



■ Resolving IP disputes outside the courts through WIPO ADR

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WIPO Arbitration and Mediation Center



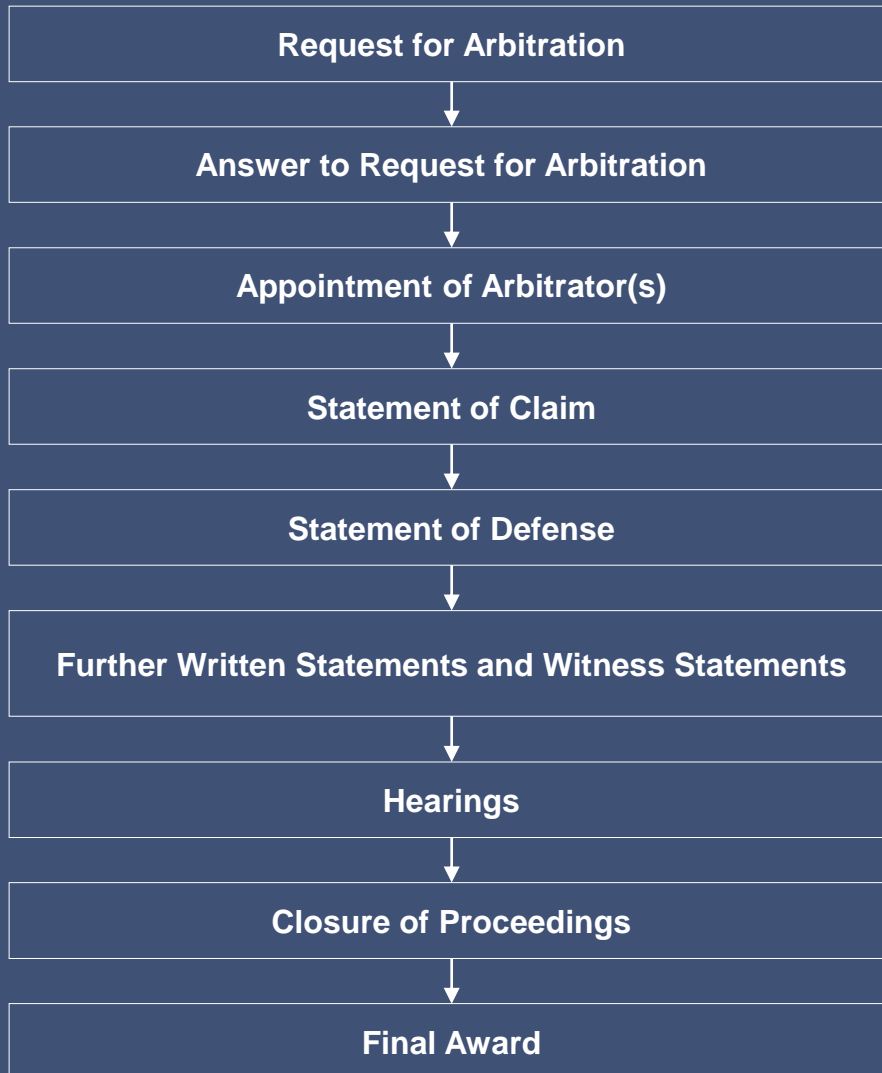
WIPO Arbitration and Mediation Center

- Helping to resolve IP and technology disputes outside the courts
- WIPO mediators, arbitrators and experts experienced in IP and technology
- Competitive fees
- International neutrality
- Users around the world

What is ADR?

