

Roving Webinar on WIPO Services and Initiatives





Resolving IP disputes outside the courts through WIPO ADR

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Initiatives
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In this session

- Alternative Dispute Resolution (ADR)
- WIPO mediation and arbitration for IP and technology disputes
- WIPO domain name dispute resolution

What is the difference?

- Mediation: mediator assists parties to settle their dispute based on their interests
 - Leaves open court or arbitration options
- Arbitration: one or more chosen arbitrators decide the dispute
 - Enforceable internationally, foreclosing court options

■ IT dispute

■ Fork in the road

■ Litigation

■ ADR

■ WIPO Mediation Followed, in the
Absence of a Settlement, by Expedited
Arbitration

What can you expect from the WIPO Center?

- Administering cases
 - Under WIPO Mediation, Arbitration, and Expedited Arbitration Rules
 - WIPO eADR – secure, online case communication platform (optional)
 - Advanced video-conferencing facilities
- Good Offices
- Assisting selection and appointment of mediators, arbitrators, experts; negotiating fees
 - 2,000+ WIPO neutrals from all regions
 - Specialized in IP and IT

How: routes to WIPO ADR

- ADR contract clause electing WIPO Rules
 - WIPO Model Clause Generator
- ADR submission agreement electing WIPO Rules
- Unilateral request for WIPO Mediation by one party (Art. 4)
- Recommended clauses and submission agreements available online
- Parties can choose location, language, and law

The screenshot displays the WIPO Clause Generator interface. At the top, the WIPO logo and navigation links (Home, IP Services, Alternative Dispute Resolution, WIPO Clause Generator) are visible. The main heading is "WIPO Clause Generator". Below this, the current step is "Step 3 – Build your clause: WIPO Mediation followed, in the absence of a settlement, by Arbitration Clause".

The interface is divided into two main sections: "Mediation" and "Arbitration".

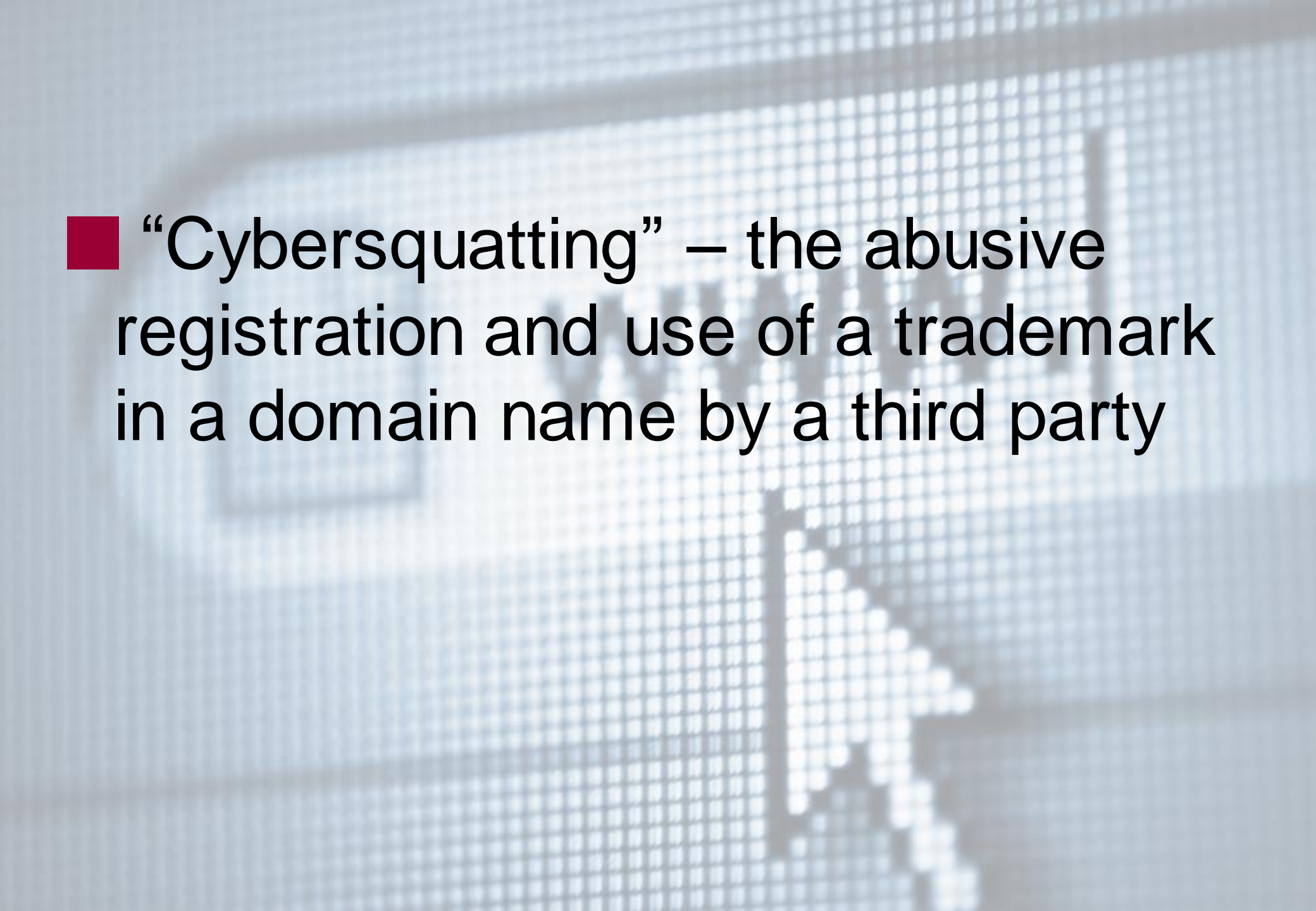
Mediation Section:

