

WIPO Mediation, Arbitration and Expert Determination for Patent/FRAND Disputes

WIPO Arbitration and Mediation Center

With offices in **Geneva**, Switzerland and in **Singapore**, the WIPO Center offers **Alternative Dispute Resolution (ADR)** options, including **mediation, arbitration and expedited arbitration, and expert determination**, to enable parties to efficiently settle their **domestic or cross-border commercial disputes**. The WIPO Center is **international and specialized in IP and technology disputes – 25% of WIPO cases relate to patent disputes**. The WIPO Center has a strong focus on **controlling the time and cost of its proceedings**.

It provides a **neutral forum** in which disputes can be resolved through a **single procedure**. Moreover, ADR can be designed in a way so as to allow for **efficient enforcement of the outcome**.

WIPO ADR procedures are organized to stimulate positive opportunities for party settlement. **70%** of the **mediation** procedures administered by the WIPO Center have been **settled**. Even in **arbitration**, **33%** of WIPO cases settle before any formal decision is issued.



WIPO ADR Services

- **Mediation, Arbitration, Expedited Arbitration and Expert Determination** procedures.
- **Procedural advice** in choosing ADR options and submitting disputes, including disputes pending before courts
- **Model mediation and arbitration clauses and submission agreements**
- **Case administration** under the WIPO Rules
- **Communication and hearing support**
- **25% reduction** on the WIPO Center's **registration and administration fees**, for example, if a party (or both parties) to the dispute is (are) named as applicant or inventor in a published **PCT application**
- You can find more information on WIPO ADR services and procedures at:
<https://www.wipo.int/amc/en/center/faq/index.html>

WIPO Rules and Neutrals

WIPO Mediation, Arbitration, Expedited Arbitration and Expert Determination Rules are **suitable for all commercial disputes**. They additionally feature provisions to address **specific needs in patent and technology disputes**, such as on **confidentiality and technical evidence**. The WIPO Rules are available in several languages at <https://www.wipo.int/amc/en/rules/>.

Parties can draw upon a growing database of over 2.000 **local and international independent WIPO arbitrators, mediators and experts, from more than 70 jurisdictions, skilled in all areas of IP and ADR**. The parties may agree on the appointment of the mediator, or they may request **assistance** from the **WIPO Center** to identify suitable mediator candidates (from Germany or international) that satisfy the parties' requirements.

The WIPO Center maintains a **special list of neutrals for patents and standards**.

Time- and cost-efficient dispute resolution

The WIPO Center believes that ADR should be time and cost effective. A typical WIPO Mediation takes 3-4 months, while the average duration of a WIPO Expedited Arbitration has been 6-7 months, and of a WIPO Arbitration 14 months.

In consultation with parties and neutrals, the WIPO Center ensures that fees charged in a WIPO procedure are appropriate in light of the circumstances of the dispute. You can find the schedule of fees for WIPO ADR proceedings here: <https://www.wipo.int/amc/en/calculator/adr.jsp>

Parties are free to determine the language of the proceedings, and where they want the proceedings to take place. The WIPO Center provides free online case management tools, including an online docket and videoconferencing facilities.

WIPO Online Case Administration Tools

WIPO eADR

Parties to a procedure under the WIPO Mediation, Arbitration, Expedited Arbitration or Expert Determination Rules may opt to use WIPO eADR.

WIPO eADR allows parties and neutrals (mediators, arbitrators and experts) in a WIPO case to securely submit communications electronically into an online docket. Users receive email alerts of any such submission being made and may access and search the online docket at any time. For more information, please visit: <https://www.wipo.int/amc/en/eadr/index.html>

Videoconferencing Facilities

In certain circumstances, parties and neutrals in WIPO cases may agree to hold meetings or hearings remotely via online tools, including videoconferencing facilities.

To assist in the time and cost efficient administration of procedures under its Rules, the WIPO Center makes available a number of videoconferencing solutions.

All case information filed in WIPO eADR is protected and encrypted to ensure confidentiality.

How to Submit a Patent/FRAND Dispute to WIPO ADR?

Referral to WIPO dispute resolution procedures is consensual. To facilitate party agreement, the WIPO Center makes available recommended contract clauses and submission agreements for existing disputes (including those pending before courts) in several languages, available at <https://www.wipo.int/amc/en/clauses/index.html>. Parties are free to adapt these model clauses and submission agreements in line with their needs. For details concerning the submission, please see WIPO Case Filing Guidelines at <https://www.wipo.int/amc/en/mediation/filing/>.

For any queries, please contact the WIPO Center by email or phone (see contact details below). Lawyers of the WIPO Center are available to assist parties promptly, in several languages.

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