



ევროკავშირი
საქართველოსთვის
The European Union for Georgia



WORKSHOP ON ALTERNATIVE DISPUTE RESOLUTION ADR: different mediation techniques

Kirsten BAUCH | Alicante | 02/07/21

EU Georgia project, funded by the European Union and implemented by the European Union Intellectual Property Office (EUIPO)

www.eugipp.eu

EUIPO Boards of Appeal: a modern IP dispute resolution hub

Importance of effective IP disputes resolution

EUIPO Boards of Appeal Alternative Dispute Resolution Service

EUIPO Alternative Dispute Resolution Service (ADRS)

- Mediation toolkit
- Services provided on-line
- No additional charges in proceedings before the Office



Mediation toolkit

- ✓ Mediation
- ✓ Conciliation
- ✓ Assisted negotiation (SMEs)
- ✓ Expert determination
- ✓ Special Service for SMEs: Effective Dispute Resolution Service (EDR)

Alternative Dispute Resolution services - users

- **Proceedings must involve 2 parties (*inter partes*) – not including the Office**
- **All users involved in Appeal proceedings before the Boards of Appeal**
- **Additionally: SMEs – special service EDR (Effective Dispute Resolution) - involved in:**
 - EUTMR Opposition
 - EUTMR cancellation
 - RCD invalidity procedures

MEDIATION TOOLKIT : MEDIATION AND CONCILIATION techniques

MEDIATION

- Process in which parties to a dispute, guided by a mediator, try to reach an amicable settlement of their differences
- The mediator and the parties will attempt to identify common ground and business interests that may be explored in order to settle the dispute

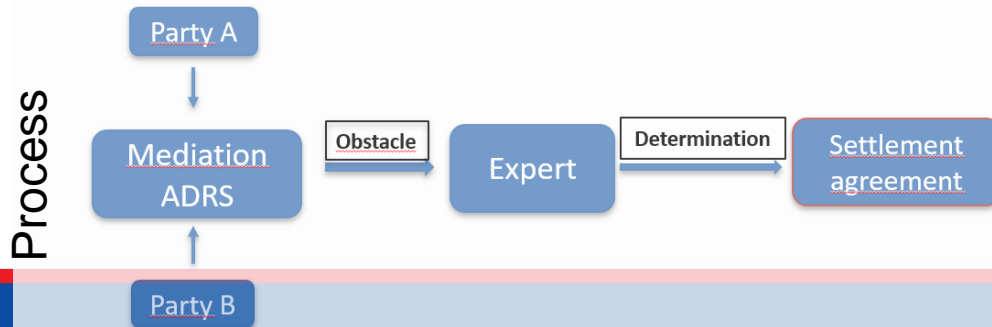
CONCILIATION

- Process in which a conciliator suggests possible solutions to the dispute to the parties, to reach an amicable settlement of their differences
- These proposals will be discussed, negotiated and fine-tuned with the parties

MEDIATION TOOLKIT : EXPERT DETERMINATION

EXPERT DETERMINATION

- Process in which an **expert** appointed by the parties gives a binding or non-binding **opinion** on the matters that have been submitted for determination
- These matters would be **technical or legal issues** that form part of the overall dispute, but on which the parties are unable to agree



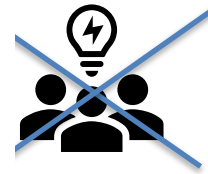
MEDIATION TOOLKIT ASSISTED NEGOTIATION / HYBRID

ASSISTED NEGOTIATION

- Assisted negotiation is a process in which an impartial **facilitator** will **coach an unrepresented SME in their negotiations** with another party to reach an amicable agreement.
- The facilitator's task includes assessing the underlying circumstances of the dispute, coaching on appropriate strategies and techniques for negotiating, and engaging in effective dialogue the other party.

HYBRID

- Hybrid is a combination of two or more of the processes. The possible use of hybrids will be discussed and decided during the course of the one of the main processes, e.g. expert determination can be combined with mediation.



Facilitator does not take part in the negotiation process (!)

EFFECTIVE DISPUTE RESOLUTION (EDR) SME COVID-19 special service



The special service is offered, as of **1st July 2020**, in the following EUIPO proceedings (**for the first time also in the first instance**)

Opposition proceedings

- After the end of the cooling-off period and only for unrepresented SMEs.

Cancelations, RCD invalidities, and appeals

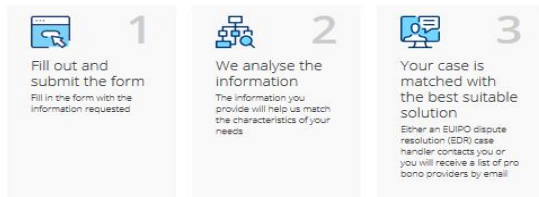
- For both represented and unrepresented SMEs at any stage of these proceedings.

EDR SME COVID-19 special service – Application form

[Link](#)



To request Free personalised Intellectual Property support, please fill out this form. Interested, but like to find out more before? See [how it works](#) and the different steps



1 The EUIPO performs regular quality control checks on the accuracy of the information provided by applicants. The EUIPO free IP personalised consultation is limited to the provision of one service per SME. The availability of the consultation requested is not guaranteed.

This service is to be provided to those SMEs that meet the definition based on [Commission Recommendation 2003/361/EC](#).



Are you an EU based SME? Yes No

Footnote 1 - Participation in this free IP personalised consultation is open on equal term...

Company size *
Select an option

Annual company turnover *
(financial year 2019)
Select an option

ADR Website

Alternative Dispute Resolution

The ADRS offers mediation, conciliation, assisted negotiation and expert determination, which may be used in combination with one another or separately.



EUIPO ADRS website accessible through this [link](#)



ADR-Info@euipo.europa.eu



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