



WIPO Mediation for Disputes pending before the Intellectual Property Office of the Philippines (IPOP HL)

Background

The Intellectual Property Office of the Philippines (IPOP HL) and the WIPO Arbitration and Mediation Center (WIPO Center) have established a joint dispute resolution procedure to facilitate the mediation of intellectual property (IP) disputes pending before IPOP HL. As of May 7, 2015, a WIPO mediation option is available in proceedings filed with IPOP HL.

Coverage

All cases filed in the IPOP HL primarily involving one or more parties domiciled outside the Philippines shall be referred to mediation, pursuant to Section 2 of Office Order No. 154, s. 2010.

In accordance with IPOP HL's Office Order 154 Series of 2010, Office Order 15-067 Series 2015 and relevant IPOP HL's rules and regulations on mediation, the following types of disputes are required to undergo mediation:

- Administrative complaints for violation of intellectual property rights (IPV) and/or unfair competition
- Inter partes cases (IPC)
- Disputes involving technology transfer payments
- Disputes relating to the terms of a license involving the author's rights to public performance or other communication of his work
- Cases appealed to the Office of the Director General (ODG) from decisions of the Bureau of Legal Affairs (BLA) and the Documentation, Information and Technology Transfer Bureau (DITTB)
- All other cases which may be referred to mediation during the settlement period declared by the Director General

The WIPO Mediation option offered by IPOP HL may be especially advantageous for international parties or parties seeking to settle related disputes in multiple jurisdictions.

Using WIPO Mediation in IPOP HL Proceedings

- *Submitting to WIPO Mediation*

Upon referral of a case to IPOP HL Mediation, parties shall be informed during the briefing stage of their option to submit their dispute to WIPO Mediation and shall receive a copy of the Agreement and Request for WIPO Mediation.

If the parties fail to agree to submit the dispute to WIPO Mediation, the IPOP HL mediation process shall immediately resume.

If the parties agree to refer the case to WIPO Mediation they shall complete and sign the Agreement and Request for WIPO Mediation and return it to the Bureau of Legal Affairsq Alternative Dispute Resolution Services (BLA-ADRS). The Director of the BLA-ADRS shall notify the WIPO Center.

- *Appointment of the Mediator*

The parties may appoint any mediator from the WIPO Panel of international mediators (which includes IPOPHL accredited mediators).

Unless the parties have otherwise agreed themselves on the person of the mediator or on another procedure for appointing the mediator, the appointment shall take place in accordance with the list procedure described in Article 6 of the WIPO Mediation Rules

The prospective mediator shall, by accepting appointment, be deemed to have undertaken to make available sufficient time to enable the mediation to be conducted expeditiously.

The mediator shall be neutral, impartial and independent.

- *Failure to Attend Mediation Meetings*

The failure of the party who initiated the case to attend the mediation meeting(s) is a ground for the dismissal of the case.

If respondent fails to attend such meeting(s), he may be declared in default.

