

Kluwer Mediation Blog

Commercial Mediation & the Exhibition Industry

Angela Herberholz (MCiArb, Mediator and Co-founder of YMI) · Thursday, June 21st, 2018
· Young Mediators Initiative (YMI)



I am as much a mediator as I am a member of the global exhibition industry. Knowing both professions intimately, I strongly believe that mediation should be a fundamental tool used to address and solve conflicts within the exhibition industry.

In the exhibition industry, healthy co-operation is key to future success and business relationships are built on trust. With over 680,000 people holding full-time equivalent jobs in the exhibitions industry, there is great potential for disagreements. While conflict is a normal part of any social and organizational setting, the challenge lies in how one chooses to deal with it.

Over the past few years, I became especially interested in the knowledge about, and use of, commercial mediation in the exhibition industry and, as I was not able to find any research in that field, I decided to conduct my own field study.

The findings are based on 114 survey responses received from 34 countries between November 2017 and January 2018. The participants represent the following shareholders of the exhibition industry: exhibition organisers and venue operators, associations and service providers. More about the background of the surveyed

professionals can be found here:
<https://www.linkedin.com/pulse/mediation-exhibition-industry-angela-herberholz-mciarb/>

Mediation is one of many conflict resolution processes, but I believe it can help the exhibition industry to deal with conflicts in a sustainable way.

I would like to share the key findings with the mediation community and I hope that it triggers interest in conducting similar surveys to help us better understand the end users of mediation.

Use of commercial mediation

In the exhibition Industry, mediation is not yet used as a main conflict resolution tool. The survey results show that the majority does not benefit from this tool when addressing disputes that derive from cooperation between two or more businesses. Overall, 47% of the exhibition industry surveyed do not use mediation to deal with external conflicts, while 26.5% state that they use mediation to address disputes with industry partners. The remaining 26.5% are not aware of mediation being used for external conflict resolution.

Asia-Pacific: 65% of the surveyed industry professionals shared that they do not benefit from commercial mediation when dealing with external conflicts. 25% stated that they are not aware of the opportunity to use mediation to solve disputes with industry partners, while 10% have used commercial mediation when facing disagreements.

Africa: 80% of the surveyed industry professionals shared that they do benefit from commercial mediation when dealing with external conflicts. 20% stated that they are not aware of the opportunity to use mediation to solve disputes with industry partners.

Americas: 47% of the surveyed industry professionals indicated that they do not benefit from commercial mediation when dealing with external conflicts. 29% stated that they are not aware of the opportunity to use mediation to solve disputes with industry partners, while 24% have used commercial mediation when facing disagreements.

Europe: 47% of the surveyed industry professionals stated that they do not benefit from commercial mediation when dealing with external conflicts. 29% had used commercial mediation when facing disagreements, while 24% are not aware of the opportunity to use mediation to solve disputes with industry partners.

Middle East: 43% of the surveyed industry professionals stated that they do not benefit from commercial mediation when dealing with external conflicts. 36% stated that they are not aware of the opportunity to use mediation to solve disputes with industry partners, while 21% confirm using commercial mediation when facing disagreements.

In today's business world, more and more contracts include alternatives to litigation (court settlement of disputes) known as arbitration and mediation.

However, the majority of the surveyed exhibition industry professionals state that commercial mediation is a conflict resolution mechanism not used to treat business to business disputes.

MEDIATION & THE EXHIBITION INDUSTRY



COMMERCIAL MEDIATION

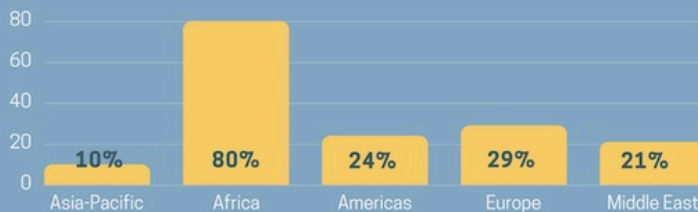
Commercial mediation, also known as mediation between businesses, can be beneficial when arguing about the following issues:

- non-performance of contracts;
- problems with interpretation of contract provisions;
- untimely payments;
- unethical competition activities;
- abuse of intellectual property; and
- problems related to business division, merger or acquisition.

GLOBAL

- 47% do not use mediation to deal with external conflicts
- 26.5% state that they use mediation to address disputes with industry partners
- 26.5% are not aware of mediation being used for external conflict resolution between two or more companies.

REGIONAL INSIGHT



Surveyed industry professionals confirm the use commercial mediation



CONCLUSION

In today's business world, more and more contracts include alternatives to litigation (court settlement of disputes) clauses, for example mediation.

However, the majority of the surveyed exhibition industry professionals state that commercial mediation is not used to treat disputes arising from business cooperation.

First step towards sustainable conflict resolution: Ensure you include a mediation clause to your next contract.

You can always go to arbitration or take your matter to court, but if you try dealing with a dispute using mediation first, your certainly have a saying in how to settle your conflict and what to agree upon!



I would like to encourage professionals of the exhibition industry and beyond to take informed decisions when it comes to dispute resolution. I am not claiming that commercial mediation is the right process for all conflicts, but it is certainly a valuable alternative!

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