

FOI Release
Information released under the Freedom of Information Act

Title: UK IPO mediation service

Date of release: 1 May 2018

Information request:

I am conducting research into the mediation services of intellectual property offices around the world, and have a couple of questions about the UK IPO's mediation service. I would very much appreciate any help in answering my questions.

I see that the mediation service was modernised and relaunched in 2013, following infrequent use of the service and a call for evidence from stakeholders aiming to understand the reasons for this. What I would like to know is whether the changes, specifically the service's offering of "a greater variety of mediation options (including short telephone sessions), a wider range of specialist accredited mediators and a more flexible fee scale", have had an impact on the usage of the service.

I would appreciate any statistics that you may have, such as the number of mediations carried out through the service since 2013 and the success rates of these. Additionally, do you have any information about how mediators, practitioners and parties have perceived the changes and mediating using the service? In general, anything that can help to paint a picture of how the service has been functioning in practice would be extremely helpful.

Information released:

1. *What I would like to know is whether the changes, specifically the service's offering of "a greater variety of mediation options (including short telephone sessions), a wider range of specialist accredited mediators and a more flexible fee scale", have had an impact on the usage of the service.*

The changes made to the service were designed to better accommodate the needs of businesses as noted in responses to the Call for Evidence, which called for greater flexibility and transparency over costs. The IPO does not hold information on the direct impact the changes have had on the usage of the service.

2. *I would appreciate any statistics that you may have, such as the number of mediations carried out through the service since 2013 and the success rates of these.*

Since 1 May 2013 the IPO has conducted 26 mediations at around a 70% success rate. Note: the referenced 'success rate' includes mediation sessions where parties settled, fully or in principal, on the day and/or shortly after.

3. *Additionally, do you have any information about how mediators, practitioners and parties have perceived the changes and mediating using the service?*

The IPO does not hold this information.

4. In general, anything that can help to paint a picture of how the service has been functioning in practice would be extremely helpful.

The IPO offers a facilitative mediation service, through its five accredited mediators, where the mediator's role is not to make a decision on the dispute but to help both parties reach a solution that they are happy with.

Once parties agree between themselves to participate in the IPO's mediation service, they will typically contact the Office at mediation@ipo.gov.uk with their contact details and a brief overview of the dispute. The IPO's Mediation team will then liaise with the parties and the Office's mediators to discuss the details and arrange a mutually suitable date, location, time and confirm the associated cost. The mediation session will then take place. At an additional hourly cost per party, parties have the opportunity to extend the mediation session on the day if an agreement seems likely to be reached but time is running out.

More information on the IPO's mediation service can be found on the webpage here: <https://www.gov.uk/guidance/intellectual-property-mediation#the-ipo-mediation-service>