- *Conduct of the Mediation*

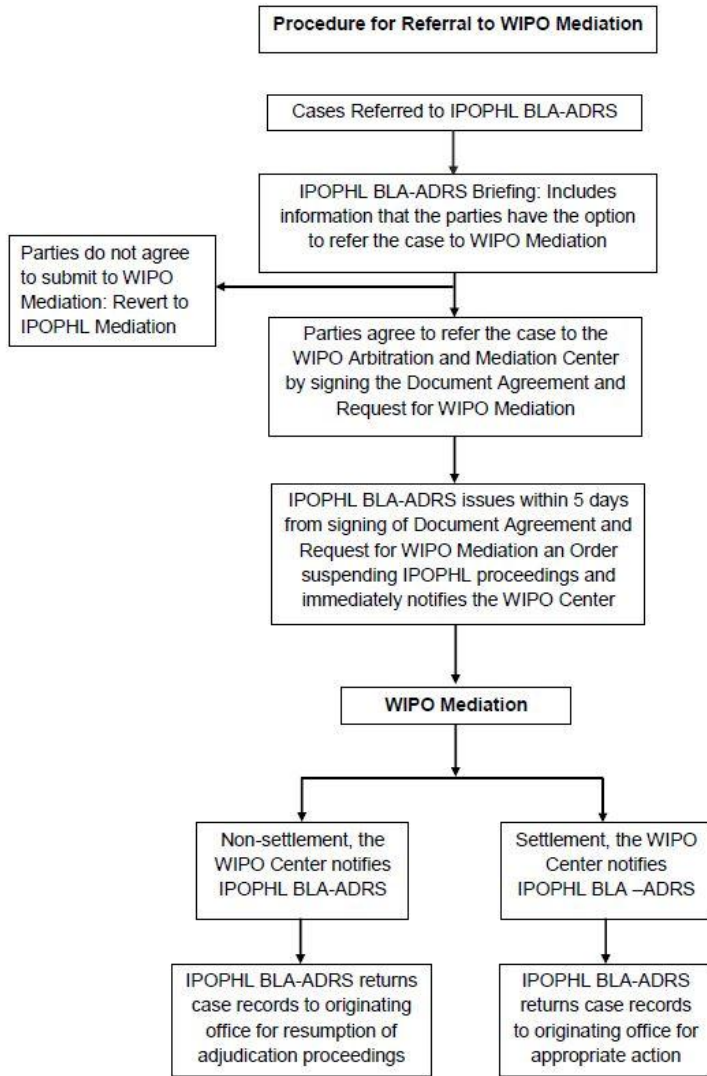
The mediation shall be conducted in the manner agreed by the parties. If, and to the extent that, the parties have not made such agreement, the mediator shall, in accordance with the WIPO Mediation Rules, determine the manner in which the mediation shall be conducted.

- *Result of the Mediation*

The WIPO Center shall notify BLA-ADRS of the result of the mediation proceedings.

If the dispute is settled, BLA-ADRS shall return the records of the case to the originating office, for the promulgation of the appropriate order of dismissal or a decision based on compromise agreement.

On the other hand, in case of failure to settle, BLA-ADRS shall return the records of the case to the originating office for the resumption of the adjudication proceedings.



Schedule of Fees and Costs for WIPO Mediation in IPOPHL Proceedings

The WIPO Center believes that mediation should be cost effective. In consultation with parties and mediators, the WIPO Center ensures that fees charged in a WIPO Mediation in IPOPHL Proceedings are appropriate in light of the circumstances of the disputes.

Administration Fee	Mediator's Fees
USD 100 per case	USD 100 per party (includes 2 sessions of mediation with a maximum of 2 hours per session) Additional hours USD 100 per hour per party

Payment details information

1. Payments to the WIPO Center shall be made in USD by bank transfer to:
WIPO Account IBAN CH68 0483 5063 0397 8200 0, Credit Suisse, CH-1211 Geneva 70,
Switzerland, Swift Code: CRESCHZZ80A

(When making the transfer, please indicate the purpose of the payment, including the case reference if available, and in cases subject to the WIPO Rules the names of the parties to the proceeding.)

2. Payments in cash will not be accepted.

3. All bank charges, transfer fees or other amounts that may be levied in connection with a payment made to the Center shall be the responsibility of the party making the payment.

Additional Information

WIPO Mediation Proceedings Instituted in the IPOPHL
<http://www.wipo.int/amc/en/center/specific-sectors/ipophl/>

Guidelines on the referral of IPOPHL cases to WIPO Mediation
(IPOPHL Office Order No. 15-067 Series of 2015)
<http://www.wipo.int/export/sites/www/amc/en/docs/ipophlofficeorder154.pdf>

WIPO Mediation Rules
<http://www.wipo.int/amc/en/mediation/rules/index.html>

Information on the WIPO Center
<http://www.wipo.int/amc/en/center/background.html>

IPOPHL ADR Services
<http://www.ipophil.gov.ph/index.php/services/ip-cases2/alternative-dispute-resolution>

Contact details:

WIPO Arbitration and Mediation Center
34, chemin des Colombettes
P.O. Box 18
1211 Geneva 20
Switzerland
T +4122 338 8247
F +4122 740 3700
Email: arbiter.mail@wipo.int
Website: www.wipo.int/amc/