

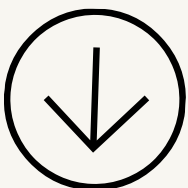
# ASIPI-FICPI WEBINAR SYNOPSIS: ADVANTAGES AND DISADVANTAGES OF ARBITRATION FOR THE RESOLUTION OF INTELLECTUAL PROPERTY DISPUTES:

## A COMPARATIVE STUDY IN LATIN AMERICA, INDIA, UNITED STATES AND EUROPE.

The conflicts regarding Intellectual Property have generated a series of questions about competition and jurisdiction issues, in which different scenarios of problems arise regarding the registration of trademarks with visual, phonetic or grammatical similarity, inventive rights regarding industrial designs and patents, or attempted theft of industrial secrets.

In the context of the elaboration of rules that protect and protect Intellectual Property rights, it is important to point out that the spirit of the legislator in each of these rules, interprets that the consumer or user, can benefit from diversity and diversity, regarding the same items and markets.

The lack of specialized courts in this area has caused this type of disputes to take place in arbitration courts of a commercial nature, subject to Intellectual Property.





**Efforts to enact laws to create independent IP courts are under social reception analysis, at least in Latin America, in countries such as Chile and Colombia.**

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In the United States and Europe, Intellectual Property disputes are handled by arbitration tribunals dedicated to international trade and finance matters, and the criteria under which their competence governs the evolution of legal figures such as trademarks, patents, and everything related to copyrights and related rights have not yet been established.

It is known that, within the framework of different analyses made by the Arbitration Chambers, the awards reflect in their argumentative part, the lack of knowledge about rules and norms of Intellectual Property in general, sticking only to issues of supply and demand, commerce, banking and finance, taxes and others.

In Latin America it does not differ much, the Conciliation Centers are the ones in charge of hearing this type of cases, and more so when they are focused on sales and enforcement issues, not on issues of controversy and analytics regarding trademarks or patents.

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