration

III. PROCEDURE

- ❑ IP Cases (ODG, BLA, DITTB, or Bureau of Copyright)
- ❑ Referral of the case to Alternative Dispute Resolution Services (ADRS)
- ❑ ADRS brief the parties on mediation (Parties choose between IPOPHL or WIPO mediation)
 - IPOPHL Mediation
 - Selection of Mediator
 - Mediation Proper
 - If settled, ADRS submits the compromise agreement to the originating office for approval
 - If not settled, ADRS brief the parties on arbitration
 - WIPO Mediation
 - IPOPHL notifies WIPO Center and issues order suspending proceedings
 - If settled, WIPO submits the compromise agreement to IPOPHL for approval
 - If not settled, WIPO notifies and returns the case to IPOPHL

TABLE 1: ACCEPTANCE RATE

Year	Settled	Total Cases Mediated	Acceptance Rate
2011	381	279	73.2%
2012	298	166	55.7%
2013	250	125	50.0%
2014	238	135	56.7%
2015 (as of April 13)	60	24	40.0%
Total	1,227	729	59.4%

TABLE 1: SUCCESS RATE

Year	No. of Cases Referred	No. of Cases that to Undergo Mediation	Acceptance Rate
2011	90	279	32.2%
2012	83	166	50.0%
2013	55	125	44.0%
2014	69	135	51.1%
2015 (as of April 13)	12	24	50.0%
Total	309	729	42.4%

IV. BEST PRACTICES IN IP MEDIATION

- ❑ Establishment of a dedicated unit tasked to handle mediation program
- ❑ Consistency of rules and procedures to national and international standards
- ❑ Ensuring confidentiality of the proceedings
- ❑ Mandatory referral of IP cases for mediation
- ❑ Imposition of appropriate sanction for non-appearance during briefing and meetings
- ❑ Ensuring that mediators are well qualified to handle mediation cases
- ❑ Implementation of decorum on mediation to ensure integrity of the proceedings and that of the system

V. CONCLUSION

- Mediation is a potent tool to resolve IP disputes in a cost effective manner especially when the parties are driven with genuine business considerations
- Mediation can result to a positive outcome not only with respect to a pending case but any and all related issues and cases that hamper the conduct of business
- Mediation mechanism must be well organized and structured
- Mediators are properly selected and trained
- People and platform for mediation services are credible and capable



THANK YOU.