



Q&A & Regional IP Mediation Discussion

Reporting of WIPO ADR cases

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Case Examples: Mediation Clause

*A software developer based in the United States **licensed software applications** to a European provider of telecommunications services. The **agreement included a clause** submitting disputes to WIPO Mediation.*

*A North American manufacturer of automotive components concluded a **patent license** with a European company. This **agreement contained a dispute resolution clause** referring to WIPO Mediation to be followed, in the absence of settlement, by WIPO Arbitration.*

Case Examples: Mediation Submission Agreement

*A North American company **agreed** with two Italian companies and one Spanish company **to refer to mediation** a dispute related to confusion and misappropriation of their similar **trademarks** and to regulate future use of their marks.*

*Two European production companies **agreed to use WIPO Mediation** to resolve a dispute related to the alleged copy of a **TV format show**.*

*A European entity filed an action in a district court in the United States for breach of a contract related to **R&D in the life sciences sector**. After more than one year of court proceedings, the parties accepted the **suggestion of the judge** to submit their dispute to mediation and filed a joint request with the WIPO Center.*

Case Examples: Unilateral Request for Mediation

*In a dispute involving manufacturing companies based in Asia and North America, there were allegations that a product manufactured by the North American company **infringed** the Asian **company's patents**. As the parties did not have a contractual relationship, the Asian company submitted a **unilateral Request for WIPO Mediation**. The parties started negotiations and the North American company agreed to stop selling the product in certain territories.*

*Two Asian companies agreed to refer a **trademark opposition dispute** to WIPO Mediation after one of the companies filed a **unilateral Request for WIPO Mediation** inviting the other party to consider mediation for their dispute.*

Case Examples: Appointment of the Mediator

*A European research institute and a French company involved in a dispute over a contract related to a technology in the area of building materials requested the WIPO Center to provide them with a list of mediator candidates **experienced in drafting licensing agreements and specialized in patent law.***

*A Dutch company concluded a copyright license with a French company regarding the publication of a technical publication. When the licensor requested the mediation procedure in light of a dispute between the parties, after consultation with the parties, the WIPO Center appointed a **copyright specialist** as the mediator.*

*A software developer based in the United States and a European provider of telecommunications services were involved in a dispute over the licensing of software applications. Taking into account the criteria identified by the parties, the WIPO Center proposed as mediator several **candidates with experience in the area of software licensing.***

Case Examples: Conduct of the Mediation

*In an IP licensing dispute between two European companies, the WIPO mediator conducted a **preparatory online conference** with the parties including an explanation of mediation principles, the submission of documents as well as details of the mediation meeting, such as the timetable, venue and party representation.*

*An Asian and a United States-based start-up companies were involved in a dispute related to a license agreement on the use of mobile phone applications. The **mediation sessions took place entirely through online meetings**, either caucus telephone conversations or calls involving both parties.*

*In a trademark dispute referred to WIPO Mediation, two Asian companies agreed with the mediator to **conduct the mediation using videoconferencing tools**.*

Case Examples: Private Meetings

*A dispute arose between a technology consulting company holding patents on three continents and a major manufacturer regarding the alleged infringement of such patents. In the course of the mediation, **the mediator held several private meetings separately with each party** including its counsel. These sessions served to canvass each party's alternatives to settlement, the relative strengths and weaknesses of their legal positions, their core interests that would need to be met by any agreement, and possible options for settlement.*

*A Singaporean construction company and three entities based in Singapore, Malaysia and Indonesia agreed to refer long pending cross-border commercial and IP disputes to WIPO Mediation. During the mediation, **the mediator held meetings with all parties and private meetings with each party**. The parties settled their disputes after a one-day mediation session.*

Case Example: Role of the Mediator

*In a WIPO mediation related to a life sciences dispute, as a direct consequence of the **facilitative role played by the mediator** in the course of the case, the parties settled their dispute six months after the commencement of the mediation.*

Case Examples: Settlement / Termination

*A European airline and a United States software company were involved in a dispute concerning the development of a worldwide platform for the management of ticket sales. The result of the mediation under the WIPO Rules was a **new license between the parties**.*

*A publishing house entered into a contract with a software company for the development of a new web presence. While the **parties did not reach a settlement**, the **mediation enabled them to focus the issues** that were addressed in the subsequent expedited arbitration proceeding.*