

Resolving IP Disputes outside the Courts



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Brussels, September 18, 2018



WIPO Arbitration and Mediation Center

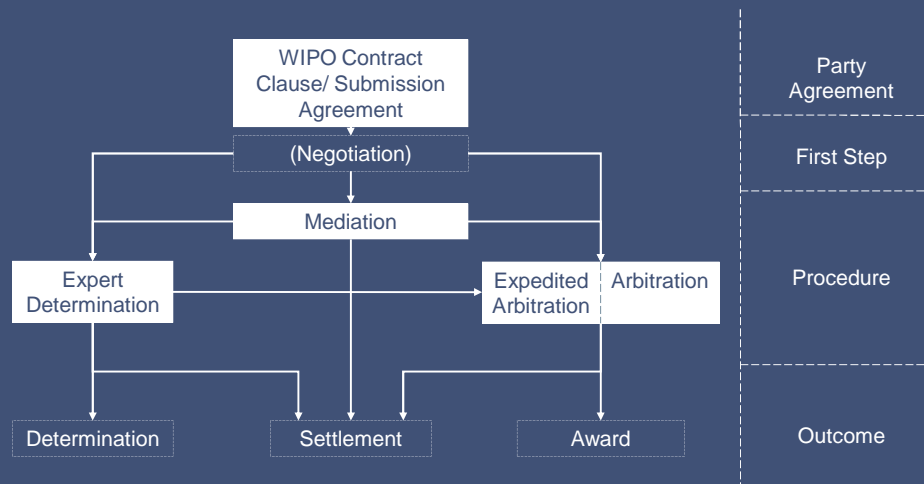


Facilitates resolution of commercial disputes involving IP and technology, through procedures other than court litigation

- Offices in Geneva and Singapore
- Users around the world
- WIPO mediators, arbitrators and experts experienced in IP and technology - able to deliver informed results efficiently
- Competitive fees
- International neutrality
- Services include mediation, (expedited) arbitration, expert determination, and domain name dispute resolution

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WIPO ADR Options



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Arbitration
and Mediation
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What types of disputes

■ Contractual

- licensing agreement (patents, trademarks, copyright, sw)
- research and development agreement
- technology transfer/franchising agreement
- distribution agreement
- film production, TV distribution, art related agreement
- IT agreement, joint venture, consultancy agreement

■ Non-contractual

- IP infringement – patent, trademark, copyright

Mediation

- Informal consensual process
- Neutral intermediary, the mediator, helps the parties in reaching a settlement while respecting their interests
- The settlement agreement has force of contract
- Mediation leaves open available court or agreed arbitration options

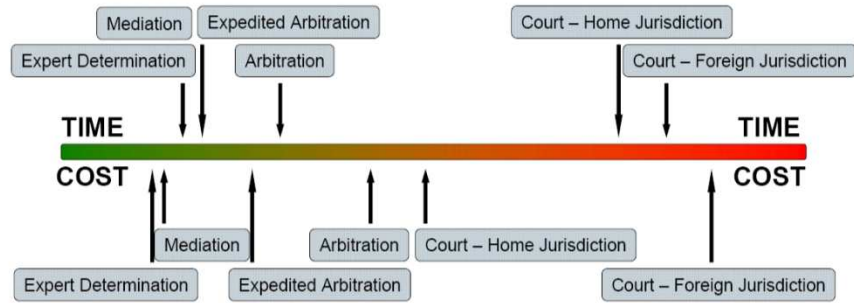
Arbitration

- Consensual procedure
- Parties submit their dispute to one or more chosen arbitrators, for a binding and final decision
- Based on the parties' rights and obligations and enforceable internationally
- Arbitration normally forecloses court options

Expert Determination

- consensual procedure
- parties submit a specific matter (e.g., technical question) to one or more experts
- determination on the matter
- binding unless parties have agreed otherwise

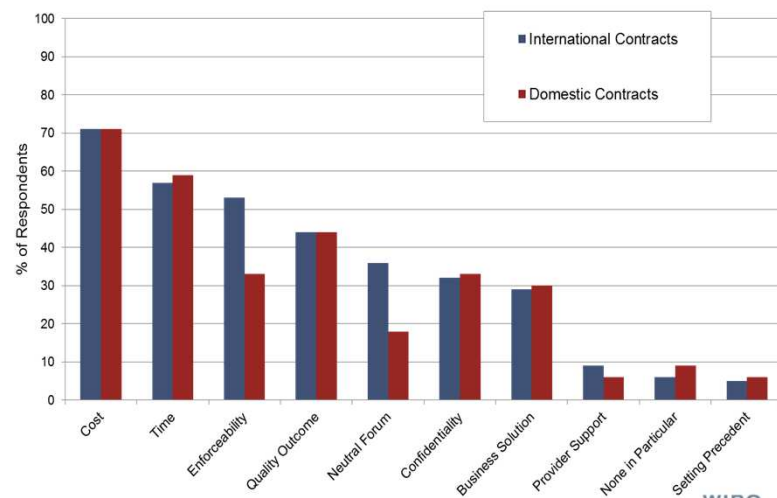
Relative Time and Cost



WIPO Center Report on International Survey of Dispute Resolution in Technology Transactions

