



How to Promote ADR in the Field of IPR

CHINESE TAIPEI

APEC IPEG FEB 9th-10th, 2020

PUTRAJAYA, MALAYSIA



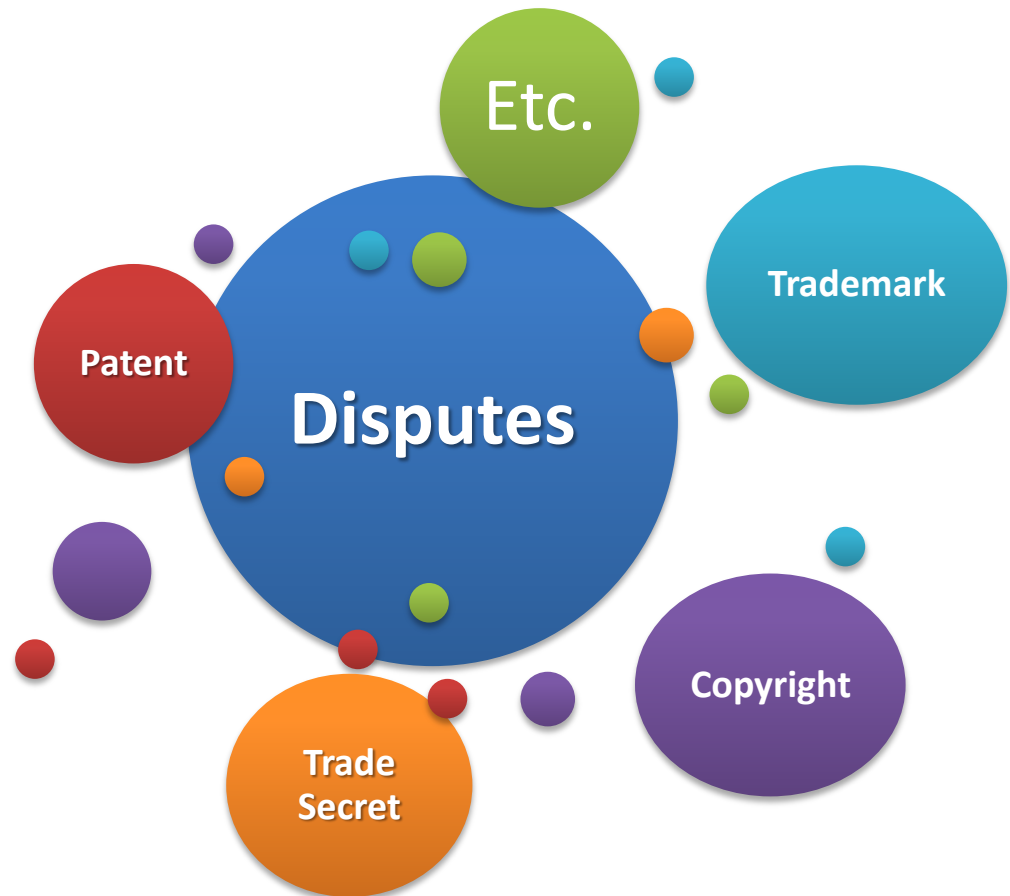
What is ADR?

- **Generally, “ADR” refers to any means of solving disputes outside of the court.**
- **Examples:**
 - Arbitration
 - Mediation
 - Negotiation