- Mediation: mediator assists parties to settle their dispute based on their interests
 - Leaves open court or arbitration options
- Arbitration: one or more chosen arbitrators decide the dispute
 - Enforceable internationally, foreclosing court options
- Expert Determination: submitting a specific matter (e.g., technical question) to an expert opinion
 - Parties can agree to give binding effect

WIPO Arbitration



WIPO Expedited Arbitration



- One exchange of pleadings
- Shorter time limits
- Sole arbitrator
- Shorter hearings
- Fixed fees

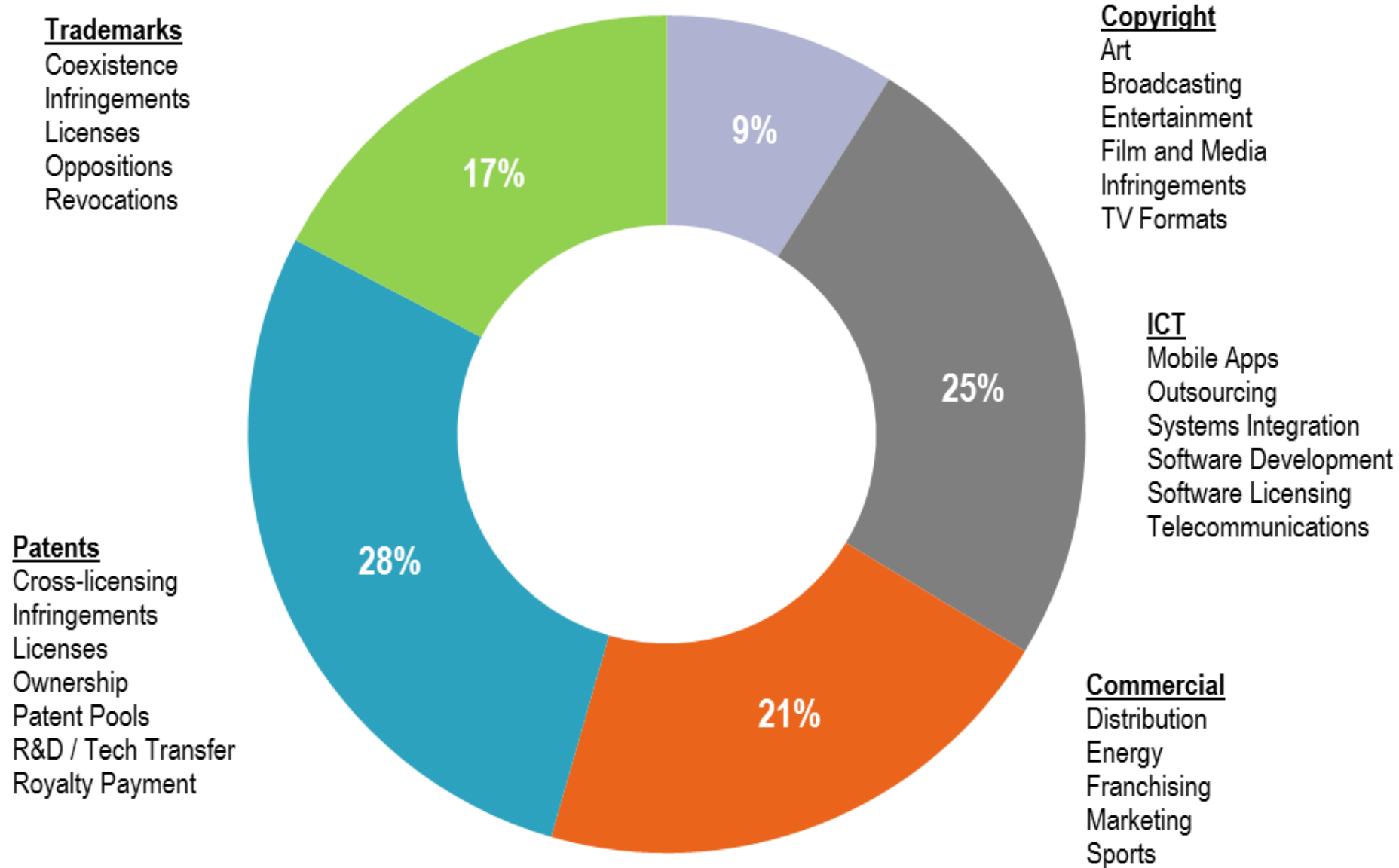
What can you expect from the WIPO Center?

