



Cessation of Informal Arbitration Scheme: Society of Authors and Publishers Association communication

Historically, the Publishers Association has offered an “Informal Arbitration Procedure”, also referred to as the “Informal Dispute Resolution or Settlement Scheme” (“the Scheme”) designed primarily to facilitate the resolution of contractual disputes between authors and publishers through the appointment of an arbitrator. In practice, however, arbitration is a prohibitively expensive and inflexible method of resolving such disputes and the Scheme has not been used for some years.

Considering the many more affordable alternative methods which have subsequently become available for resolving disputes, the Publishers Association and the Society of Authors have agreed that the Scheme is no longer serving their members’ best interests. It has therefore ceased to operate and this should be reflected accordingly in contracts. We do of course urge members to resolve disputes without recourse to litigation wherever possible and this joint communication from the Publishers Association and Society of Authors is designed to give general, non-binding guidance on the alternative means available and to signpost to where further information can be found.

A constructive and co-operative relationship between book authors (and the agents and representatives acting for them) and their publishers is vital to successful publishing - as recognised in the Publishers Association Code of Practice on Author Contracts. Authors and publishers are encouraged wherever possible to seek to resolve disputes privately, and to abide by the [Industry-Wide Commitment to Professional Behaviour](#). The Society of Authors has published a [10-step approach to resolving disputes](#) and is on hand to guide members on the best means of doing so.

Where a dispute cannot be resolved privately, parties may first wish to consider whether the matter can be resolved through a mutually agreed alternative dispute resolution (ADR) procedure, such as mediation, conciliation, early neutral evaluation, or expert determination.

Mediation is a flexible, voluntary and confidential form of ADR in which a neutral third party helps the parties to work towards a negotiated settlement of their dispute, with the parties retaining control of the decision on whether or not to settle and on what terms. The Intellectual Property Office runs a [low cost mediation service](#). The [Civil Mediation Council](#) has a [search facility](#) which lists registered mediators and has issued [guidance](#) for conducting mediation virtually. [ADR Group](#), and [CEDR](#) also have online mediator directories.

Alternatively, if the parties prefer, or if they cannot agree upon an ADR process or it is not successful, they may elect to submit the matter for resolution through the courts under normal legal procedures. The [Intellectual Property Enterprise Court](#) and [Small Claims Track](#) (SCT) both feature cost-effective and streamlined procedures which limit the exposure of litigants, and the SCT also operates its own [mediation service](#) once legal proceedings have started.

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