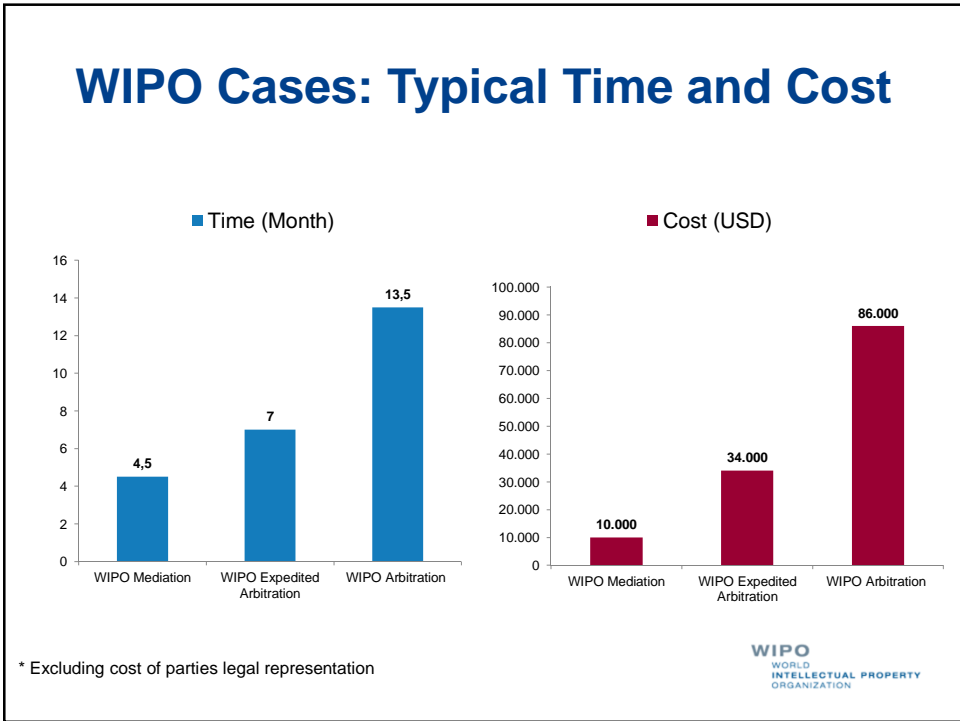
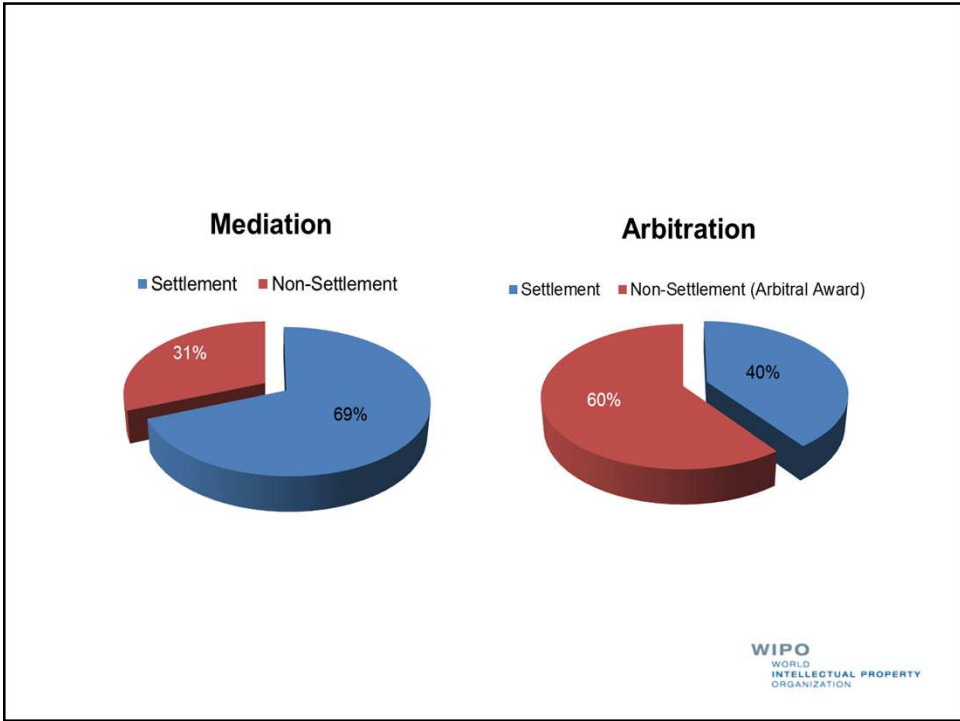
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Top 10 Priorities