- Administering cases
 - Under WIPO ADR Rules
 - Containing time and costs
 - WIPO ECAF (optional online case management tool)

- Assisting selection and appointment of mediators, arbitrators, experts; negotiating fees
 - 2,000+ WIPO neutrals from all regions
 - Specialized in IP and IT

WIPO Mediation, Arbitration and Expert Determination Cases

- IP/IT disputes and commercial disputes, for example:
 - Contractual: patent licenses, software/ICT, R&D and technology transfer agreements, patent pools, distribution agreements, joint ventures, copyright collecting societies, trademark coexistence agreements, settlement agreements
 - Non-contractual: infringement of IP rights
- Domestic and international disputes (25/75%)
- Case venues around the world
- Amounts in dispute from USD 15,000 to USD 1 billion



Clause example for your contract: 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 Clause Generator

Step 3 – Build your clause: WIPO Mediation followed, in the absence of a settlement, by Arbitration Clause

Mediation

The parties should determine where they want the mediation to take place.

Core Elements ?

Place of Mediation

Language of the Mediation

Duration of the Mediation Proceedings

Additional Elements ?

Qualifications of the Mediator

Conduct of the Mediation

The place of mediation shall be .

Clear Next

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 [specify timeline] 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 Arbitration Rules. Alternatively, if, before the expiration of the said period of [specify timeline] 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 Arbitration Rules.

The arbitral tribunal shall consist of [a sole arbitrator][three arbitrators].

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 shall be decided in accordance with the law of [specify jurisdiction].

Arbitration

Core Elements ?

Number of Arbitrators

Place of Arbitration

Language of Arbitration

Substantive Law

Additional Elements ?

Appointment Procedure

Qualifications of the Arbitrators

ECAF

Evidence

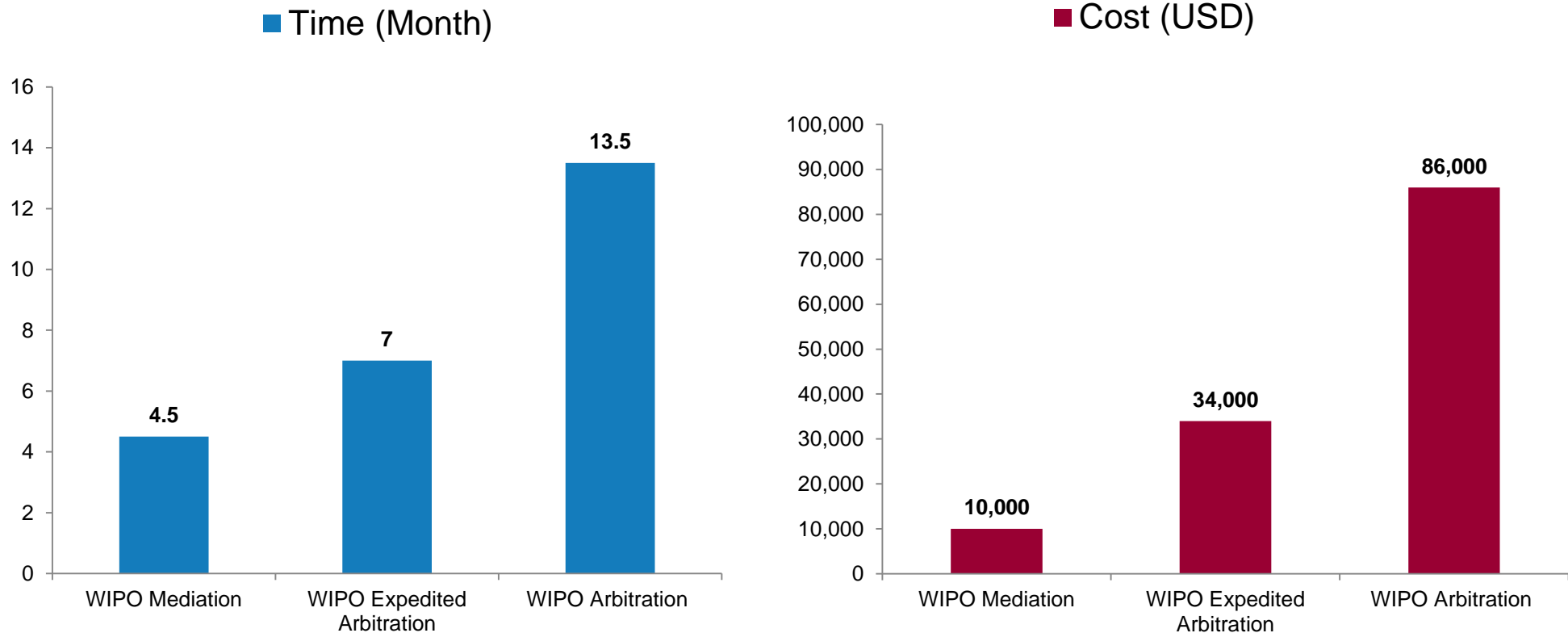
Time Period of Delivery of the Final Award

