Arbitration Saves Money and Patents in International Disputes

The advantages and disadvantages of arbitration versus litigation have been long debated, writes **Kirk Watkins** of **Womble Carlyle Sandridge & Rice, LLP**.

“Because arbitration is a matter of contract, parties are free to adopt existing procedural and substantive rules or invent their own. This freedom can complicate comparisons. For example, the parties can include or exclude discovery, permit or prohibit direct testimony, and require prompt and detailed rulings – or not. Arbitrations have one advantage that is unquestioned – treaties make the international enforcement of arbitration awards easier and more likely than the informant of state judgments.” he explains.

He adds that, “if parties to a license or industry dispute resolution agreement devote appropriate time and effort to preparing an arbitration provision to meet their specific objectives, arbitration can be a valuable tool in resolving patent disputes.”

Read the article.