Are you involved in an IP or technology dispute? Have you considered WIPO’s alternative dispute resolution services?

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WIPO Arbitration and Mediation Center
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
**WIPO Arbitration and Mediation Center**

- Facilitates the resolution of commercial disputes between private parties involving IP and technology, through procedures other than court litigation, including mediation and arbitration.
  - Offices in Geneva and Singapore
  - Users around the world

- ADR provider **specialized** in IP and technology disputes
  - WIPO mediators, arbitrators and experts **experienced** in IP and technology - able to deliver informed results efficiently

- **International neutrality**
Dispute resolution process

Are you involved in an IP/technology dispute?

In the context of a contract?

Contract includes dispute resolution provisions?
  - Follow dispute resolution provisions in contract
    - Mediation
    - Arbitration
    - Expert Determination
  - Agree with other party to submit dispute to other dispute resolution mechanisms
    - Mediation
    - Arbitration
    - Expert Determination

Contract does not include dispute resolution provisions?
  - Agree with other party to submit dispute to other dispute resolution mechanisms
    - Mediation
    - Arbitration
    - Expert Determination
  - Start court proceedings in relevant jurisdiction

No contract (e.g., infringement)?
  - Agree with other party to submit dispute to other dispute resolution mechanisms
    - Mediation
    - Arbitration
    - Expert Determination
  - Start court proceedings in relevant jurisdiction
What types of disputes?

- Contractual
- Non-contractual
Contractual disputes

- You have a (commercial) contract with the other party
  - licensing agreement (e.g., trademarks, patents, copyright, software)
  - research and development agreement
  - technology transfer agreement
  - IT agreement
  - distribution agreement, franchising agreement
  - film production
  - TV distribution and formats
  - art related agreement
  - joint venture agreement
  - consultancy agreement
Non-contractual disputes

- You do not have a contract with the other party
  - IP infringement (e.g., trademarks, patents, copyright, software)
    - Examples
      - You own a **patent** and find out that someone is using your invention without your permission
      - You own a **trademark** and find out that someone is using a confusingly similar identifier for its products that may compete with your products
      - You are the author of a work protected by **copyright** and find out that someone is using your work without your permission
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
- Users
  - Multinational corporations and SMEs in different industries
  - Artists
  - Inventors
  - Startups
  - Research and development centers
  - Universities
  - Collecting societies
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

- **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?

Contact WIPO Center

WIPO provides information and procedural advice

Consider dispute resolution options

File Request for WIPO Mediation

Other party does not reply or agree to participate in WIPO Mediation
Case terminated

Other party agrees to participate in WIPO Mediation
Mediation process

Download Request for WIPO Mediation

No fees need to be paid at this stage

E: arbiter.mail@wipo.int
T: +65 6225 2129
+41 22 338 8247

WIPO Good Offices

WIPO may assist parties in considering Request for Mediation

WIPO may assist parties in identifying suitable mediator
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:

<table>
<thead>
<tr>
<th>Requesting Party</th>
<th>Other Party</th>
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<tbody>
<tr>
<td>Name:</td>
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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
  - Trademark coexistence agreements
  - Cooperation in innovation processes
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)
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