Appeal

Step 4 – Download or copy the final result

Download Copy to clipboard Print clause

What does a WIPO case cost?



* Mostly fees of appointed neutrals; excluding cost of parties' legal representation

Mediation, (Expedited) Arbitration, Expert Determination Fee Calculator

The fees referenced below are estimates, in **United States dollars**. Final amounts payable are to be decided in consultation with the [Center](#).

Type of Procedure	<input type="text" value="Mediation"/>
Amount in Dispute in USD	<input type="text" value="500000"/>
Dispute is not quantifiable or Request does not indicate any claims for a monetary amount	<input type="checkbox"/>
WIPO PCT Filer, Hague System Filer, Madrid System Filer, WIPO Green Technology Provider or Seeker	<input checked="" type="checkbox"/>

Registration Fee No Registration Fee

Administration Fee USD 375

Mediator's Fee Amount in dispute up to USD 250,000: USD 2,500. Amount in dispute over USD 250,000: USD 300-USD 600 per hour USD 1,500-USD 3,500 per day.

For further information and payment details, click on the applicable schedule of fees and costs on the right hand side of the page.

Schedule of Fees

- [Mediation](#)
- [Arbitration / Expedited Arbitration](#)
- [Expert Determination](#)
- [Emergency Relief Proceedings \(Effective from June 1, 2014\)](#)

Tackling cybersquatting: Uniform Domain Name Dispute Resolution Policy (UDRP)

- 1999: WIPO-created international ADR procedure
- Allows trademark owners to resolve “clear-cut” cases of abusive domain name registration and use (“cybersquatting”)
- Applies to all international domains “old” (.com, etc.) and “new”
- Also available for over 75 country-code domains (including .nl, .au, .fr., .se)

