



# ■ WIPO Arbitration and Mediation Center Introduction

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# WIPO Arbitration and Mediation Center

- Facilitates the resolution of commercial disputes between private parties involving IP, through procedures other than court litigation
  - Offices in Geneva and Singapore
  - Users around the world
- WIPO mediators, arbitrators and experts experienced in IP - able to deliver informed results efficiently
- International neutrality
- Services include mediation, (expedited) arbitration, expert determination, and domain name dispute resolution

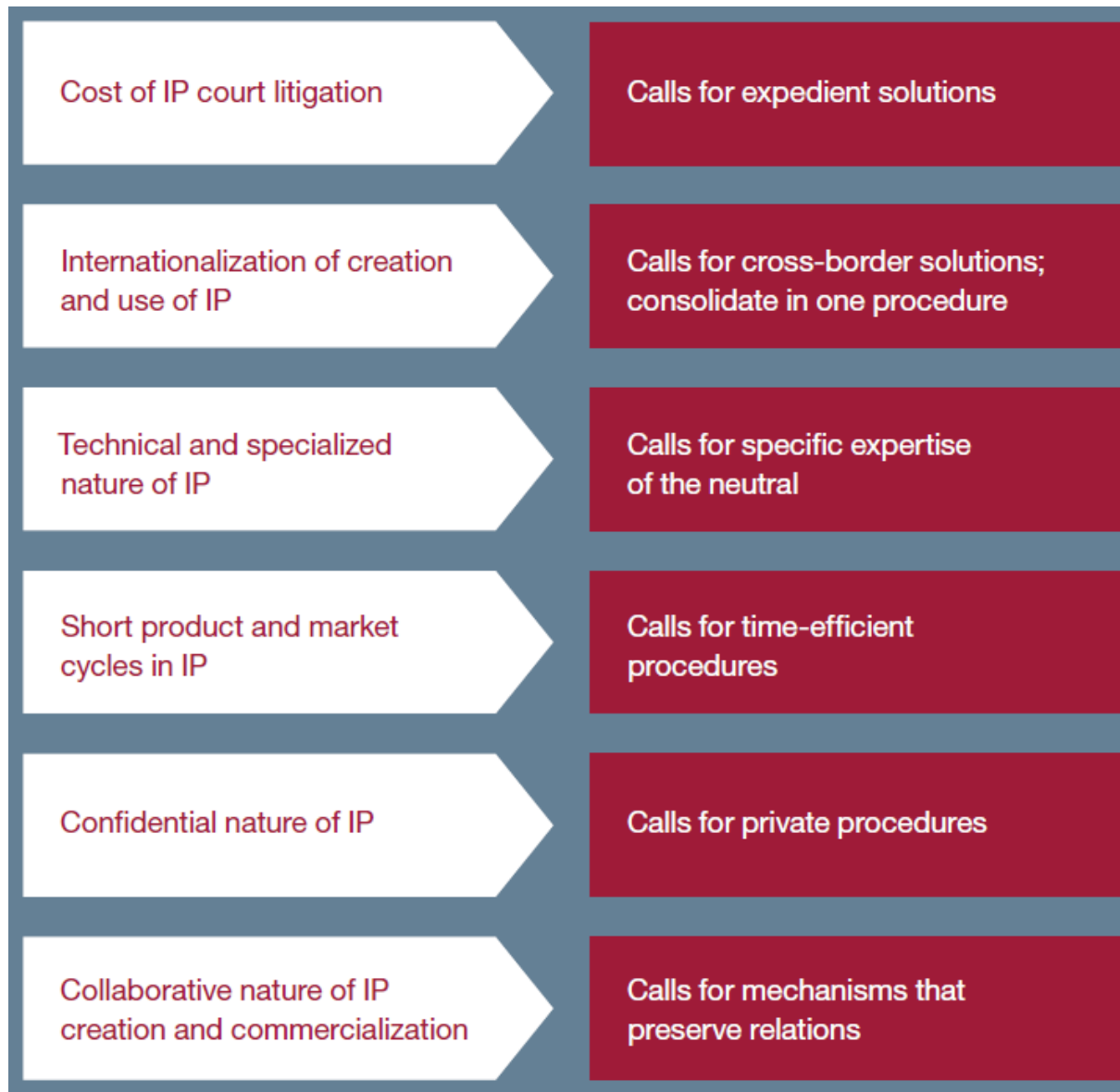


# WIPO ADR

## Mediation, Arbitration, Expert Determination

- **Mediation:** informal consensual process in which a neutral intermediary, the mediator, assists the parties in reaching a settlement of their dispute, based on the parties' respective interests. The mediator cannot impose a decision. The settlement agreement has force of contract. Mediation leaves open available court or agreed arbitration options.
- **Arbitration:** consensual procedure in which the parties submit their dispute to one or more chosen arbitrators, for a binding and final decision (award) based on the parties' rights and obligations and enforceable internationally.
- **Expert Determination:** consensual procedure in which the parties submit a specific matter (e.g., technical question) to one or more experts who make a determination on the matter, which can be binding unless the parties have agreed otherwise.

