

VI. The Conduct of a Mediation Meeting and the Role of the Different Actors

WIPO Mediation and Arbitration Workshop

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The Mediator's Role (Art. 13 of the WIPO Mediation Rules)

- Ethical Standards
 - Maintaining Party Confidences
 - Using what is learned in Caucus

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The Mediator's Techniques

- Active Listening
- Reframing
- Balancing Inequalities
- Managing Emotions

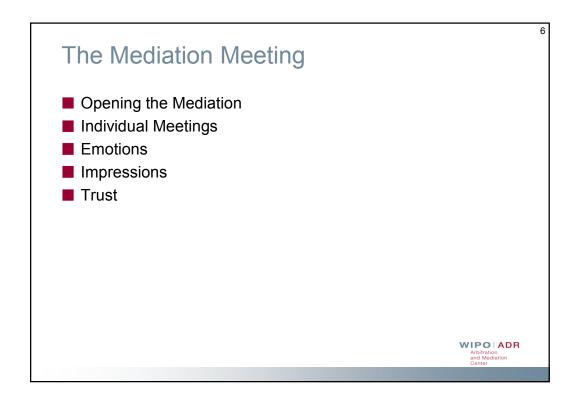
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The Lawyer's Role

- Dividing Participation Between the Team
- Disclosing Information
- Technical Issues

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The Parties' Role ■ Participation in Negotiation ■ Co-operation in Good Faith ■ Co-operation in Good Faith



The Mediation Meeting

- Evaluating Alternatives to Settlement by Mediation
- Risks for Both Sides
- Genuine commercial interests

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The Party Statements

- Who Presents and Why?
- Factual and Legal?
- Creating an Impression
- Brevity

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Identifying the Issues in Dispute

- Background
- Sensitive Information
- Common Ground
- Looking for Pinch Points

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Exploring the Parties' Interests

- Commercial Framework
- Vulnerabilities
- Hidden Agendas
- Opportunities

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Mediator's Techniques Revisited

- Rapport and Trust
- Reality Testing

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Caucus Meetings (Art. 11 of the WIPO Mediation Rules)

- Education
- Clarification
- Messages to Send
- Managing Down Time
- Test Possible Solutions

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