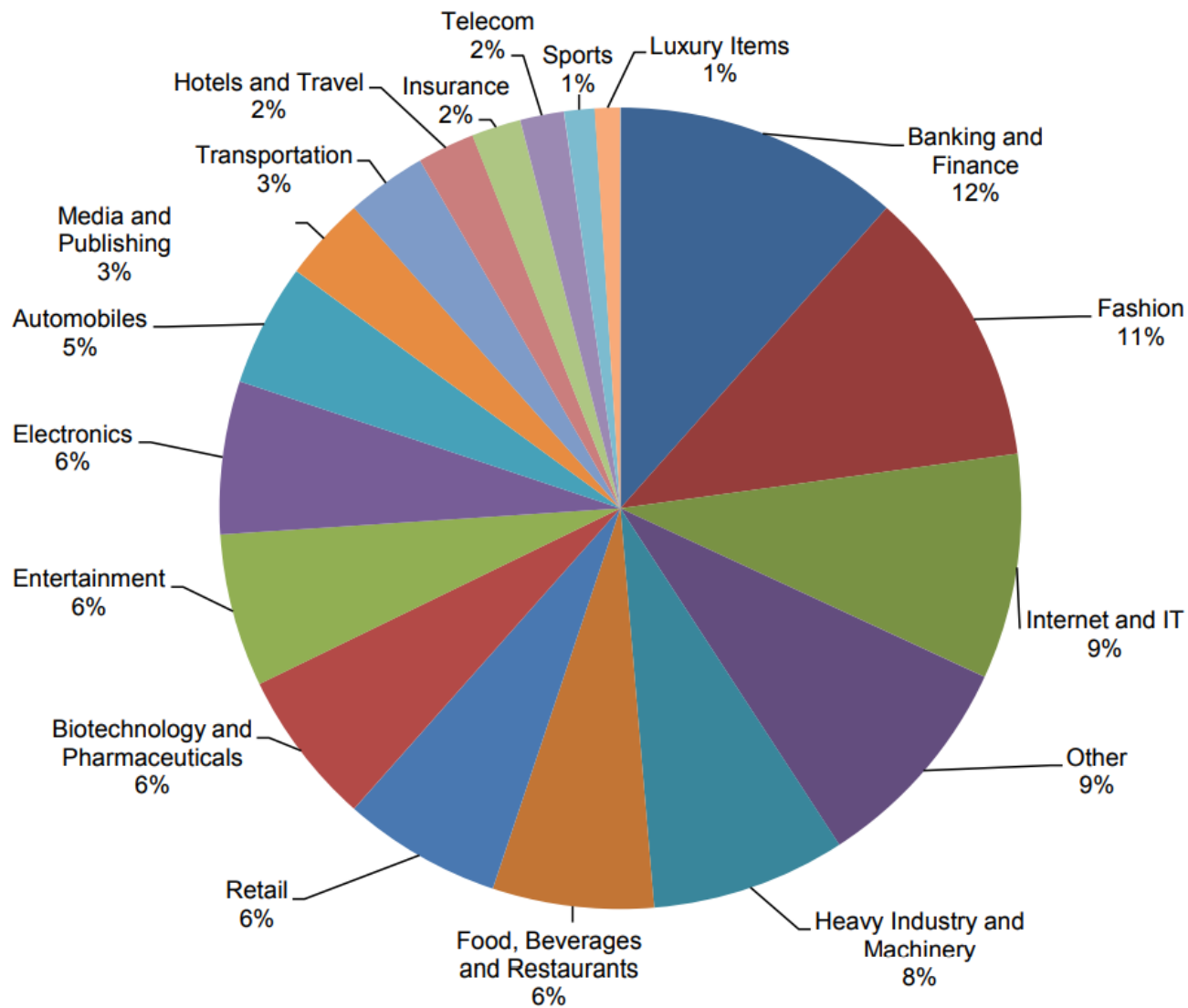
UDRP: Principal Advantages

- Significantly quicker and cheaper than court litigation
 - Two-month average; fixed fees (USD 1,500)
- Predictable criteria and results
- Decision (transfer) implemented directly by registrar
- Prevents consumer confusion/brand abuse

WIPO domain name cases at a glance

- 20 years' experience
- 43,000+ cases covering 79,000+ domain names
 - 2018 total: 3,447 cases
- Parties based in 177 countries
- Cases in 21 languages
- Paperless filing through WIPO eUDRP
- Panelists based in 63 countries

WIPO UDRP Complainant Areas of Activity



Before you file

- WIPO Guide to the UDRP
- WIPO model pleadings (complaint and response)
- WIPO Legal Index of UDRP Decisions
- WIPO Jurisprudential Overview of Selected UDRP Questions

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>
- Domain Names: www.wipo.int/amc/en/domains/
- Offices:
 - Geneva, Switzerland
 - Singapore, Singapore