Advantages of ADR

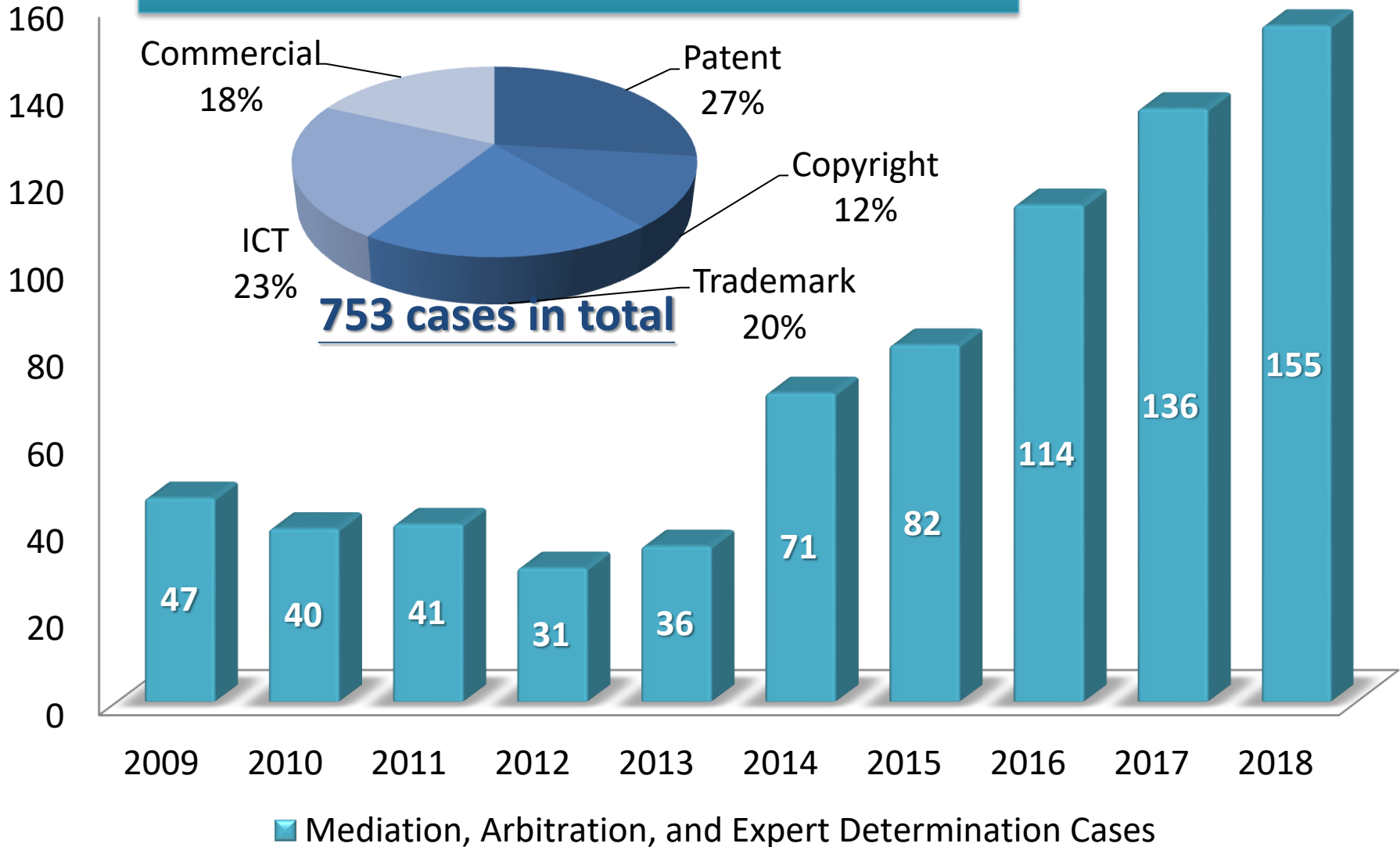
- **Better efficiency & lower cost**
- **Better suited to solving transnational disputes**
- **Party autonomy**
- **Confidentiality**





