
**Agreement and Request for WIPO Expert Determination in IPOS Patent Proceedings
(under Article 5 of the WIPO Expert Determination Rules)**

Reference is made to Patent No. [Insert Reference] in the name of [Insert Name of Patent Proprietor] concerning [Insert Patent], and to the related Revocation/Inventorship/Entitlement patent proceedings filed by [Insert Name of Applicant] before IPOS.

The parties to these patent proceedings have agreed to submit their dispute to expert determination in accordance with the WIPO Expert Determination Rules. The place of expert determination shall be Singapore. The determination made by the expert shall [not] be binding upon the parties. The language to be used in the expert determination shall be English. The period for the expert determination procedure shall be [60/90/120 days]. This period includes the time for the parties to agree on the appointment of the expert, the fixing of the expert's fees, the conduct of the proceedings and the issuing of the determination. The period may be extended upon further request and justification by parties to the satisfaction of the Registrar.

[In accordance with Article 5(b) of the WIPO Expert Determination Rules, this Agreement and Request shall contain or be accompanied by:

- a description of the matter referred to expert determination;
- an indication of any rights and the nature of any technology involved;
- any documents or other information which the parties deem relevant to the expert determination;
- observations on the scope of the expert determination;
- if the parties have agreed on the appointment of a particular expert, the name, address and telephone, e-mail or other communication references of the expert; if the parties have not agreed on the appointment of a particular expert, observations on the expected qualifications of the expert;
- information on any legal or other dispute resolution proceedings commenced or terminated in connection with the matter referred to expert determination; and
- any additional information that the parties may consider relevant.]

Once an expert determination has been made, the parties shall have 1 month to submit to IPOS any agreed statement in relation to the expert determination as relevant to the IPOS proceedings. This period may be extended to 2 months upon further request and justification by parties to the satisfaction of the Registrar. The agreed statement may comprise facts and/or legal consequences flowing from those facts and/or the parties' decision on how they wish to proceed. This may include, for example, withdrawal of the patent revocation application (by the applicant), surrender of the patent, or amendment of the specification (by the patent proprietor). Upon receipt of the agreed statement, IPOS shall give effect to the statement as relevant to the IPOS proceedings.

Failing submission of any agreed statement within the provided time period, either party may provide the expert determination to IPOS. Upon receipt of the expert determination, IPOS shall give effect to the expert determination, to the extent relevant to the IPOS proceedings, provided parties have agreed that the expert determination is binding, and provided the expert determination, on the face of the record, fulfils the terms of this Agreement and Request as relevant to the IPOS proceedings. In other circumstances, either party can adduce the contents of the expert determination in evidence and IPOS will treat the expert determination as evidence filed on that party's behalf.

In all of the above scenarios IPOS may convene a Case Management Conference ("CMC") to discuss with the parties how the IPOS proceedings will proceed thereafter.

The parties have communicated to IPOS their intent to submit to expert determination and the agreed period for expert determination by giving the Registrar a copy of this Agreement and Request for WIPO Expert Determination.

In accordance with Article 5(b)(i) of the WIPO Expert Determination Rules, the names and communication details of the parties and (where applicable) their representatives are as follows:

For the Patent Proprietor

Party:

Tel:

E-mail:

Address:

Represented by:

Tel:

E-mail:

Address:

For the Applicant

Party:

Tel:

E-mail:

Address:

Represented by:

Tel:

E-mail:

Address:

The applicable administration fee in accordance with the Schedule of Fees for WIPO Expert Determination in IPOS Proceedings [has been/will be] paid.

For the Patent Proprietor

Signature:

Name:

Date:

For the Applicant

Signature:

Name:

Date:

This WIPO Expert Determination Agreement and Request should be sent to the WIPO Arbitration and Mediation Center using any of the following contact details:

*WIPO Arbitration and Mediation Center
Singapore Office
Maxwell Chambers
32 Maxwell Road #02-02
Singapore 069115
T +65 6225 2129
F +65 6225 3568
E arbiter.mail@wipo.int*