



Have you considered WIPO's alternative dispute resolution services for collective management-related disputes?

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World Intellectual Property Organization (WIPO)

- Promotes innovation and creativity
- For the economic, social and cultural development of all countries
- Through a balanced and effective international IP system
- WIPO provides IP services that encourage individuals and businesses to innovate and create
 - Alternative Dispute Resolution (ADR) services to reduce the impact of disputes on innovation and creative processes



Collective Management of Copyright and Related Rights

- Collective management
 - Exercise of copyright and related rights by organizations
 - In the interest and on behalf of owners of rights

- Collective management organizations (CMOs)
 - Ensure that creators receive payment for use of their works
 - Membership open to owners of copyright and related rights
 - Authors, performers, publishers, phonogram producers, film producers and other rightholders.

- WIPO and CMOs
 - www.wipo.int/copyright/en/management
 - WIPO Good Practice Toolkit for Collective Management Organizations (CMOs)

WIPO Arbitration and Mediation Center

- Facilitates the resolution of commercial disputes between private parties involving IP, through procedures other than court litigation, including mediation and arbitration
 - Offices in Geneva and Singapore
 - Users around the world
- ADR provider specialized in IP disputes, including collective management disputes
 - WIPO mediators, arbitrators and experts experienced in IP
 - able to deliver informed results efficiently
- International neutrality

WIPO ADR: Mediation and Arbitration

■ Mediation

- Informal consensual process
- Neutral intermediary – mediator
 - Assists parties in reaching settlement of their dispute
 - Based on parties' respective interests
 - Cannot impose a decision
- Settlement agreement has force of contract
- Leaves open court or arbitration options

