

Time- and Cost-Efficient Resolution of Entertainment Disputes

Entertainment Disputes

Entertainment disputes may be related to production and co-production agreements, copyright related agreements, financing agreements, distribution agreements, broadcasting agreements, licenses, music agreements, merchandising agreements, artist and talent agreements, confidentiality and non-disclosure agreements, TV and other media formats, among others.

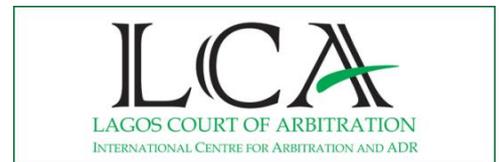
Disputes in this sector can be brought before national courts, however **litigation is not always well equipped** to deal with the particularities of this type of disputes because the conflicts are often complex and require **special legal expertise** as well as **industry and market know how**.

Alternative dispute resolution (ADR) mechanisms, including **mediation** and **expedited arbitration**, offer parties and their lawyers high-quality, **efficient and cost-effective** ways to resolve their entertainment disputes out of court, especially contractual disputes.

LCA-WIPO Collaboration

The **Lagos Court of Arbitration (LCA)** and the **World Intellectual Property Organization Arbitration and Mediation Center** collaborate to **raise awareness of ADR options** for entertainment disputes in Nigeria and the region.

More information on LCA may be found at: www.lca.org.ng



WIPO Arbitration and Mediation Center

With offices in **Geneva**, Switzerland and in **Singapore**, the **WPO Arbitration and Mediation Center** offers **ADR** options, including **mediation** and **expedited arbitration**, to enable parties to efficiently settle their **domestic or cross-border commercial disputes**. The WIPO Center is **international** and **specialized in intellectual property and entertainment disputes, including copyright disputes**. It has a strong focus on **controlling the time and cost of its proceedings**.

WIPO ADR procedures are organized to stimulate positive opportunities for **party settlement**. **70%** of the **mediation** procedures administered by the WIPO Center have been **settled**.

Resolving Entertainment Disputes Using WIPO ADR

WIPO Mediation and Expedited Arbitration Rules for Film and Media

The WIPO Center developed in cooperation with industry experts the WIPO Mediation and Expedited Arbitration Rules for Film and Media. These Rules have been tailored to resolve disputes in a time- and cost-effective manner and provide for a mediation procedure and an expedited arbitration procedure that can either be combined or used independently at the parties' option.

Taking account of the fast moving nature of the entertainment sector, the time limits applying to the various stages of the proceedings have been shortened in the Rules to expedite the dispute resolution process.

www.wipo.int/amc/en/film/rules

WIPO Film and Media Panel of Neutrals

The WIPO Center makes available a special international Panel of mediators and arbitrators for appointment under these rules. The list consists of highly qualified and recognized entertainment law mediators and arbitrators from various jurisdictions.

Unless the parties have agreed on the person of the mediator or the sole arbitrator or on another appointment procedure, the WIPO Center will provide the parties with a list containing the names of specialized mediators and arbitrators with relevant expertise for the particular dispute, from which WIPO Center makes the appointment taking into account the preferences indicated by the parties.

Disputes under the WIPO Expedited Arbitration for Film and Media are decided by a sole arbitrator. If the parties prefer to have their case decided by three arbitrators, they can use the WIPO Arbitration Rules.

Fees and Costs

For disputes under the WIPO Mediation and Expedited Arbitration Rules for Film and Media, the WIPO Center's administration fee and the mediator's and arbitrator's fees have been reduced in order to adequately adapt them to the typical features of disputes in the entertainment sector.

www.wipo.int/amc/en/film/fees



Understanding WIPO Mediation

What is Mediation?

Mediation is an **informal process** in which a neutral intermediary, the **mediator**, **assists** the parties in **reaching a settlement** of their dispute, based on the parties' respective interests. The mediator **cannot impose a decision**. The settlement agreement has force of **contract**.

