



Alternative Dispute Resolution (ADR) Collaboration between the WIPO Arbitration and Mediation Center (WIPO Center) and the International Trademark Association (INTA)

Introduction

In light of potential synergies in their respective ADR activities, [INTA](#) and the [WIPO Center](#) collaborate in the promotion of the use of ADR amongst potential users, by harnessing the international experience of the WIPO Center and the special expertise of [INTA's Panel of Trademark Mediators](#) members.

This collaboration provides value to INTA members by making available an administered mediation option at special rates. It is intended that this collaboration between two recognized organizations in this area will stimulate the use of mediation by parties and thus reduce the negative impact of disputes in the productive use of trademark rights.

WIPO Center-INTA collaboration

The WIPO Center facilitates access by interested parties to [INTA's Panel of Trademark Mediators](#) members through the WIPO Center's website.

While parties may resort to non-administered mediation (e.g., following [court referral](#)), administered mediation and other ADR options may also meet with party demand. In addition to the continuing possibility for parties to appoint [INTA's Panel of Trademark Mediators](#) members in INTA's non-administered mediation program, INTA members may benefit from the following additional [WIPO-administered ADR options](#), at preferential WIPO rates:

- **Mediation Involving an INTA Panel of Trademark Mediators Member Administered by the WIPO Center**

Under this option, the [mediation](#) procedure shall be administered by the WIPO Center under the [WIPO Mediation Rules](#). The WIPO Center shall offer a special 25% discount on its [administration fee](#) for INTA members. The WIPO Center's case administration services include:

- procedural assistance with the submission of a Request for Mediation [[Link to WIPO-INTA Clauses](#)];
- assistance in the selection of mediators with relevant trademark expertise, drawing on [INTA's Panel of Trademark Mediators](#) and where necessary from the [WIPO Neutrals Database](#);
- determination of the mediator's fees, after consultation with the parties and the mediator;
- administration of all financial aspects of the mediation;
- liaising with the parties and the mediator to ensure optimal case communication and procedural efficiency;
- provision of online communication tools at parties' option, such as the [WIPO Electronic Case Facility](#) (WIPO ECAF).

- **Mediation Involving an INTA Panel of Trademark Mediators by Arbitration under WIPO Arbitration or WIPO Expedited Arbitration Rules Administered by the WIPO Center**

In order to increase settlement chances and/or to provide for final and binding resolution of the dispute, parties often combine mediation and [arbitration](#) by opting for mediation, followed in the absence of a settlement within a previously set timeframe, by arbitration. In that light, INTA members opting for a combined procedure could choose mediation involving an INTA TMN Panel Member (whether or not administered by the WIPO Center), followed in the absence of a settlement, by WIPO-administered arbitration under the [WIPO Arbitration Rules](#) or the [WIPO Expedited Arbitration Rules](#).

Resources

- [INTA's Panel of Trademark Mediators](#)
- Recommended WIPO-INTA Contract Clauses and Submission Agreements [[Link to WIPO-INTA Clauses](#)]
- [WIPO Mediation](#)
- [WIPO Arbitration and Expedited Arbitration](#)

Contact

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Recommended WIPO-INTA Contract Clauses and Submission Agreements

Future Disputes

WIPO-Administered Mediation

"Any dispute, controversy or claim arising under, out of or relating to this contract and any subsequent amendments of this contract, including, without limitation, its formation, validity, binding effect, interpretation, performance, breach or termination, as well as non-contractual claims, shall be submitted to mediation in accordance with the WIPO Mediation Rules. The mediator shall be a member of INTA's Trademark Mediators Network. The place of mediation shall be [specify place]. The language to be used in the mediation shall be [specify language]."

WIPO-Administered Mediation Followed, in the Absence of a Settlement, by WIPO-Administered [Expedited] Arbitration

"Any dispute, controversy or claim arising under, out of or relating to this contract and any subsequent amendments of this contract, including, without limitation, its formation, validity, binding effect, interpretation, performance, breach or termination, as well as non-contractual claims, shall be submitted to mediation in accordance with the WIPO Mediation Rules. The mediator shall be a member of INTA's Trademark Mediators Network. The place of mediation shall be [specify place]. The language to be used in the mediation shall be [specify language]."

