

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

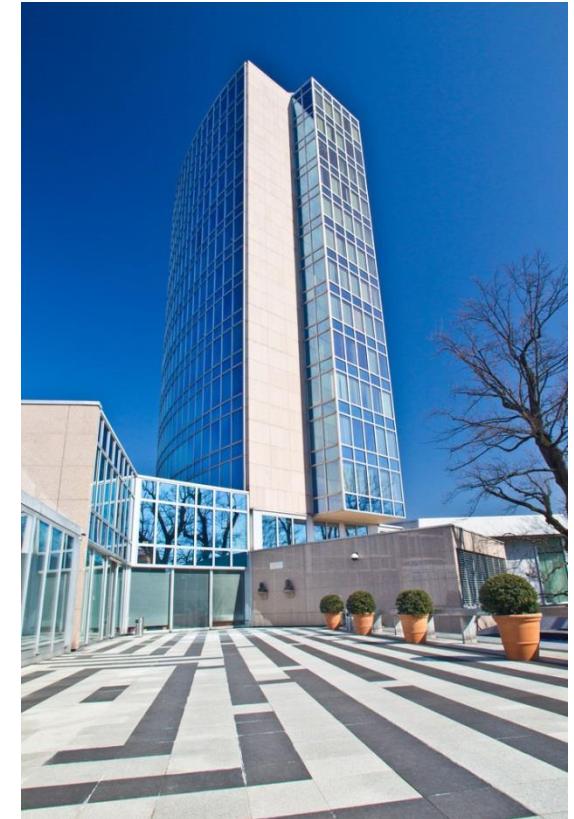
October 17, 2018

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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

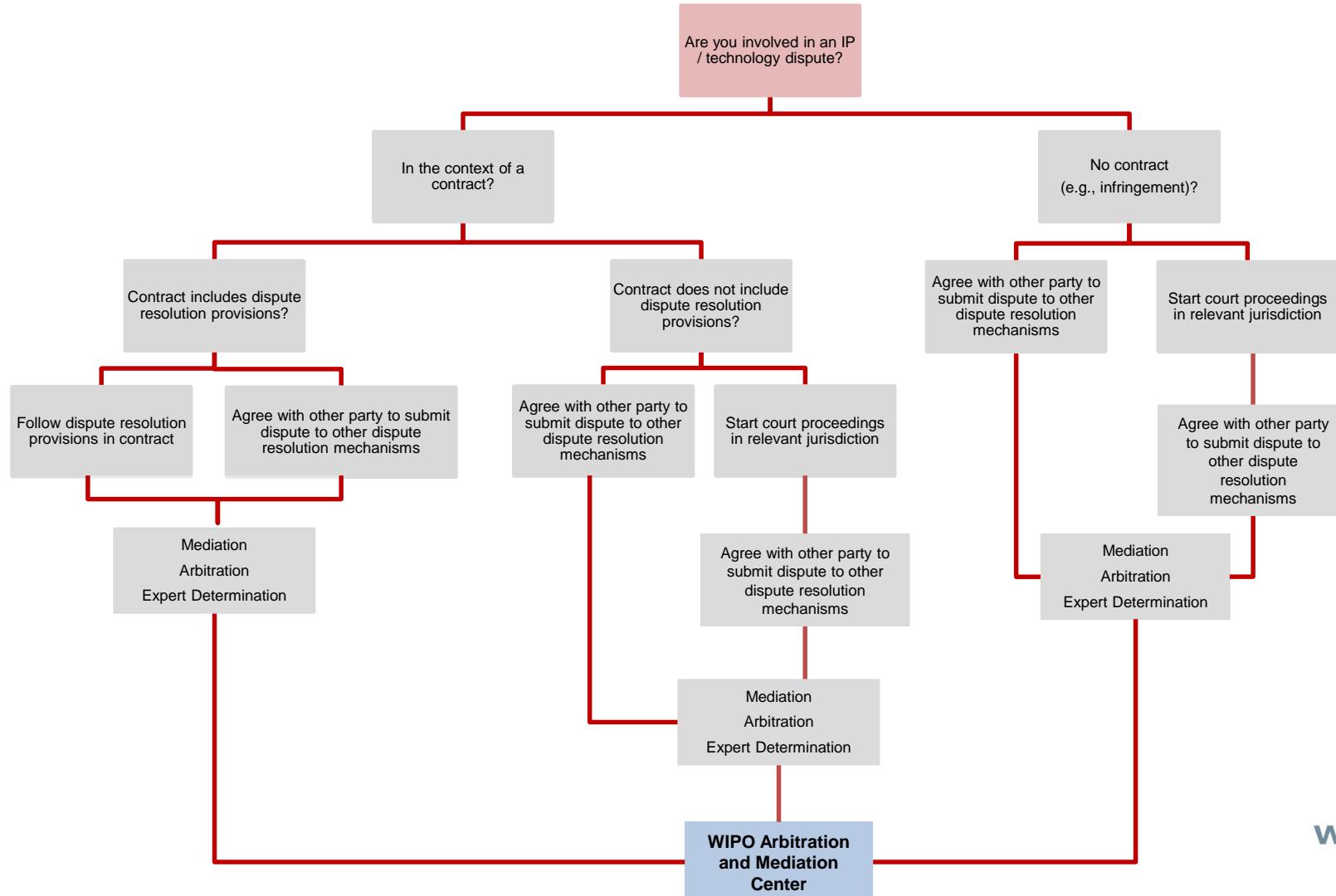
- WIPO provides IP services that encourage individuals and businesses to innovate and create
 - Alternative Dispute Resolution (ADR) services to reduce the impact of disputes on innovation and creative processes



