

IPTV, Film and Media: a New Option for Dispute Resolution

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The WIPO Arbitration and Mediation Centre provides structures for resolving disputes. From November 2009, the Centre has introduced an expedited and specialised service suitable for the content sector such as film, media, IPTV, etc. Singapore has an important role in this initiative. While larger studios and production houses may not change their current dispute resolution approach, this could be a useful option in other situations.

This is a service available not only for “pure” intellectual property disputes but all sorts of media disputes under agreements such as for:

- Distribution
- Content licensing
- IPTV
- Sponsorship
- Music synchronisation
- Financing
- Joint ventures

The WIPO Arbitration and Mediation Centre notes that these types of agreements demand:¹

.... fast and cost-efficient dispute resolution tools. Mediation and arbitration can provide an efficient alternative to court litigation, especially for international disputes.

So the Centre has introduced, from November 2009, the WIPO *Mediation and Expedited Arbitration Rules for Film and Media*.

Stakeholders can choose to put in their agreements clauses calling for WIPO-based mediation and/or expedited arbitration. They get to choose the place of the mediation or arbitration, the language to be used and the applicable law.

The Centre will have available specialised arbitrators and mediators with expertise in film and

media. The process aims to have the arbitration decision made within around four months of a request for arbitration.

The required steps are simplified too, yet allow more detail where the issue is more complex.

Assuming WIPO’s intentions are matched by the reality, this will be far quicker – and likely to be far less expensive – than full arbitration or court.

The parties can also choose to use the Centre’s model even though their original contract contained no provision for WIPO arbitration.

The WIPO Centre has also provided some template dispute resolution clauses that can be used.

The Centre is opening a new facility in Singapore and this content initiative is closely aligned with this development. This makes the WIPO dispute resolution option even more suitable for the Asia-Pacific region.

Negotiations with larger players such as the big studios can be one-sided. It may not be possible to get agreement to clauses such as this, or something similar. But the service could be useful in other situations.

¹ <http://www.wipo.int/amc/en/film/index.html>

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