DISPUTE INVOLVING A PATENT, TRADE MARK, DESIGN OR PLANT BREEDERS’ RIGHT

COMMENCEMENT OF MEDIATION PROCESS

SELECTION OF MEDIATOR
e.g. via IP Mediation Referral Service

INITIAL CONTACT
Mediator to liaise with parties and set up first meeting, document exchange (if applicable) etc.

MEDIATION
Establishment of ground rules, issue identification, discuss resolution/settlement option etc. in line with selected mediator’s methodology

CONCLUSION

SETTLEMENT/RESOLUTION

UNRESOLVED DISPUTE

Arbitrators will make a binding decision through a private dispute resolution process

Experts can provide advice or make decisions on specific matters submitted by parties

Experts may refer parties to mediation

Hearing process may be postponed for parties to attend mediation

Court process can be postponed for mediation by court order

IP Australia has powers to determine certain disputes

Courts have authority to determine most disputes

Mediators can facilitate negotiations and help parties reach mutual agreement outside of a formal process

IP Australia

LITIGATION
Court

ARBITRATION
Tribunal

EXPERT DETERMINATION

ARBITRATION
Tribunal

EXPERT DETERMINATION