

Mediation of Trademark Disputes Has Advantages

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As a result of the increasing cost of litigation, mediation has become an attractive means by which to resolve trademark disputes. Mediation is generally faster, more affordable and less risky than litigation because it facilitates creativity in negotiating a mutually beneficial resolution. Intellectual property litigation is no exception. Organizations such as the American Intellectual Property Lawyers Association (AIPLA) regularly report that the median cost of intellectual property litigation and the average costs of both patent and trademark litigation continue to grow. In view of the added burdens of new electronic discovery rules, the nationwide increases in associate salaries resulting in increased hourly billing rates, and the escalating costs of retaining suitable expert witnesses, mediation should be part of any strategy for resolving Lanham Act disputes efficiently.

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