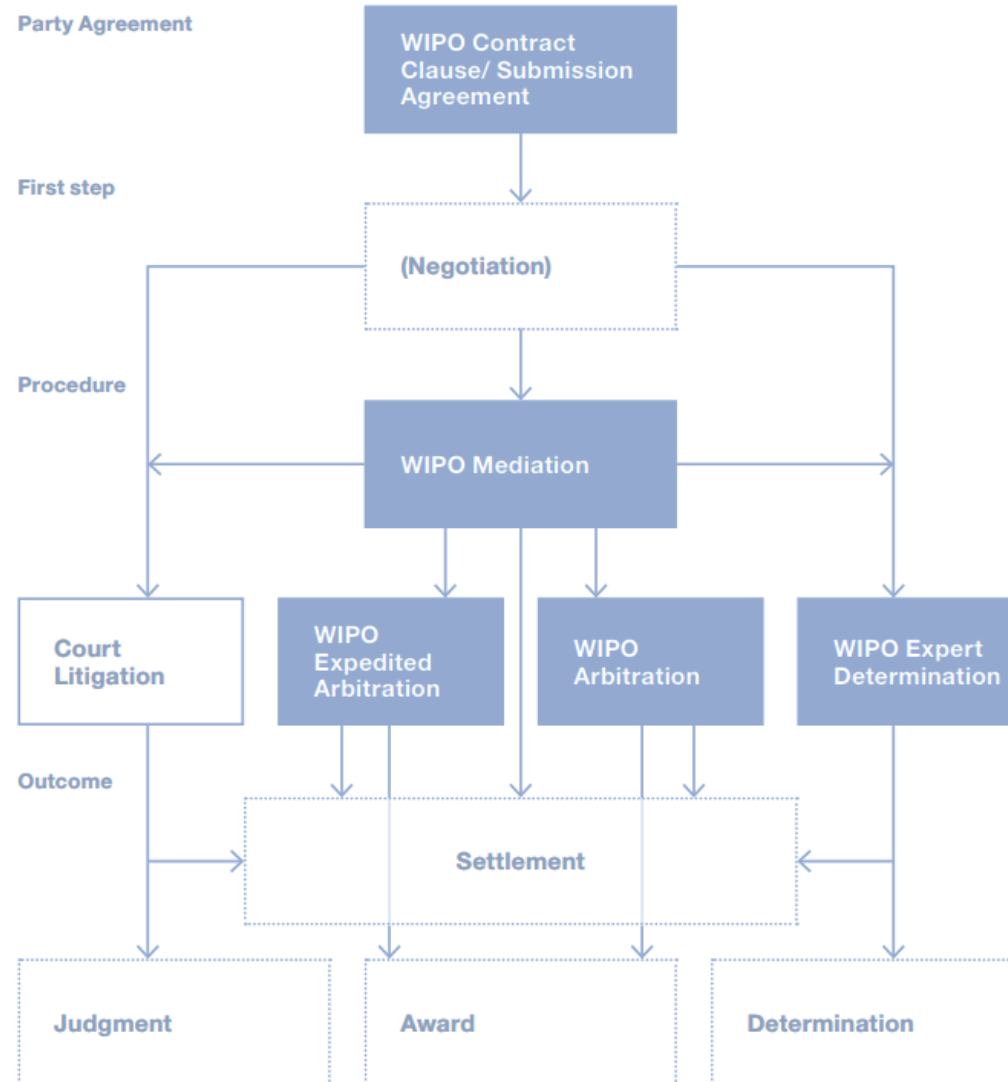
# Why Consider IP ADR?



# Routes to WIPO ADR

- ADR contract clause electing WIPO Rules
  - WIPO Mediation, and/or
  - WIPO Arbitration / Expedited Arbitration, and/or
  - WIPO Expert Determination
  - Model clauses: [www.wipo.int/amc/en/clauses](http://www.wipo.int/amc/en/clauses)
    - Parties can shape the process via the clause (e.g., location, language, law)
- ADR submission agreement electing WIPO Rules, e.g., in existing non-contractual disputes
- Unilateral request for WIPO Mediation by one party (Art. 4 WIPO Mediation Rules)
- Court referrals
- Request can be submitted online using the [WIPO IP Portal ADR forms](#)

# WIPO ADR options



# WIPO Model Clause Example: Mediation followed by Expedited Arbitration

"**Any dispute**, controversy or claim arising under, out of or relating to this contract and any subsequent amendments of this contract, including, without limitation, its formation, validity, binding effect, interpretation, performance, breach or termination, as well as non-contractual claims, **shall be submitted to mediation in accordance with the WIPO Mediation Rules**. The place of mediation shall be **[specify place]**. The language to be used in the mediation shall be **[specify language]**"

If, and to the extent that, **any such dispute**, controversy or claim **has not been settled pursuant to the mediation within [60][90] days of the commencement of the mediation**, it shall, **upon the filing of a Request for Arbitration by either party, be referred to and finally determined by arbitration in accordance with the WIPO Expedited Arbitration Rules**. Alternatively, if, before the expiration of the said period of [60][90] days, either party fails to participate or to continue to participate in the mediation, the dispute, controversy or claim shall, upon the filing of a Request for Arbitration by the other party, be referred to and finally determined by arbitration in accordance with the WIPO Expedited Arbitration Rules. The place of arbitration shall be **[specify place]**. The language to be used in the arbitral proceedings shall be **[specify language]**. The dispute, controversy or claim referred to arbitration shall be decided in accordance with **[specify jurisdiction]** law."