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



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?

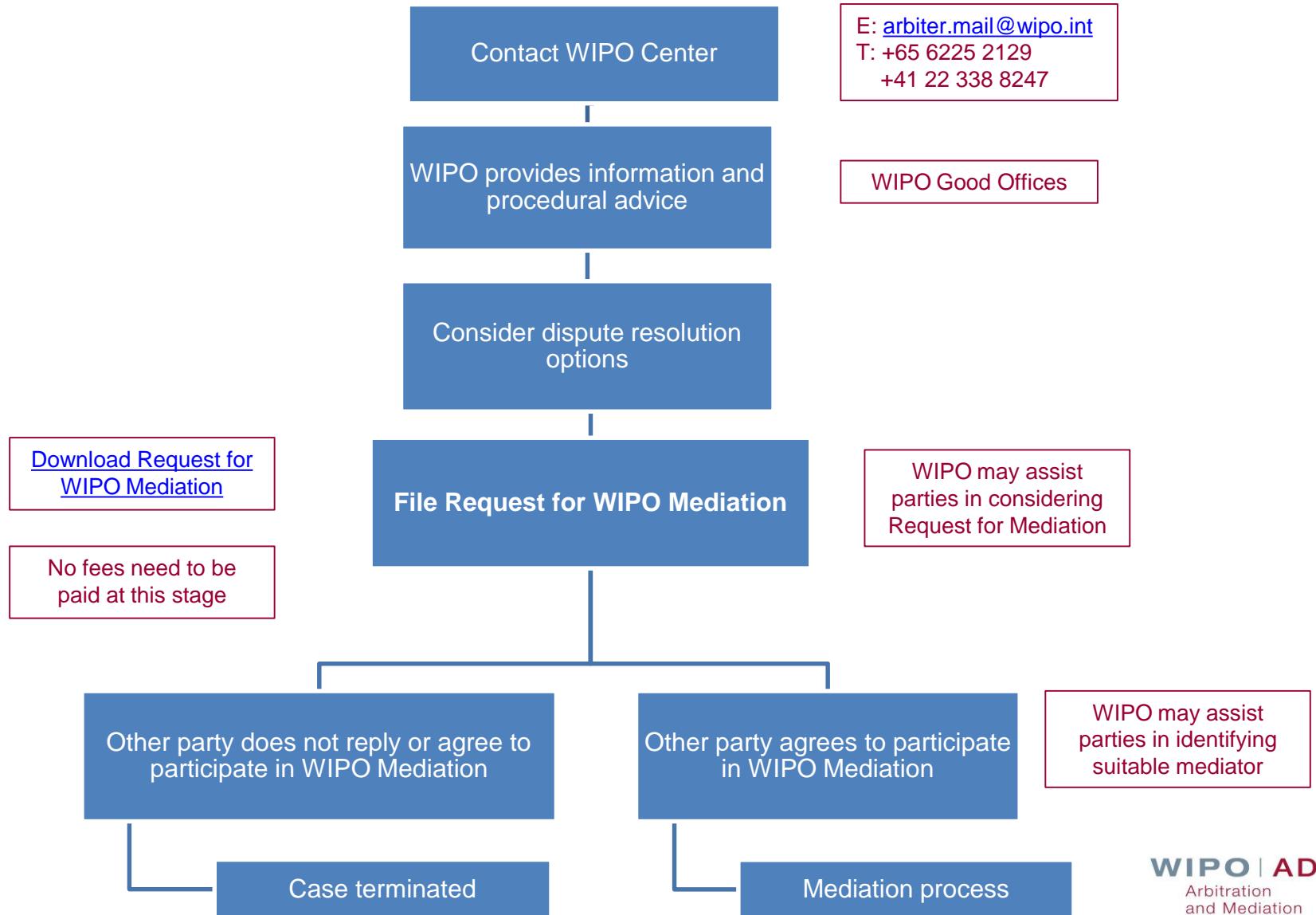
■ WIPO Center can

- 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?





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