Source: WIPO Center Report on International Survey of Dispute Resolution in Technology Transactions

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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:

Amount in Dispute in USD:

Dispute is not quantifiable or Request does not indicate any claims for a monetary amount:

WIPO PCT Filer, Hague System Filer, Madrid System Filer, WIPO Green Technology Provider or Seeker:

Registration Fee: No Registration Fee

Administration Fee: USD 375

Mediator's Fee: 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

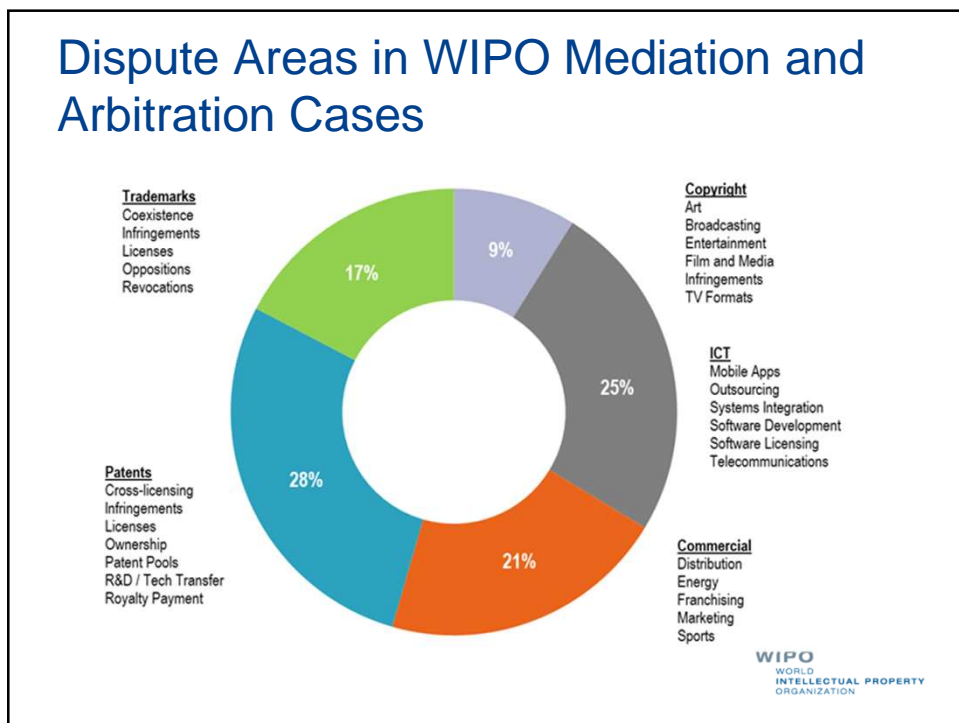
Mediation

Arbitration / Expedited Arbitration

Expert Determination

Emergency Relief Proceedings (Effective from June 1, 2014)

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Cybersquatting



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- WIPO operates the Uniform Domain Name Dispute Resolution Policy (UDRP)
- Allows trademark owners to file “clear cut” cases of abusive domain name registration and use without going to court
- Applicable to all international domains “old” (.com, .net, etc.) and “new” (.bike, .xyz, etc.)
- Also available for 74 national domains, including the .nl domain

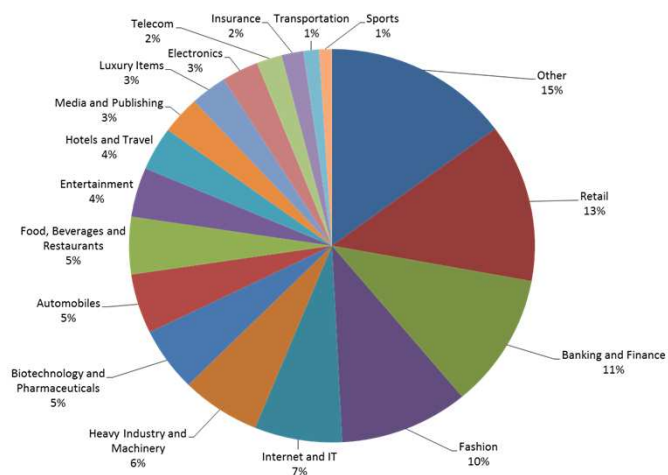
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The UDRP Test – Three Elements

- Trademark must be **identical or confusingly similar** to the domain name; and
- The registrant of the domain name must have **no rights or legitimate interests** in the domain name; and
- The domain name must have been registered and used **in bad faith**.