# WIPO Center Case Role

- Assisting parties in considering the referral of a dispute to WIPO proceedings
- Administering cases
  - Under WIPO Rules, or under special procedures
  - Active management: containing time and costs
    - WIPO eADR (optional online case management)
- Facilitating selection and appointment of mediators, arbitrators, experts
  - WIPO list of 2,000+ neutrals
    - From numerous countries in all regions
    - Specialized in different areas of IP and IT



# WIPO ADR Rules

- IP-specific elements
  - e.g., confidentiality, technical evidence, interim relief
- Applicable to all commercial disputes
- Flexibility
  - Pre-structure entire proceeding
  - For most part can be modified by arrangement between mediator or arbitrator and parties
- For domestic and international disputes

**WIPO Mediation,  
Arbitration,  
Expedited Arbitration  
and Expert  
Determination Rules  
and Clauses**

# WIPO Center's ADR cases

## Areas of disputes

### Copyright

Art  
Broadcasting  
Collective Management  
Entertainment  
Film and Media  
Infringements  
TV Formats

### Commercial

Design  
Distribution  
Energy  
Franchising  
Marketing  
Sports

### Trademarks

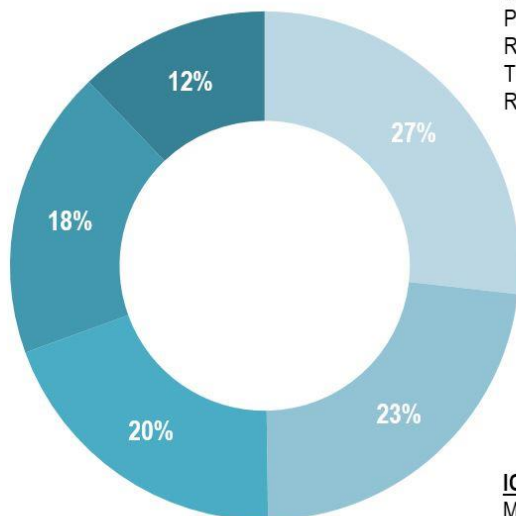
Coexistence  
Infringements  
Licenses  
Oppositions  
Revocations

### Patents

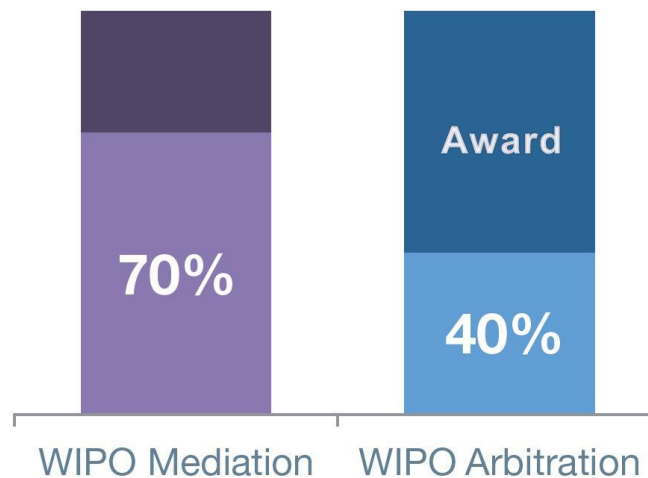
Cross-licensing  
Infringements  
Licenses  
Ownership  
Patent Pools  
R&D / Tech  
Transfer  
Royalty Payment

### ICT

Mobile Apps  
Outsourcing  
Systems Integration  
Software Development  
Software Licensing  
Telecommunications



## Settlement rates



# WIPO Domain Name Dispute Resolution

- Uniform Domain Name Dispute Resolution Policy (UDRP)
  - Significantly quicker and cheaper than court litigation
    - Two-month average
    - Fixed fees (USD 1,500)
    - Paperless filing
- 20 years' experience as global leader: 45,000 WIPO cases covering +82,000 domain names
  - Parties from 177 countries
  - Multilingual case administration
- Key online resources for parties
  - WIPO Jurisprudential Overview of Selected UDRP Questions
  - WIPO Legal Index of UDRP Decisions

# Further Information

- Queries and case filing:  
[arbiter.mail@wipo.int](mailto:arbiter.mail@wipo.int)
- Model clauses:  
[www.wipo.int/amc/en/clauses](http://www.wipo.int/amc/en/clauses)
- Domain names:  
[www.wipo.int/amc/en/domains](http://www.wipo.int/amc/en/domains)
- Info on procedures, neutrals and case examples: [www.wipo.int/amc](http://www.wipo.int/amc)