Trend of using ADR for IPR disputes

WIPO- Arbitration and Mediation Center





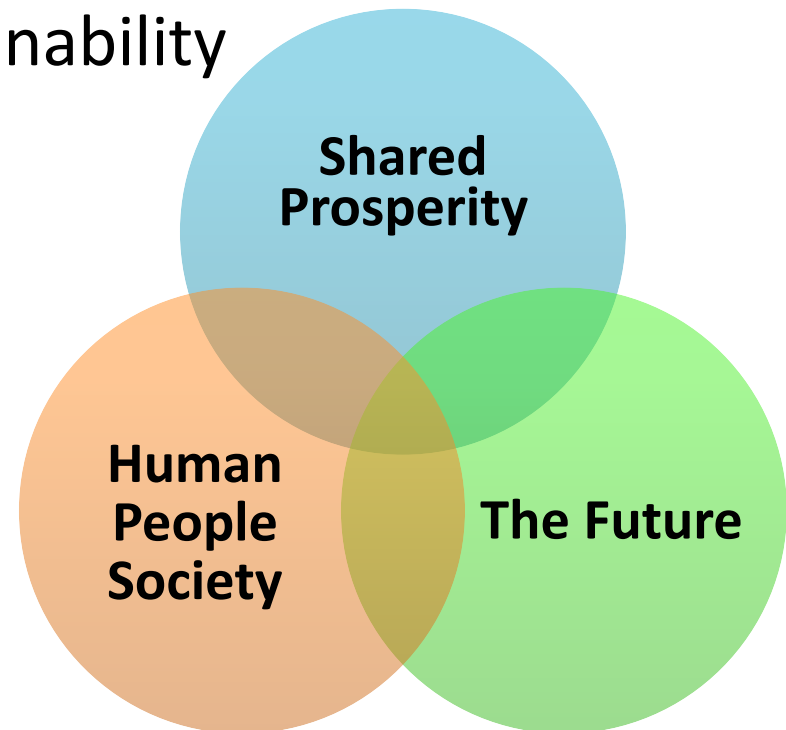
Our initiative

- **We will apply for APEC funding to host an international workshop on using ADR for IPR disputes, inviting representatives to share:**
 - Domestic statistics
 - Experiences and viewpoints about how to effectively use and promote ADR
 - Sound procedures of ADR, and so on



Information feedback to APEC economies

- **3 Priority Areas for the year 2020**
 - Improving the Narrative of Trade and Investment
 - **Inclusive Economic Participation through Digital Economy and Technology**
 - Driving Innovative Sustainability





Inclusive Economic Participation through Digital Economy and Technology (1)

- **HIGHLIGHTS** of this priority area:
 - **Women empowerment**
Gender mainstreaming
 - **Youth development**
 - Quality of living for the aging society
 - **Conducive business environment for SMEs, Start-ups** and Social Enterprises

Evolving and ever-present Internet



Prosperous e-commerce

Women

Youth

SMEs

Inclusive economic participation



- **Dilemmas SMEs may encounter when facing IPR disputes:**
 - Where the SME is an IPR holder and knows its IPR is being infringed:
 - With limited resources, SMEs generally are unwilling to file a lawsuit
 - Where goods of the SME are taken down by online marketplace due to IPR infringement notice being filed by the IPR holder:
 - The SME could be at a loss as to how to better communicate with the IPR holder

Mediation could be a sound option



Our experiences (1)

- **Comprehensive system of administrative mediation:**
 - Nearly each township or county-administered city is equipped with a mediation committee (367)
 - Free mediation
 - In 2018, 140522 cases were, and 80.25% of these were resolved
 - Administrative mediation in special areas:
 - Ex. Copyright Regulatory and Mediation Board



Our experiences (2)

- **Comprehensive system of judicial mediation:**
 - Mediation can be proceeded in courts
 - The IP Court also provides mediation services and has a list of candidates with expertise in IPR to be appointed as mediators
- **The above measures are not frequently used to solve IPR disputes, however:**
 - Developing ADR in the field of IPR looks promising given the existence of our solid foundations

Key Issue

How to Promote ADR in the Field of IPR



Our experiences (3)

- **Current measures for promoting ADR – facilitate access to ADR services via the Internet and communication devices :**
 - An online platform that collects and provides information on ADR service providers
 - Online systems for filing mediation applications (provided by some committees)
 - Remote legal consulting services (provided by some committees)
 - Remote mediation or resolution



**We sincerely invite interested
members to become our co-
sponsors**

**Let's make this great initiative
come true**



**Thank you for your
attention**

