

Ten reasons why your case may be suitable for mediation

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PROGRAMME

50'
Presentation

Introduction
Organisation of ACA Tuesday webinar for users
Ten reasons why a case may be suitable for mediation

10'
Questions and answers

Organisation of ACA Tuesday webinar for users

mediation



A mechanism for resolving IP disputes

A process driven by businesses

A service focused on business and commercial interests

A way of saving time, money and effort

Your case may be suitable for mediation when

1

The **dispute** is still at **an early stage of the conflict**



Earliest possible stage of a conflict

Keeping the **costs down** for all parties and **avoiding long and time-consuming litigation**



even when the dispute is at an advanced stage of litigation :

Your case may be suitable for mediation when

2

The **dispute** is **complex, complicated or spans several jurisdictions**



For **cross-border** or **trans-national** disputes



When there are **multiple conflicts** between the same parties



For disputes involving **multiple IP rights**



When **third parties** are required to join the action

Your case may be suitable for mediation when

3

A **decision resulting from a conventional litigation is difficult to enforce**



Insufficient assets or resources, including financial difficulties, for proper enforcement of a future court judgment



Enforcement to take place in an **unfamiliar jurisdiction** (e.g. outside the EU)

Your case may be suitable for mediation when

4

There is the **possibility of co-existence** of **IP rights** involved in the dispute



IP rights of the parties **already have coexisted or could coexist**

Different business fields or territories and **business interests** not conflicting

Your case may be suitable for mediation when

5

A **tailor-made approach** is essential for the parties

Due to the **emotional and personal aspects** of the dispute



For example, family-owned businesses or previous business partners

Flexible and beneficial solutions for all parties

Your case may be suitable for mediation when

6

The **parties already do – or want to do – business together**



Parties interested in **preserving an existing business relationship or forge new ones**



Mediation clause <https://euipo.europa.eu/ohimportal/en/adr-service>

Your case may be suitable for mediation when

7

Confidentiality is of **key importance to the parties**



Preserve the dispute and all information relevant to it
confidential

Parties are responsible for the extent of the disclosure

Your case may be suitable for mediation when

8

The parties want to **preserve their business reputations**



Your case may be suitable for mediation when

9

There is a **language/cultural barrier** between the parties

Flexibility on the **language of the process**

Option of **co-mediation**



Your case may be suitable for mediation when

10

Parties that wish to reach a **quick settlement**



With **global and time-efficient** solution



Your case may be suitable for mediation when

The dispute is still at an early stage of the conflict

The decision resulting from a conventional litigation is difficult to enforce

possibility of co-existence of IP rights involved in the dispute

tailor-made approach is essential for the parties

Parties already do – or want to do – business together

Confidentiality is of key importance to the parties

Parties want to preserve their business reputations

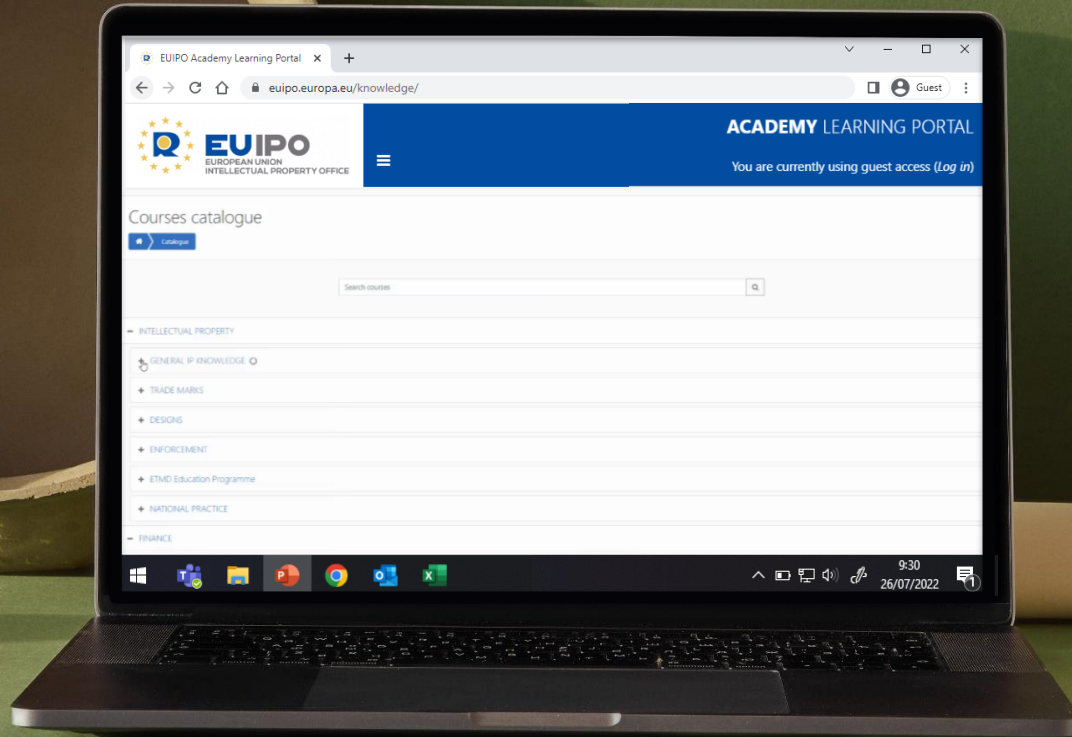
language/cultural barrier between the parties

Parties that wish to reach a quick settlement

The decision resulting from a conventional litigation is difficult to enforce



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