If, and to the extent that, any such dispute, controversy or claim has not been settled pursuant to the mediation within [60][90] days of the commencement of the mediation, it shall, upon the filing of a Request for Arbitration by either party, be referred to and finally determined by arbitration in accordance with the WIPO [Expedited] Arbitration Rules. Alternatively, if, before the expiration of the said period of [60][90] days, either party fails to participate or to continue to participate in the mediation, the dispute, controversy or claim shall, upon the filing of a Request for Arbitration by the other party, be referred to and finally determined by arbitration in accordance with the WIPO [Expedited] Arbitration Rules. [The arbitral tribunal shall consist of [a sole arbitrator][three arbitrators].]* The place of arbitration shall be [specify place]. The language to be used in the arbitral proceedings shall be [specify language]. The dispute, controversy or claim referred to arbitration shall be decided in accordance with the law of [specify jurisdiction]." (* *The WIPO Expedited Arbitration Rules provide that the arbitral tribunal shall consist of a sole arbitrator.*)

Non-Administered Mediation Followed, in the Absence of a Settlement, by WIPO-Administered [Expedited] Arbitration

"Any dispute, controversy or claim arising under, out of or relating to this contract and any subsequent amendments of this contract, including, without limitation, its formation, validity, binding effect, interpretation, performance, breach or termination, as well as non-contractual claims, shall be submitted to mediation. The mediator shall be a member of INTA's Trademark Mediators Network. The place of mediation shall be [specify place]. The language to be used in the mediation shall be [specify language]."

If, and to the extent that, any such dispute, controversy or claim has not been settled pursuant to the mediation within [60][90] days of the commencement of the mediation, it shall, upon the filing of a Request for Arbitration by either party, be referred to and finally determined by arbitration in accordance with the WIPO [Expedited] Arbitration Rules. Alternatively, if, before the expiration of the said period of [60][90] days, either party fails to participate or to continue to participate in the mediation, the dispute, controversy or claim shall, upon the filing of a Request for Arbitration by the other party, be referred to and finally determined by arbitration in accordance with the WIPO [Expedited] Arbitration Rules. [The arbitral tribunal shall consist of [a sole arbitrator][three arbitrators].]* The place of arbitration shall be [specify place]. The language to be used in the arbitral proceedings shall be [specify language]. The dispute, controversy or claim referred to arbitration shall be decided in accordance with the law of [specify jurisdiction]." (* *The WIPO Expedited Arbitration Rules provide that the arbitral tribunal shall consist of a sole arbitrator.*)

Existing Disputes

WIPO-Administered Mediation

"We, the undersigned parties, hereby agree to submit to mediation in accordance with the WIPO Mediation Rules the following dispute:

[brief description of the dispute]

The mediator shall be a member of INTA's Trademark Mediators Network. The place of mediation shall be [specify place]. The language to be used in the mediation shall be [specify language]."

WIPO-Administered Mediation Followed, in the Absence of a Settlement, by WIPO-Administered [Expedited] Arbitration

"We, the undersigned parties, hereby agree to submit to mediation in accordance with the WIPO Mediation Rules the following dispute:

[brief description of the dispute]

The mediator shall be a member of INTA's Trademark Mediators Network. The place of mediation shall be [specify place]. The language to be used in the mediation shall be [specify language].

We further agree that, if, and to the extent that, the dispute has not been settled pursuant to the mediation within [60][90] days of the commencement of the mediation, it shall, upon the filing of a Request for Arbitration by either party, be referred to and finally determined by arbitration in accordance with the WIPO [Expedited] Arbitration Rules. Alternatively, if, before the expiration of the said period of [60][90] days, either party fails to participate or to continue to participate in the mediation, the dispute shall, upon the filing of a Request for Arbitration by the other party, be referred to and finally determined by arbitration in accordance with the WIPO [Expedited] Arbitration Rules. [The arbitral tribunal shall consist of [a sole arbitrator][three arbitrators].]* The place of arbitration shall be [specify place]. The language to be used in the arbitral proceedings shall be [specify language]. The dispute referred to arbitration shall be decided in accordance with the law of [specify jurisdiction]." (* *The WIPO Expedited Arbitration Rules provide that the arbitral tribunal shall consist of a sole arbitrator.*)

Non-Administered Mediation Followed, in the Absence of a Settlement, by WIPO-Administered [Expedited] Arbitration

"We, the undersigned parties, hereby agree to submit to mediation the following dispute:

[brief description of the dispute]

The mediator shall be a member of INTA's Trademark Mediators Network. The place of mediation shall be [specify place]. The language to be used in the mediation shall be [specify language].

We further agree that, if, and to the extent that, the dispute has not been settled pursuant to the mediation within [60][90] days of the commencement of the mediation, it shall, upon the filing of a Request for Arbitration by either party, be referred to and finally determined by arbitration in accordance with the WIPO [Expedited] Arbitration Rules. Alternatively, if, before the expiration of the said period of [60][90] days, either party fails to participate or to continue to participate in the mediation, the dispute shall, upon the filing of a Request for Arbitration by the other party, be referred to and finally determined by arbitration in accordance with the WIPO [Expedited] Arbitration Rules. [The arbitral tribunal shall consist of [a sole arbitrator][three arbitrators].]* The place of arbitration shall be [specify place]. The language to be used in the arbitral proceedings shall be [specify language]. The dispute referred to arbitration shall be decided in accordance with the law of [specify jurisdiction]." (* *The WIPO Expedited Arbitration Rules provide that the arbitral tribunal shall consist of a sole arbitrator.*)