



WIPO | ADR

Arbitration
and Mediation
Center

■ Alternative Dispute Resolution for IP and Technology Disputes

ECCK IPR Conference

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WIPO Arbitration and Mediation Center

WIPO Arbitration and Mediation Center

- Alternative Dispute Resolution (ADR)
- Cases concerning all types of IP and technology
- WIPO mediators, arbitrators and experts experienced in IP and technology
- Competitive fees
- International neutrality
- Users around the world



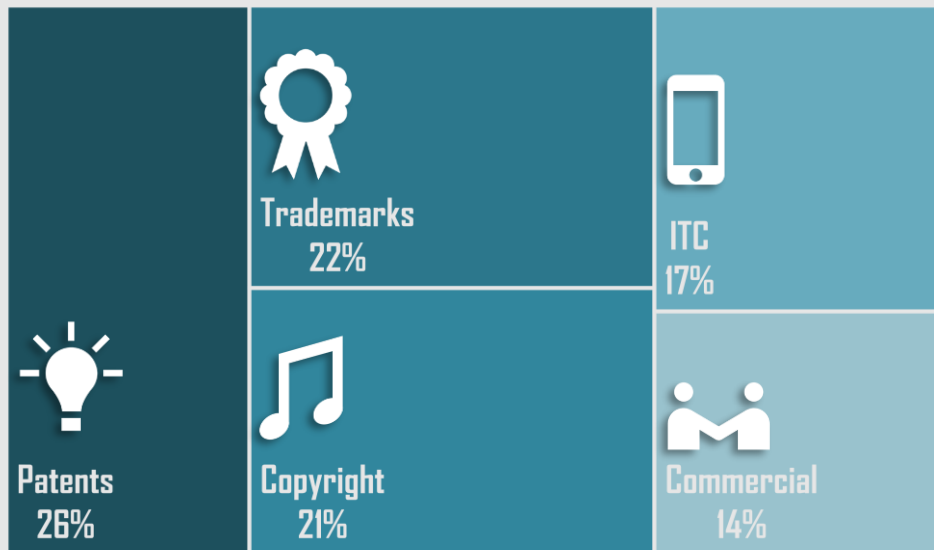
WIPO ADR Rules (2021)

- **IP and technology 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
- Singapore Mediation Convention
- Electronic filings and online conduct of WIPO ADR proceedings

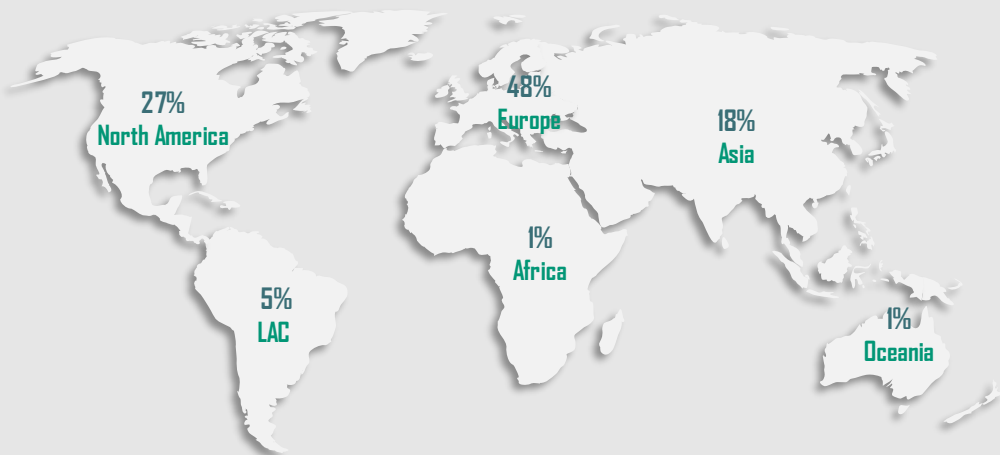
WIPO Mediation,
Arbitration,
Expedited Arbitration
and Expert
Determination Rules
and Clauses

WIPO ADR Caseload

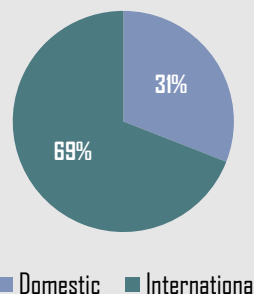
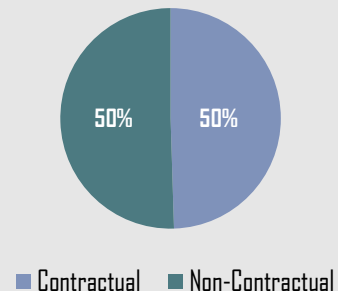
Legal Area



