



## **Mediation/Arbitration - A Bridge Between Two Disputing Parties**

**By Peter Moody  
WIPO Mediation and Arbitration Center**

### **Abstract**

WIPO Mediation and Arbitration Center is a specialist ADR (Alternative Dispute Resolution) provider that facilitates the resolution of commercial disputes between private parties involving IP and technology, through procedures other than court litigation.

Based in Geneva and Singapore, it provides a neutral service to users around the world, offering administered mediation, arbitration and domain name dispute resolution, including access to its panel of over 1,500 specialist IP mediators, arbitrators and experts.

In this session, we will explore the workings of ADR and the differences between Mediation, Arbitration and Expert Determination, and contrast those procedures with court litigation.

This session will also consider the role that WIPO can play in these procedures and the benefits they can bring to disputing parties. The various routes to initiating WIPO administered ADR will be explained, so that practitioners understand how they can access ADR and assist clients to resolve their disputes in ways which can have significant advantages over traditional court proceedings.

We will look at the nature and type of disputes that WIPO deals with and the time and costs involved, success rates and the important factors that WIPO's research has shown are involved in the decision to use ADR, by parties who would otherwise be likely to pursue traditional court procedures.

WIPO Mediation and Arbitration Center is also an innovator, developing tailored ADR schemes for different industries and collaborating with IP Offices in various jurisdictions to facilitate bespoke processes and procedures, with both domestic and international effect.

With a focus on Mediation, we will explore how Mediation works from a practical perspective and the benefits it can deliver. We will also explore how practitioners can make sure that they are successful in mediations that they take part in- something vital for those who are determined to ensure that their clients emerge from disputes with the best possible outcome.

There will be examples of the types of disputes that are suitable for mediation and some case studies, so that practitioners are able to put in context the theory of mediation and the wide-ranging benefits it can deliver.

For those who have little experience of mediation, this session should give them a general understanding of the different ADR possibilities that exist, including those offered by WIPO, and an insight into why mediation is an option increasingly selected by disputing parties. For those who already have an understanding of ADR, this session should highlight for them the role that WIPO can play in assisting them to advance their clients interests, outside formal court litigation, and give them practical insight on how to be a successful advisor in mediation.

Peter Moody  
Senior Consultant  
BrookStreet des Roches LLP  
Oxford, United Kingdom  
WIPO Mediation Panellist