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Cybersquatting Areas



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UDRP Advantages

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

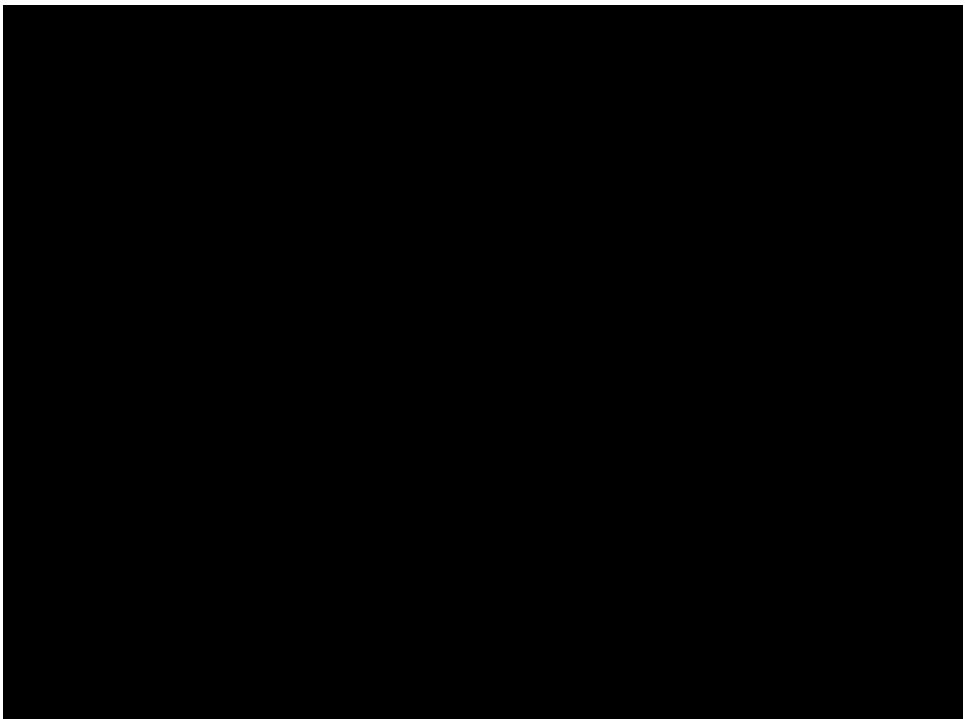
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Domain Name Dispute Filing

- 16 years experience
- the global leader in domain name dispute resolution
 - 35,000+ cases covering 65,000+ domain names
 - Involving parties based in 113 countries
 - Multilingual case administration (21 languages to date)
 - Paperless filing: WIPO-initiated eUDRP

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- Queries:
arbiter.mail@wipo.int
- Clauses:
www.wipo.int/amc/en/clauses/
- Rules:
<http://www.wipo.int/amc/en/rules/>
- Case examples:
www.wipo.int/amc/
- WIPO domain name dispute resolution:
www.wipo.int/amc/en/domains/



GLOBAL IP PLATFORM

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The screenshot displays the 'GLOBAL IP PLATFORM POC' interface. At the top, there is a navigation bar with the WIPO logo, a 'DEMO' label, and links for 'WIPO WEBSITE', 'SUPPORT', 'ENGLISH', and 'LOGIN'. The main content area is organized into a grid of service tiles, each with an icon, a title, a brief description, and a 'View more' button. The tiles include: PATENTS (WIPO | PCT International Patent System), MARKS (WIPO | Madrid International Trademark System), DESIGNS (WIPO | Hague International Industrial Design System), FINANCE (WIPO | Finance Fee Processing and Distribution), IP DISPUTE RESOLUTION (WIPO | ADR Mediation, Arbitration, Expert Determination), DOMAIN NAMES (WIPO | ADR Domain Name Dispute Resolution), GEOGRAPHICAL INDICATIONS (WIPO Geographical Indications), and LANGUAGE & LEGAL (WIPO Language and Legal tools). Below the grid, there is a 'NEWS | WIPO PRESS RELEASES' section with a recent article snippet and a 'DOCUMENT UPLOAD' section with a file selection input and a 'Choose' button.

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GLOBAL IP PLATFORM

The Global IP Platform is a WIPO initiative aimed at improving your user experience by standardizing online services, such as:

Filing systems • Search Databases • Renewals
Classification tools • Payment Processing



Scan the QR code to watch the video presentation and take the survey:



<https://www5.wipo.int/gipp-video/trusted>

The implementation of a new customizable customer portal will 'join up' the different services and bring:

- ✓ Standardization of the appearance of services
- ✓ Consistent way of making payments to WIPO
- ✓ Direct access to user profile
- ✓ Improved access to services
- ✓ Single user account for all services
- ✓ Corporate accounts for your Organization
- ✓ Online services will look the same

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