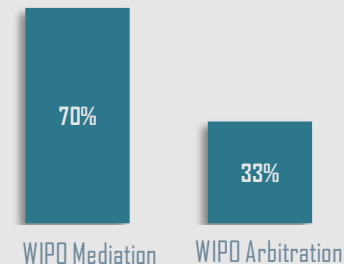
Party Location



Case Source



Settlement Rate



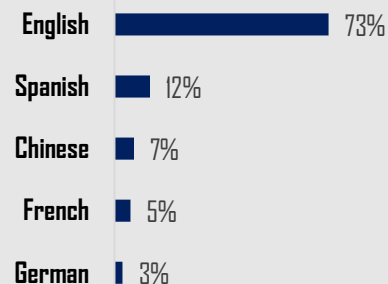
2020-2021

78% settlement rate in 2020 in WIPO Mediation
Increased use of **WIPO online case tools**

+24% in 2020

+30% in 2021

Language



WIPO Model Clauses

Recommended WIPO Contract Clauses and Submission Agreements

Referral to WIPO dispute resolution procedures is consensual. To facilitate party agreement, the WIPO Center provides recommended contract clauses (for the submission of future disputes under a particular contract) and submission agreements (for existing disputes, including those referred by courts).

Recommended WIPO Contract Clauses and Submission Agreements:

- Mediation
- Arbitration
- Expedited Arbitration
- Expert Determination
- Mediation followed, in the absence of a settlement, by [expedited] arbitration
- Mediation followed, in the absence of a settlement, by expert determination
- Mediation followed, in the absence of a settlement, by court litigation
- Expert determination, binding unless followed by [expedited] arbitration

The recommended WIPO contract clauses and submission agreements are also available in Chinese, French, German, Greek, Japanese, Korean, Portuguese and Spanish.

To assist parties in the drafting of clauses and submission agreements, the WIPO Center makes available the [WIPO Clause Generator](#).

WIPO ADR Options

If you need further assistance when drafting your clause, you can contact us by email at arbiter.mail@wipo.int or by phone at +41 22 338 8247.

[WIPO Clause Generator](#)

[Drafting Efficient Dispute Resolution Clauses](#)

www.wipo.int/amc/en/clauses

Unilateral Request for WIPO Mediation



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: _____

A WIPO Unilateral Request for WIPO Mediation of an Infringement Dispute

| | |
|-----------------|---|
| <i>Parties</i> | Chinese and US companies |
| <i>Dispute</i> | Alleged infringement of a German patent by the US company during an exhibition in Europe |
| <i>Basis</i> | Chinese company submitted a Unilateral Request for WIPO Mediation Direct negotiations between the parties |
| <i>Mediator</i> | No mediator was appointed |
| <i>Result</i> | US company agreed to: <ul style="list-style-type: none">- cease selling the contentious products in the European country- include a notice that the products are not available in the European country at exhibitions |
| <i>Duration</i> | One week |

WIPO ADR for Specific Sectors

- Art and Cultural Heritage
- **Domain Names (+50,000 cases since 1999)**
- Fashion
- Franchising
- Film and Media
- FinTech
- ICT (including FRAND)
- Intellectual Property Offices and Courts
- Research and Development/Technology Transfer

Tackling Cybersquatting: the Uniform Domain Name Dispute Resolution Policy

- 1999: WIPO-created international ADR procedure
- Allows trademark owners to resolve "clear-cut" cases of abusive domain name registration and use ("cybersquatting")
- Operates outside the courts, but preserves court option
- Applies via mandatory domain name registration conditions
- Applies to all international domains "old" (.com, etc.) and "new"
- Also available for over 80 country-code domains

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
 - Predictable criteria and results
 - Decision (transfer) implemented directly by registrar
- 20 years' experience as **global leader**: +50,000 WIPO cases covering +90,000 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

A Few General ADR Pointers

- Contracting on technology should anticipate disputes
- Prepare for likelihood of international aspect in parties, rights, law
- Institutional' or 'ad hoc'?
 - Institution can be very helpful especially in early stages (non-participating respondent, payments, challenges)
- Dispute policy should **combine options** and include **mediation**
 - 40% of WIPO cases include escalation clauses
 - 70% of WIPO mediations settle
- Consider **expedited arbitration** as time- and cost-effective option
- In **non-contractual disputes**, potential for negotiation and mediation

WIPO Arbitration and Mediation Center

- Queries: arbiter.mail@wipo.int
- Clauses: www.wipo.int/amc/en/clauses
- Rules: www.wipo.int/amc/en/rules
- Neutrals and case examples: www.wipo.int/amc
- Endorse the WIPO Mediation Pledge:
<https://www.wipo.int/amc/en/mediation/pledge.html>

- Offices:
 - Geneva, Switzerland
 - Singapore, Singapore