- Core Elements:** "Place of Mediation" is selected. A text input field contains "[specify place]". There are "Clear" and "Next" buttons.
- Additional Elements:** "Language of the Mediation", "Duration of the Mediation Proceedings", and "Qualifications of the Mediator" are listed.

Arbitration Section:

- Core Elements:** "Number of Arbitrators", "Place of Arbitration", "Language of Arbitration", and "Substantive Law" are listed.
- Additional Elements:** "Appointment Procedure", "Qualifications of the Arbitrators", "ECAP", "Evidence", "Time Period of Delivery of the Final Award", and "Appeal" are listed.

Below the sections, there is a "Step 4 – Download or copy the final result" section with three buttons: "Download", "Copy to clipboard", and "Print clause".



■ “Cybersquatting” – the abusive registration and use of a trademark in a domain name by a third party

Uniform Domain Name Dispute Resolution Policy (UDRP)

- 1999: WIPO-created international ADR procedure
 - gTLDs (e.g., .com, .org)
 - new gTLDs (e.g., .online, .xyz)
 - many ccTLDs (e.g., .cn, .eu)
- Applies via mandatory domain name registration conditions
- Operates outside the courts, but preserves court option

WIPO: the leading global UDRP provider

- 20+ years' experience
- 48,000+ cases covering 88,000+ domain names
 - 2019 total: record 3,693 cases
- Parties based in 177 countries
- Cases in 21 languages
- Panelists based in 63 countries
- Dispute resolution services for 75+ country code Top-Level Domains (ccTLDs)

Why do brand owners choose the UDRP?

- Significantly quicker and cheaper than court litigation
 - Two-month average
 - Fixed fees (USD 1,500)
- Paperless filing through WIPO eUDRP
- Predictable criteria and results
- Decision (transfer) implemented directly by registrar

WIPO Arbitration and Mediation Center

- Queries: arbiter.mail@wipo.int
- WIPO ADR webinars: www.wipo.int/amc/en/events/
(past and upcoming)
- Mediation, Arbitration,
Expert determination
- Domain Name Dispute
Resolution

