

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

### WIPO Mediation and Arbitration Workshop

**Palo Alto**  
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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

## The Mediator's Techniques

- Active Listening
- Reframing
- Balancing Inequalities
- Managing Emotions

## The Lawyer's Role

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

## The Parties' Role

- Participation in Negotiation
- Co-operation in Good Faith

## The Mediation Meeting

- Opening the Mediation
- Individual Meetings
- Emotions
- Impressions
- Trust

## The Mediation Meeting

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

## The Party Statements

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

## Identifying the Issues in Dispute

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

## Exploring the Parties' Interests

- Commercial Framework
- Vulnerabilities
- Hidden Agendas
- Opportunities

## Mediator's Techniques Revisited

- Rapport and Trust
- Reality Testing

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

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

**Thank You**