

Trends and Development in Mediation

South-East Asia IP Mediation Conference

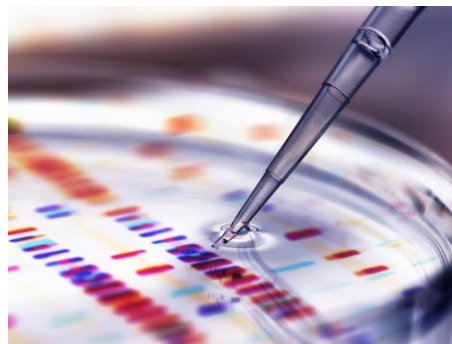
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FACTORS CONTRIBUTING TO DEVELOPMENT IN IP MEDIATION

Expansion of IP regimes



Advancement of Technology and Innovation



Societal needs



EMERGING TRENDS AND DEVELOPMENTS IN IP MEDIATION

❖ virtual mediation



❖ Use of AI in mediation



❖ Mediation in cross border dispute



Virtual or Online Dispute Resolution – facilitating mediation via the use of teleconferencing and videoconferencing platform

Advantages and benefits

- ✓ Flexibility and increase participation
- ✓ Reduction of cost
- ✓ Less stressful mediation environment
- ✓ Improve communication and engagement

VIRTUAL OR ONLINE DISPUTE RESOLUTION

Issues

- **Confidentiality**
- **Dependency in technology**
- **Focus on mediator´s skills**

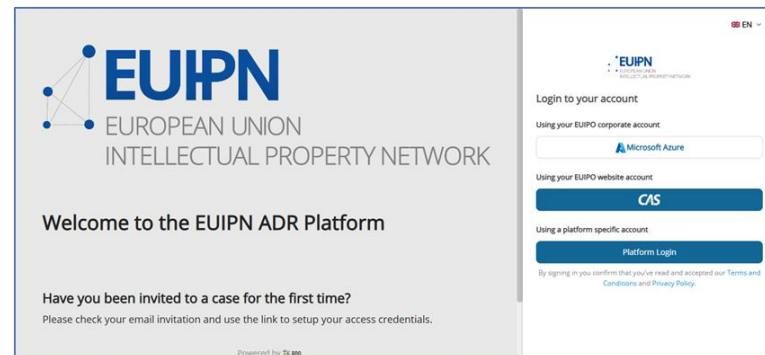
Consideration

- **Robust regulatory framework**
- **Sufficient infrastructure**
- **Adequate training for neutrals**

EUIPO ADR ONLINE PLATFORM – a dedicated platform designed to provide a secured environment that promotes utmost confidentiality and efficiency

Features and benefits:

- Carry-out all relevant communications (messages, notes, emails, videoconferences, etc.)
- Access and upload relevant documents
- Check status of ADR cases
- Create tasks and assign access rights
- Settlement agreement with digital signature

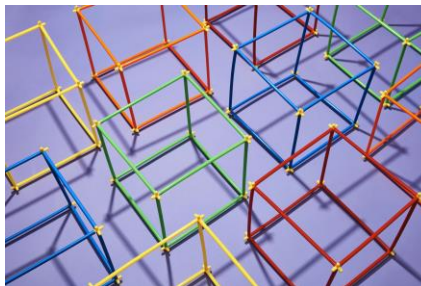


Use of Artificial Intelligence (AI) in ADR

Artificial intelligence for document analysis



Blockchain for document security



ChatGPT for training



Issues in Using AI in Mediation

Privacy and data security



Risk of bias in AI algorithms

Use of AI in EUIPO

- **AI capabilities and chatbot in IP filings/TM Search**
- **E3U2 New Generation Tools for Examiners**
- **eSearch Case Law in EUIPO website**
- **Power BI in reporting process**
- **Incorporation of AI in ADR Online Platform for Mediators´ Training**

Increase use of mediation in cross border disputes

SIDRA survey* (2023): businesses opting to use international commercial mediation to resolve disputes

Crucial factors:

- **Preservation of business relationship**
- **Confidentiality**
- **Speed**

WIPO AMC which shows that for the period of 2014 to 2023, 70% of WIPO mediation and 33% of WIPO arbitration cases have concluded in a settlement between the parties.

*https://news.smu.edu.sg/sites/news.smu.edu.sg/files/smu/news_room/SMU%20press%20release_SIDRA%20International%20Dispute%20Resolution%20Survey%202024%20Final%20Report_280824.pdf

Increase use of mediation in cross border disputes

EUIPO Mediation Services

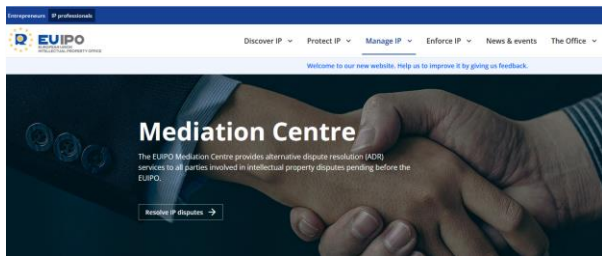
- **Expansion of mediation to 1st instance proceedings**
- **Availability of roster of mediator experts in IP and in the different languages of the EU**
- **Inclusion of relevant cultural issues and learnings in mediator´s mock mediation training**
- **Participation in the sharing of best practices in mediation with international partner**

Conclusion

- ✓ **The emerging trends in IP mediation impacts the role, skills and the knowledge of the mediator**
- ✓ **Mediator must be fully equipped to handle the demanding needs of these developments e.g. use of technology in mediation**
- ✓ **ADR-provider organizations must recognize and adopt to evolving environment in mediation and ADR**

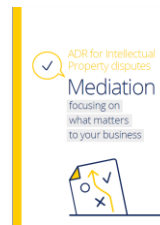
RESOURCES AND CONTACT

EUIPO Mediation Centre webpage



[Mediation Centre \(link\)](#)

Brochures



[Mediation: focusing on what matters to your business](#)



[EUIPO Mediation Centre](#)

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THANK YOU