

IP AND IT Mediation Services

Benesch's 3iP Practice Group offers comprehensive, impartial, independent Intellectual Property (IP) and Information Technology (IT) Mediation Services that can help you avoid costly litigation.



IP AND IT

Mediation Services

As IP and IT deals become larger and more sophisticated, and as data breaches, cybersecurity and privacy issues steal the headlines, disputes are now becoming commonplace in the IP and IT areas.

Litigation related to IP or IT disputes can be particularly draining for the parties involved. Disputes can drag on for years in the court system, not only racking up legal fees but also consuming valuable resources by keeping key officers and leaders away from their normal activities in running the business. Litigation can also be risky in that there are no guaranteed outcomes—judges and juries will make up their own minds, and rulings are not always as anticipated.

Arbitration can be an alternative to litigation in court, involving its own formal rules and process. However, because most arbitration decisions are binding and not subject to appeal or to further litigation, and existing arbitration panels do not always have the knowledge, experience and sophistication to properly adjudicate disputes, arbitration is not a favored process in most IP/IT disputes.

Mediation provides a way for parties to settle their disputes amicably to try to avoid costly and contentious litigation or binding arbitration. The mediation process is a less formal business negotiation, facilitated by a mediator, that allows the two parties (along with their attorneys) to work together to resolve their differences prior to filing a lawsuit or engaging in arbitration. Many commercial IT- and IP-related agreements include a mediation clause to allow for an amicable solution in the event of a dispute. Even if an agreement does not contain a mediation clause, mediation can be a mutually agreed-upon first step in the dispute resolution process.

WHY CHOOSE BENESCH TO MEDIATE YOUR IP OR IT DISPUTE?

While many attorneys act as mediators, the specialized, highly technical nature of IP and IT matters calls for a particular skill set. Often, mediators are selected from groups of commercial litigators who may be experienced in litigation generally but have never negotiated an IP or IT contract, never handled a cybersecurity breach matter, or never been exposed to the complex world of intellectual property law. Benesch 3iP (Innovations, Information Technology and Intellectual Property) Practice Group attorneys offer the high levels of technical knowledge and industry and subject matter experience that comes only after years of daily involvement in IP and IT commercialization, agreements and contracts, intellectual property, and cybersecurity and privacy. We speak the languages of technology and business. We understand what is “market” in particular transactions, and we can be an independent and impartial voice of reason that helps resolve disputes so that both parties are satisfied.

TYPES OF DISPUTES MEDIATED

- Cybersecurity and privacy
- IP- and IT-related transactions—IP and IT licenses, ERP and other implementation deals, managed services, cloud services (SaaS, IaaS and PaaS), IT services agreements, service level agreements, work-made-for-hire agreements and the like
- Patents—chemical, mechanical, electrical, software
- Trademarks and copyrights

MORE INFORMATION

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