Why Mediation?

- Party Autonomy
- Time and Cost
- Mediator's Expertise
- Confidentiality
- Neutrality
- Creative Solutions
- Preservation of Business Relations

How to refer a dispute to WIPO Mediation?

a) If **both parties agree** to refer a dispute to WIPO Mediation (**Mediation Agreement**), the parties shall:

- Complete and sign** the Request for WIPO Mediation.
- Send the Request** to the WIPO Center by email to arbiter.mail@wipo.int.

b) In the **absence of a mediation agreement**, a party that wishes to propose submitting a dispute to mediation (**Unilateral Request**) shall:

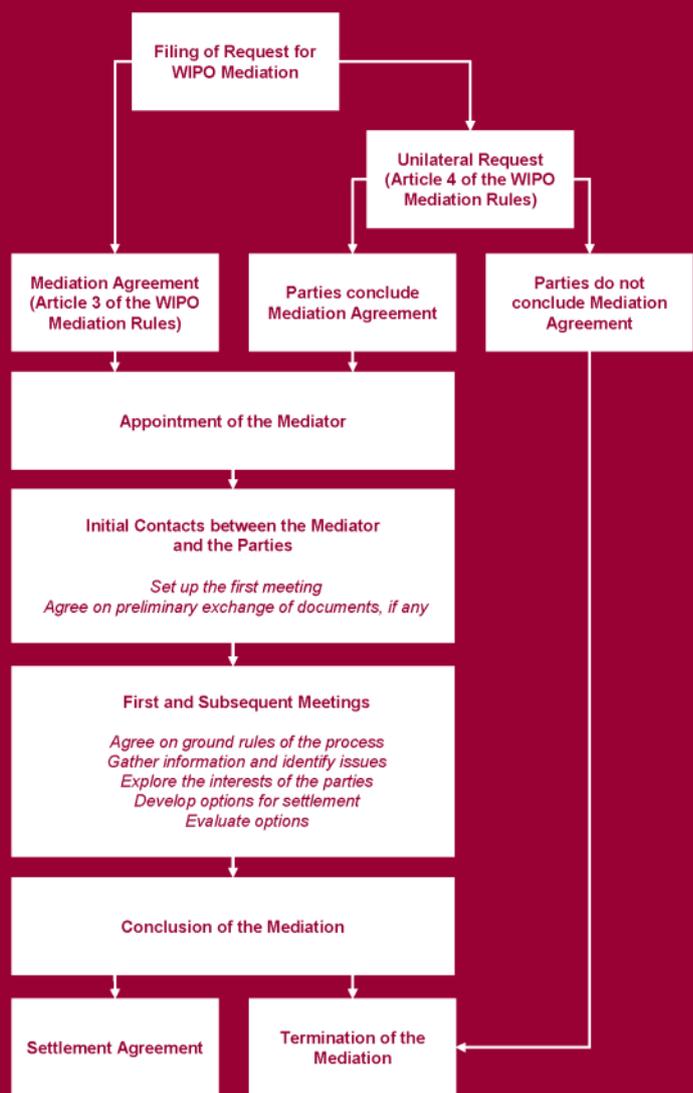
- Complete and sign** the Request for WIPO Mediation.
- Send the Request** to the WIPO Center by email to arbiter.mail@wipo.int, and to the other party.
- Upon receipt of the Request, the **WIPO Center will contact the other party** and provide information on the WIPO Mediation process.

Should the other party be interested in participating in the WIPO Mediation process, such party shall **sign and send** the Request to the WIPO Center by email to arbiter.mail@wipo.int.

The **parties may agree** on the appointment of the **mediator**, or they **may request assistance from the WIPO Center to identify suitable mediator candidates** (from Nigeria or international) that satisfy the parties' requirements.

The parties are **free to determine where** they want the **mediation to take place**. LCA may provide **logistical assistance** to the parties (e.g., meeting rooms).

Principal Steps in a WIPO Mediation



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