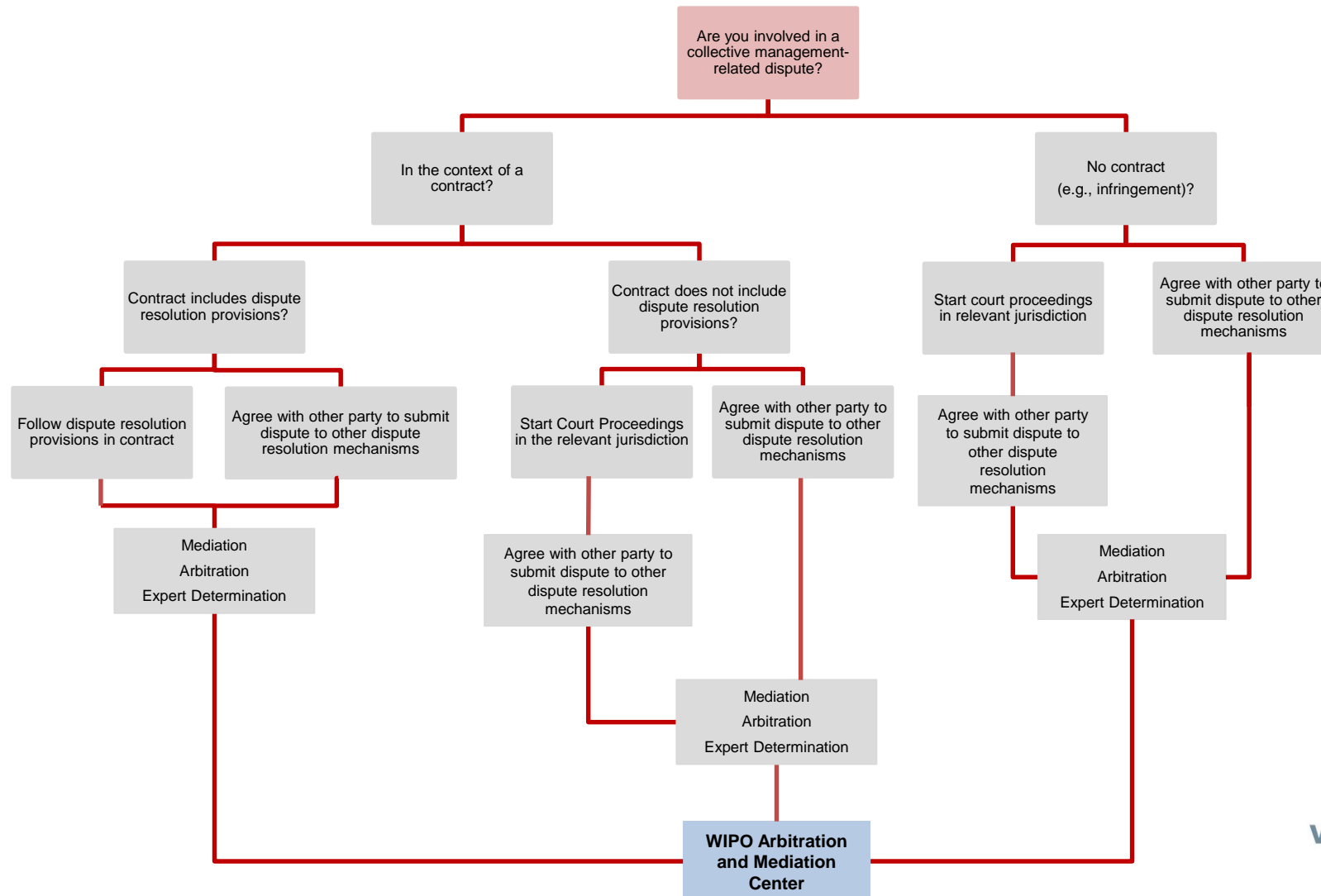
■ Arbitration

- Consensual procedure
- Parties submit dispute to one or more chosen arbitrators
- Binding and final decision (award)
 - Based on parties' rights and obligations
 - Enforceable internationally
- Normally forecloses court options

Routes to WIPO ADR

- ADR contract clause
 - WIPO model clauses: www.wipo.int/amc/en/clauses
- ADR submission agreement (e.g., in existing non-contractual disputes)
- Unilateral request for WIPO Mediation by one party (Art. 4 WIPO Mediation Rules)
- Court referrals

Dispute resolution process



What types of disputes?

■ Contractual

- Broadcasting agreements
- Licensing agreements
- Distribution agreements
- Reciprocity agreements
- Other copyright-related agreements

■ Non-contractual

- Infringement

Potential stakeholders to dispute

■ CMOs

- CMO v. CMO (e.g., reciprocity agreements)
- CMO v. other stakeholder (e.g., cable operators, broadcasters)
- CMO member v. CMO member (e.g., overlapping claims to amounts collected)

■ Other stakeholders

- Authors
- Performers
- Publishers
- Producers
- Other right holders

WIPO Good Offices

- Disputes where one or both parties consider submitting the dispute to mediation or arbitration
 - No previous agreement on how to resolve the dispute
 - Infringements
 - Cases pending before the courts

- Procedural advice

- Free of charge

What is WIPO Mediation?

- Consensual informal procedure

- Neutral intermediary, the mediator
 - Assists the parties in reaching a settlement of their dispute
 - Based on the parties' interests
 - Does not impose a decision

- Settlement agreement has force of contract

- Mediation leaves open court or arbitration options

Why WIPO Mediation?

- Party autonomy
- Neutrality
- Time and cost
- Creative solutions
- Expertise
- Preservation of business relationships
- Confidentiality

What is WIPO Center's role?

