

## **Intellectual Property (IP) dispute resolution through international arbitration.**

Historically, most international IP-related disputes were decided before national rather than arbitral tribunals. This was partly due to the fact that arbitration is a creature of contract, and in many IP-related disputes, such as those over ownership or infringement of IP rights, the necessary contractual relationship was absent. Additionally, some jurisdictions restricted the arbitrability of certain IP-related issues, viewing disputes over such rights as implicating matters of public policy best settled by national courts.

However, times have changed. While some types of IP disputes are still predominantly litigated in national courts, the number of IP-related cases going to arbitration continues to grow. Whether by statute or judicial determination, the trend in many common law countries is generally to allow arbitration of IP disputes. The caseload of the WIPO Arbitration and Mediation Center illustrates this trend, with cases increasing significantly over recent years. Filings at WIPO (which include mediations and expert determinations as well as arbitrations) increased by over 15 per cent from 2018 to 2019, and by over 450 per cent since 2012.


Recent changes in national laws, such as those in Singapore, Hong Kong, and elsewhere, have sought to make arbitration more attractive and effective in resolving international IP disputes. Arbitral institutions are also developing procedures to facilitate resolution of IP disputes and make arbitration more appealing to users. For example, institutions like the Swiss Chambers' Arbitration Institution and the Singapore International Arbitration Center have established dedicated panels of arbitrators with expertise in IP matters. Furthermore, most arbitration institutions have adopted mechanisms like expedited arbitration or emergency arbitrator protocols, which can be used to seek speedy remedies to protect IP rights.

Arbitration is particularly **well-suited to accommodate international and cross-border contractual disputes in the IP context**, including issues such as global licensing agreements, cross-border joint ventures, and cross-border M&A transactions involving IP rights. Arbitral proceedings are known for their speed and efficiency, with data indicating substantially shorter periods for reaching results compared to litigation.


In conclusion, arbitration has become increasingly attractive for resolving international IP disputes due to its flexibility, efficiency, and adaptability to complex cross-border issues. With the support of legislative changes, evolving institutional procedures, and dedicated arbitrators, arbitration is emerging as a preferred choice for parties seeking timely and effective resolution of their IP disputes on the global stage.

As the complexity of IP disputes continues to evolve, AMCA offers advantages of international arbitration for navigating the intricacies of the modern legal landscape.

Do you have any inquiries or questions? Contact us today to schedule a Consultation.

 +374 11 201 410

 [info@amca.am](mailto:info@amca.am)

 51 Arshakunyats Ave., area 47, Yerevan, Armenia

Source: GAR, The Guide to IP Arbitration

[https://nyiac.org/wp-content/uploads/2021/03/GAR\\_Guide\\_to\\_IP\\_Arbitration\\_1st\\_Edition.pdf](https://nyiac.org/wp-content/uploads/2021/03/GAR_Guide_to_IP_Arbitration_1st_Edition.pdf)