

WIPO Options for eSports Disputes

The rapid growth of the eSports industry makes it more likely for disputes to arise, including those related to intellectual property (IP) rights. E-Residency and the World Intellectual Property Organization (WIPO) Arbitration and Mediation Center collaborate to offer time- and cost-efficient dispute resolution options to the eSports ecosystem.

What dispute resolution options does the WIPO Center offer?

- The WIPO Center provides Alternative Dispute Resolution (ADR) services, including mediation, arbitration, and expert determination, to enable eSports parties to resolve their commercial disputes. The WIPO Center is international and specialized in IP and tech disputes.

What types of disputes can be resolved through WIPO ADR options?

- Most contractual and non-contractual IP and tech disputes can be resolved through WIPO ADR procedures.
- Disputes may be related to contracts involving eSports teams, players and tournament organizers, copyright (e.g., game storyline, gameplay, image rights), designs, hardware patents (e.g., consoles and accessories, in-game mechanics, gamepads, virtual reality headsets), IP licensing and infringement, musical works, packaging, software agreements, trademarks (e.g., game logos), among others.

Who in the eSports ecosystem can use WIPO ADR?

- eSports tournament organizers and teams, professional and amateur players, video game developers and publishers, and any other actor in the eSports sector can use WIPO ADR options.

How can you refer a dispute to WIPO ADR?

- Referral to WIPO ADR procedures is consensual and parties need to agree to refer eSports disputes to the WIPO Center.
- To facilitate their agreement, the WIPO Center provides model ADR clauses for their inclusion in eSports contracts. You can find WIPO ADR clauses at www.wipo.int/amc/en/clauses.

There are model clauses for each WIPO ADR procedure as well as for combinations of these procedures. This is an example of a frequently-used combined clauses.

WIPO Mediation followed, in the absence of a settlement, by Expedited Arbitration Clause

Any dispute, controversy or claim arising under, out of or relating to this contract and any subsequent amendments of this contract, including, without limitation, its formation, validity, binding effect, interpretation, performance, breach or termination, as well as non-contractual claims, shall be submitted to mediation in accordance with the WIPO Mediation Rules. The place of mediation shall be [specify place]. The language to be used in the mediation shall be [specify language].

If, and to the extent that, any such dispute, controversy or claim has not been settled pursuant to the mediation within [60][90] days of the commencement of the mediation, it shall, upon the filing of a Request for Arbitration by either party, be referred to and finally determined by arbitration in accordance with the WIPO Expedited Arbitration Rules. Alternatively, if, before the expiration of the said period of [60][90] days, either party fails to participate or to continue to participate in the mediation, the dispute, controversy or claim shall, upon the filing of a Request for Arbitration by the other party, be referred to and finally determined by arbitration in accordance with the WIPO Expedited Arbitration Rules. The place of arbitration shall be [specify place]. The language to be used in the arbitral proceedings shall be [specify language]. The dispute, controversy or claim referred to arbitration shall be decided in accordance with the law of [specify jurisdiction].

Are you involved in contract negotiations or in a dispute?

- If you need assistance, you can contact the WIPO Center at arbiter.mail@wipo.int.



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