FICPI 17th Open Forum

Mediation – An Interactive Experience

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Venice

Harry Reinhardt  LL.M.
Patent Attorney
Business Mediator (DGMW), Mediation Trainer (DGMW)

Thelma Butts
Business Mediator, ADR Consultant, Corporate Trainer
BUTTS ASSOCIATES  Conflict Management & Dispute Resolution
The Problems of an Existing Conflict

Emotions

Communication

Conflict
Definitions in Mediation

Definitions

(1) Mediation is a **confidential** and **structured** process, in which the parties **assisted** by one or more mediators attempt to reach a settlement of their dispute on a **voluntary** base in their **own responsibility**. The settlement agreement has the force of a contract.

(2) A mediator is an **independent** and **impartial** person, who **cannot impose a decision** and who leads the parties through the mediation.
Steps/Phases of a Mediation Process

Phase 1: Preparation/Opening
Phase 2: Exploration the Issues in Dispute
Phase 3: Identification of Interests/Motivations
Phase 4: Negotiation of Solution Options
Phase 5: Settlement and Enforcement
What does a mediator add to conflict resolution?

- Reframing existing patterns
- Reflection Opportunity
- „Renovating“ and Establishing Trust
- Quick, Confidential and Interest-based Solution
- Structure tailored to the conflict
- Integration of Alternatives / All in one batch
- Allpartial Position
Mediation Mock Case

PA Dr. Aschberger

PA Mr. Brown

Airow, DE
Owner: Mr. Anders

Authorization enquiry

Mediation

Big Bang, DE
CEO
Mr. Beck

Letter to cease and desist

Cinq Fleurs, FR
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Thank you

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