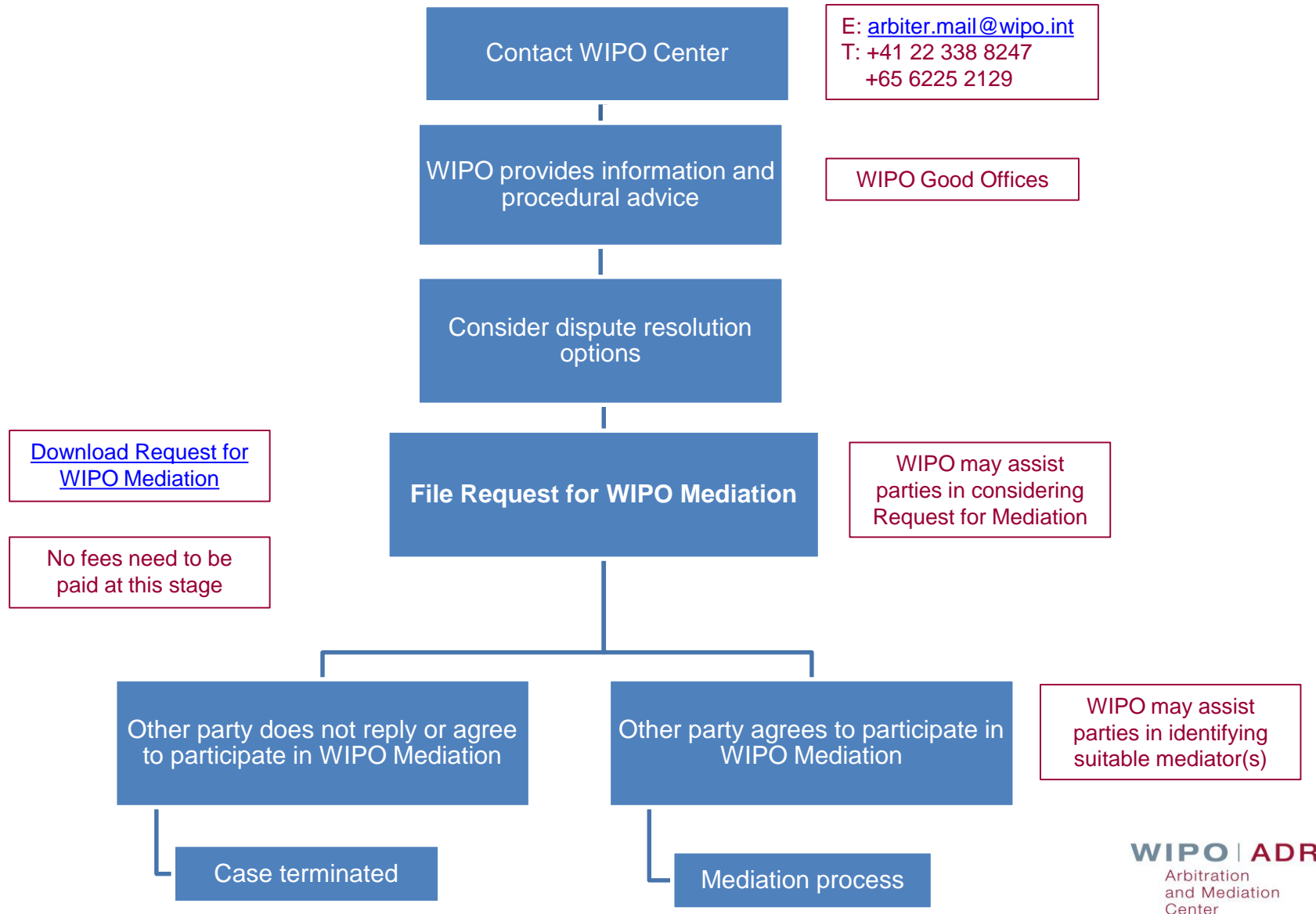
■ WIPO Center can

- provide information and procedural advice
- assist parties in considering the referral of a dispute to WIPO proceedings
- assist parties in the selection of specialized mediators, arbitrators and experts
- arrange for support services, including meeting rooms and videoconferencing facilities

■ WIPO Center cannot

- provide legal advice or represent parties in dispute
- force any party to refer a dispute to or participate in WIPO proceedings

How can the WIPO Center help you?





