

Building up Skills and Competencies of Mediators

South-East Asia IP Mediation Conference

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Mediator's Engagement Plan

Aims at supporting Mediators by:

1. Providing a Mediator information and communication framework
2. Laying the foundations for future growth in view of the expansion of mediation services to first instance proceedings
3. Spreading the internal and external mediation culture for all proceedings before the Office

Availability of mediators

EMC's relies on the availability, experience, and skills of accredited mediators – it's core asset

Objectives:

- **Maintain large pool of mediators needed to offer parties diverse expertise, backgrounds, languages - and to meet the expected volume forecast.**
- **Full mediation capacity to be achieved by the end of 2025.**
 - **24 appointed in the List of Mediators**
 - **22 new mediators eligible after completion of the learning path (October 2024)**
 - **Gradual increase during 2025**
- **EMC to liaise with mediators and line managers to ensure information exchange and appropriate recognition of mediators' dedication**

Mediator's Engagement Plan

1. Providing a Mediator information and communication framework

➤ **Communication:**

- **What's on – Mediators' Community Update – 6 editions / year**
- **Mediator coordination meetings – 6 sessions organised / year.**
Next session on 30 October 2024
- **Trainings on reporting mediations – ad hoc**
- **Collecting mediators' feed-back – at least 1 sent out / year**

Mediator's Engagement Plan

2. Laying the foundations for future growth

- **Accrediting new Mediators:** 30 new colleagues got accredited in 2024.
- **Nomination as Mediator and inclusion on the official list of Mediators (ED Decision):**
 - Attending and practicing mediation in one **Mock Mediation** Session;
 - Acting as **reporting mediator** or follow-up on a friendly settlement proposal at first instance in one case;
 - **Shadowing** an experienced mediator while carrying out mediation or a conciliation
 - Option to request a buddy mentor for new mediators

Mediator's Engagement Plan

➤ Continuous development

1. Attend Mediators' Coordination Meetings
2. Practice at Mock Mediation Sessions

	Mediator Coordination meetings	Average hours/year	Mock Mediation sessions	Average hours/year	Approx. hours/year
New mediators	At least 4/year	4-6 hours	3 out of 4 sessions over 2 years	12-16	16
Experienced Mediators	At least 4/year	4-6 hours	1 / year	8	12

3. Attend individual coaching sessions

Mediator's Engagement Plan

➤ Continuous development – optional activities

4. Attend the EUIPO BoA IP Mediation Conference
5. Attend and participate in Webinars and other training activities
6. Participate in projects and initiatives related to the expansion of Mediation services

Mediator's Engagement Plan

3. Spreading the internal and external mediation culture

- Attend and participate as **speaker** or **member** of a working group in the **activities** of the Stakeholder Engagement Plan, **Webinars** and **internal mediation / ADR initiatives**

Example - Highlights Q3 2024

ADR services and volumes

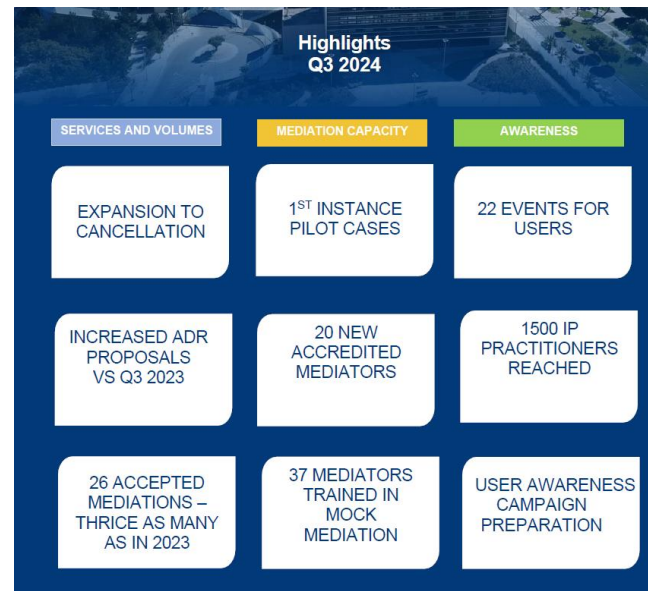
- Expansion to Cancellation
- Increased ADR Proposals
- 26 Accepted Mediations (3x)

Mediation capacity

- 20 New Accredited Mediators in Q3
- 37 mediators trained in mock mediation
- Mediators eligible for appointment

User Awareness raising and stakeholder engagement

- 22 events for users
- Reaching out to 1500 users by end September 2024
- Preparation Online Awareness Raising Campaign



Availability of Mediators, Training and Accreditation

Training path

1. Mediators that have completed accreditation training	30 (12 Q2 + <u>18</u> Q3)
2. Mediators that have completed a mock mediation	37
3. Mediators that have completed a reporting mediation	27
4. Mediators appointed as shadow mediators / shadow conciliator	22
5. Mediators having completed the learning path (eligible for appointment)	22

Increasing capacity with new mediators

- Office has currently **24** mediators in the List of Mediators appointed by the ED
- **22** mediators have completed the training path - eligible for List of Mediators **to be proposed in Q4 2024**

Training and competencies development activities

Engagement plan and Learning Path were launched in 2021

Actions for 2025:

- **Mock Mediations Programme:** Two sessions (Q2 and Q4), each lasting two days for 25 mediators per day.
- **50 individual coaching sessions:** prioritised for appointed mediators in the immediate run-up to an upcoming mediation.
- **Internal training on specific ADR topics**
- **Bilateral ‘check-in’ meetings** between Mediation Centre staff and mediators.
- **Personalised ADR platform support** and one-to-one induction.
- **Mediator surveys and profile updates** for proper case assignments.
- **Four Mediator Coordination Meetings**, which in 2025 will be enhanced to emphasize debriefing, experience sharing, and active mediator participation.
- **‘What’s on – Mediators’ Community Update’**
- **Mediators’ Community corner**, a section on insite under the EMC dedicated to mediators, including resources, links to relevant documents, and updates.

Steps in the mediation process - Overview

Initiation

- Request by parties
- Proposal by rapporteur
- Selecting the mediator
- Signature of agreement to mediate

Preparation

- Pre-mediation planning
- Contact with parties
- Exploration of real interests

Mediation day

- Opening
- Individual or joint sessions
- Outcome: settlement agreement

“Reporting Mediation” – Objectives

1. Follow-up with parties (normally after Communication from Rapporteur)
2. Test their appetite for mediation / ADR
3. Explain benefits of mediation
4. Answer any questions they may have about the process
5. Motivate parties to formally reply to ADR proposal (preferably positively)
6. Facilitate “good offices” and promote EUIPO ADR services

“Reporting Mediation” – Benefits to Trainee Mediator

1. Progressing through the learning path (hands on learning)
2. Real life experience in the pre-mediation process
3. Informal contacts with users/representatives
4. Interesting conversations – insights and viewpoints
5. Providing value-added customer care
6. Getting a first taste of the mediator / mediation experience
7. Opportunity to shadow



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THANK YOU