The Services of the WIPO Arbitration and Mediation Center

The World Intellectual Property Organization Arbitration and Mediation Center (WIPO Center) is a neutral, independent, international and non-profit dispute resolution provider specialized in intellectual property (IP), technology (IT) and entertainment. The WIPO Center offers alternative dispute resolution (ADR) options to court litigation, such as mediation and arbitration, to enable private parties to efficiently settle their domestic or cross-border disputes. It has offices in Geneva, Switzerland and, since 2010, at Maxwell Chambers in Singapore. The WIPO Center’s Office in Singapore signifies WIPO’s commitment to the promotion of ADR services in IP and IT in the Asia-Pacific region.

WIPO Mediation, (Expedited) Arbitration and Expert Determination

The WIPO Mediation, (Expedited) Arbitration, and Expert Determination Rules are generally appropriate for all commercial disputes, and additionally contain modern provisions, for instance on multiple party appointments, interim measures, and confidentiality. Many of those particular provisions are especially suitable for (but not limited to) IP and IT. In addition, parties can shape the process of the ADR proceedings with the help of the WIPO Rules and their customized contract clauses.

The WIPO Center has administered mediations and arbitrations involving a range of issues, such as patent infringement, patent licenses, patent pools, information technology transactions (including telecommunications), distribution agreements for pharmaceutical and consumer products, copyright issues, research and development agreements, trademark co-existence agreements, art marketing, artistic production, media-related agreements, joint venture agreements and cases arising out of agreements in settlement of prior multi-jurisdictional intellectual property litigation.

Legal Areas in WIPO Mediation and Arbitration Cases

![Legal Areas Pie Chart]

Industry Areas in WIPO Mediation and Arbitration Cases

![Industry Areas Pie Chart]

Recommended WIPO Contract Clauses and Submission Agreements

Referral to WIPO dispute resolution procedures is consensual and 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).

WIPO clauses can be found in a wide variety of contracts involving IP rights and IT matters. If appropriate, the WIPO Center can assist parties in adapting the model clauses to the circumstances of their contractual relationship. WIPO clauses are found most frequently in agreements entered into by parties from different jurisdictions.

WIPO model clauses and submission agreements are available in Arabic, Chinese, English, French, German, Japanese, Korean, Portuguese, Russian and Spanish.
WIPO List of Neutrals

Effective proceedings to a large extent depend on the quality of the neutral. IP and IT disputes demand not only optimal procedural skills on the part of the decision-maker, but also specialized knowledge within the areas of patents, trademarks, copyright, designs or other form of IP or technology that is the subject of the dispute. Parties can draw upon a database of over 1,500 independent WIPO arbitrators, mediators and experts from over a hundred jurisdictions, including from Singapore. They can be appointed by parties in cases under WIPO Rules but parties are also free to select mediators, arbitrators or experts from outside the WIPO Panel.

Settlement Rates

Party settlements occurring in different phases of the dispute resolution processes have increased in the cases that the WIPO Center administers. A total of 68% of the mediation and 42% of the arbitration procedures administered by the WIPO Center have been settled.

WIPO ADR Services for Specific Sectors

Specific areas of IP and IT transactions may benefit from targeted adaptations to the standard WIPO ADR framework, for example in relation to rules, fees and clauses or separate panels of mediators and arbitrators specialized in the relevant subject matters. The WIPO Center develops, in collaboration with relevant stakeholders and international experts in the respective sectors, operational and legal frameworks for tailored dispute resolution procedures.

- **Information and Communication Technology (ICT)**

About one third of the mediation and arbitration cases administered by the WIPO Center are in the area of ICT. Disputes relate to ICT agreements, such as software licenses, outsourcing agreements, patent licenses regarding ICT and telecommunications related agreements, among others. The wide range of potential users internationally includes software developers, ICT companies, ICT users, service providers, hardware manufacturers, programmers and outsourcers, telecommunication providers and telecommunication regulators.

The WIPO Center collaborates, among other associations, with the Singapore infocomm Technology Federation (SiTF), Singapore’s premier infocomm industry association, to raise awareness of ADR to ICT vendors, their partners and customers who also benefit from special rates when using the WIPO Center dispute resolution services.

- **Film and Media**

Developed in cooperation with industry experts, the [WIPO Mediation and Expedited Arbitration Rules for Film and Media](#) have been tailored to resolve disputes in a time- and cost-effective manner. These Rules provide for a mediation procedure and an expedited arbitration procedure that can either be combined or used independently at the parties’ option.

Furthermore, the WIPO Center and the Format Recognition and Protection Association (FRAPA) collaborate in alternative dispute resolution in the area of TV program format disputes. Under this collaboration, the WIPO Center has taken on FRAPA’s existing
mediation activity and administers TV format related disputes filed under the WIPO Mediation and Expedited Arbitration Rules for Film and Media.

- **Intellectual Property Offices**

In September 2011, a framework for collaboration was established between the Intellectual Property Office of Singapore (IPOS) and WIPO upon the signing of a Memorandum of Understanding (MOU). Under the MOU, IPOS and the WIPO Center have developed a joint dispute resolution procedure to facilitate the voluntary mediation of intellectual property disputes pending before IPOS. This option applies to all trademark proceedings pending before IPOS with effect from January 3, 2012, and may be especially advantageous for international parties seeking to settle trademark disputes pending in multiple jurisdictions.

For more information about the services and activities of the WIPO Center you can visit [http://www.wipo.int/amc](http://www.wipo.int/amc).

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