Request for WIPO Mediation

(Article 4 of the WIPO Mediation Rules)

Note: The requesting party shall complete sections 1 and 2(a). The other party shall complete section 2(b).

1. Parties

Please provide the following contact information:

Requesting Party	Other Party
Name:	Name:
Country of domicile:	Country of domicile:
Tel:	Tel:
E-mail:	E-mail:
Address:	Address:
Represented by:	Represented by:
Tel:	Tel:
E-mail:	E-mail:
Address:	Address:

2. Dispute

Please provide a brief description of the dispute:

a) The requesting party agrees to submit the above-described dispute to mediation in accordance with the WIPO Mediation Rules.

Please sign this form and submit it to arbiter.mail@wipo.int and to the other party.

Place and Date: _____

Signature: _____

b) The other party agrees to submit the above-described dispute to mediation in accordance with the WIPO Mediation Rules.

Please sign this form and submit it to arbiter.mail@wipo.int and to the requesting party.

Place and Date: _____

Signature: _____

How is WIPO Mediation conducted?

- After all parties agree to refer a dispute to WIPO Mediation
 - Parties may agree on mediator
 - If they cannot agree, WIPO can assist them
 - WIPO confirms mediator's impartiality and independence
 - Parties may agree on how mediation will be conducted, in coordination with mediator
 - Mediation meetings may take place in person or remotely (e.g., telephone or videoconference)
 - Any party may step out of mediation if not interested in participating
 - Confidential

What can you achieve through WIPO Mediation?

- When parties cooperate in good faith in a mediation process
 - Win-win results
 - Collaboration opportunities
 - Creative solutions
 - Preservation of business relationships

- Examples
 - Negotiated licensing agreements with alleged infringers
 - Access to new markets

And if the other party does not engage in the mediation process?

- Filing of Request for WIPO Mediation
 - May trigger settlement discussions between parties
 - May be proof of goodwill to resolve disputes out of court
 - In certain jurisdictions may be considered by court to impose fines/sanctions to other party
 - No fee payable (for Request under Article 4 of the WIPO Mediation Rules)

WIPO Center's case experience

- CMO v. CMO

- Dispute related to reciprocity agreement

- CMO v. CMO members

- Revision of royalty calculation and distribution

- CMO member v. CMO member

- Double declaration in respect of same work and with overlapping cumulative percentage of declared rights of more than 100%

WIPO Center collaboration with CMOs

- Association of International Collective Management of Audiovisual Works (AGICOA)
 - WIPO Mediation for AGICOA
 - WIPO Expedited Arbitration for AGICOA

- Entidad de Gestión de Derechos de los Productores Audiovisuales (EGEDA)
 - WIPO Expedited Arbitration for EGEDA
 - WIPO Mediation for EGEDA

WIPO Mediation Pledge for IP and Technology Disputes

Parties to commercial disputes related to intellectual property (IP) assets are increasingly concerned about the time and cost caused by such disputes.

Without binding parties, the WIPO Mediation Pledge for IP and Technology Disputes promotes mediation as an alternative to court litigation in order to reduce the impact of disputes in innovation and creative processes.

- [WIPO Director General Pledge Announcement](#)
- [List of Signatories](#)
- [List of Collaborating Entities](#)

[Download form to join the WIPO Mediation Pledge](#)



Other WIPO ADR options

- ADR
 - WIPO Arbitration
 - WIPO Expedited Arbitration
 - WIPO Expert Determination

- Domain Name Dispute Resolution

Contact us

- Queries: arbiter.mail@wipo.int
- Further information: www.wipo.int/amc

- WIPO Arbitration and Mediation Center Offices
 - Geneva, Switzerland
 - Singapore, Singapore

- WIPO External Offices
 - Rio de Janeiro, Brazil
 - Beijing, China
 - Tokyo, Japan
 - Moscow, Russia
 - Singapore, Singapore