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Institutional & Industrial Dispute Resolution Centre

PANORAMA

-MONTHLY MAGAZINE-

ARBITRATION IN THE DIGITAL ECONOMY

Resolving Tech & Startup Disputes

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CEO's Message

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Building an institution from scratch is, among other things, an exercise in patience. We started IIDRC with a straightforward belief: that arbitration and dispute resolution in India deserves institutions that take the work seriously. This magazine is one small expression of that belief.

I want to acknowledge our team directly. They came in early, stayed late, and did the kind of disciplined work that actually builds something.

This magazine, in particular, exists because of two people. **Vediccaa Ramdanee** conceived it, drove it, and saw it through, the kind of initiative that doesn't wait to be asked. **Atiya Kausar** supported its development with the same quiet diligence that marks good institutional work. Between the two of them, they turned an idea into something you're actually reading.

IIDRC focuses on institutional and industrial dispute resolution, arbitration, mediation, and the legal education that supports practitioners at every stage. We're not trying to be everything. We're trying to be good at this, and then better at it.

The lawyers, students, and General Counsels reading this are exactly the community we built for. Some of you will come to us with disputes. Some with questions. Some simply because you find this area of law as interesting as we do. All of that is welcome here.

We'll use this magazine to share thinking on arbitration, not just announcements about ourselves. If something we publish is worth arguing with, we've probably done our job.

We're glad you're reading.

Hamid

CEO, IIDRC

SECTION TWO · EVENTS

IIDRC – Academic Partnerships & Institutional Collaboration

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IIDRC has taken significant steps toward strengthening Alternative Dispute Resolution (ADR) education by formalizing collaborations with Parul University and School of Law, GD Goenka University through the signing of Memoranda of Understanding (MoUs). These partnerships aim to enhance academic engagement, promote knowledge exchange, and provide practical exposure to students and professionals in the evolving ADR landscape

PARUL UNIVERSITY COLLABORATION

IIDRC formalized its collaboration with Parul University through the signing of a MoU aimed at strengthening academic engagement and practical exposure in the field of ADR. This partnership reflects a shared commitment to bridging academia and practice by creating meaningful opportunities for students, researchers, and professionals. IIDRC extends its sincere gratitude to the leadership and faculty of Parul University for their support and looks forward to fostering impactful initiatives to advance ADR education.

GD GOENKA UNIVERSITY COLLABORATION

IIDRC also collaborated with the School of Law, GD Goenka University through the signing of an MoU focused on promoting knowledge exchange, academic engagement, and practical learning in ADR. This collaboration aims to create meaningful opportunities for students and professionals while strengthening ADR awareness and education. IIDRC expresses its appreciation to the university leadership and faculty for their support and looks forward to building a strong and impactful partnership ahead.

SECTION TWO · EVENTS

INSIGHTS FROM THE AAI KNOWLEDGE SERIES

IIDRC on **7th March 2026** hosted another webinar from AAI Series titled **ADR in Tech & Startup Conflicts: Founder Agreements, SaaS Disputes & Digital Contracts.** The session brought together leading arbitration practitioners, legal scholars, and technology law specialists to examine the evolving landscape of dispute resolution in the fast-moving startup and digital ecosystem. Moderated by **Fahimuddin A. Khan**, Chief Legal Officer at IIDRC, the webinar provided actionable insights into how ADR mechanisms can address the unique legal challenges that technology-driven businesses face today.

The webinar converged on several actionable recommendations: treat dispute resolution clauses as integral to product design rather than a legal afterthought; invest in technically literate arbitrators capable of handling data and algorithm disputes; prioritise mediation and structured ADR to preserve business value; and begin building comprehensive AI governance frameworks before disputes arise.

> *"Start-ups move at the speed of innovation, but disputes often move at the speed of traditional law."*
>
> **Fahimuddin A. Khan**
> Chief Legal Officer, IIDRC

> *"If data is biased, the algorithm will inherit that bias."*
>
> **Adv. Ankita Sabharwal**
> Head of Data Privacy & Protection at Chadha & Chadha

Arjun Prakash, Director at Jus Mundi, highlighted a fundamental shift in global arbitration trends. New categories of disputes, smart contract conflicts, algorithm ownership battles, and data model disputes are emerging faster than the legal frameworks governing them. He warned that generic, outdated arbitration clauses are no longer adequate, and that technically literate arbitrators are now an operational necessity rather than a luxury.

> *"The nature of disputes has changed faster than the legal frameworks governing them."*
>
> **Arjun Prakash**
> Director, Jus Mundi

KEY INSIGHTS FROM THE WEBINAR

- Treat dispute clauses as part of the product design.
- Invest in technically literate arbitrators.
- Prioritise mediation to preserve business value.
- Build AI governance frameworks proactively.
- Documentation is the difference between disagreement and legal war.

To know more from the webinar, read the full transcript on the IIDRC website.

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OPEN HOUSE & HIGH TEA WITH IIDRC

At IIDRC, we are reimagining how conversations around Alternative Dispute Resolution begin - informal, insightful, and impactful. As part of this initiative, High Tea at IIDRC is hosted on every second and fourth Friday of the month, creating a welcoming space for professionals, practitioners, and ADR enthusiasts to engage in meaningful dialogue and build lasting connections. We extend a cordial invitation to members of the dispute resolution community to join us for these engaging sessions.

Open House | 13th March 2026

IIDRC hosted its Open House & High Tea on **13th March 2026**, bringing together industry colleagues for an evening driven by collaborative thinking and fresh perspectives in dispute resolution. The session fostered engaging discussions on evolving ADR practices and strengthened professional networks in a relaxed and interactive setting. We extend our sincere thanks to **Chambers of Charu Mathur, Ms. Gurpreet Kaur, and Mr. Keshav Maheshwari** for their presence and valuable contributions that made the conversation truly meaningful.

Open House | 27th March 2026

The second Open House & High Tea for the month was held on **27th March 2026**, continuing the momentum of meaningful dialogue and knowledge exchange within the ADR ecosystem. The session brought together professionals to share insights, perspectives, and experiences, further strengthening collaboration within the community. We extend our special thanks to **Ms. Surbhi Sharma** for adding depth and value to the discussion and making the engagement impactful.

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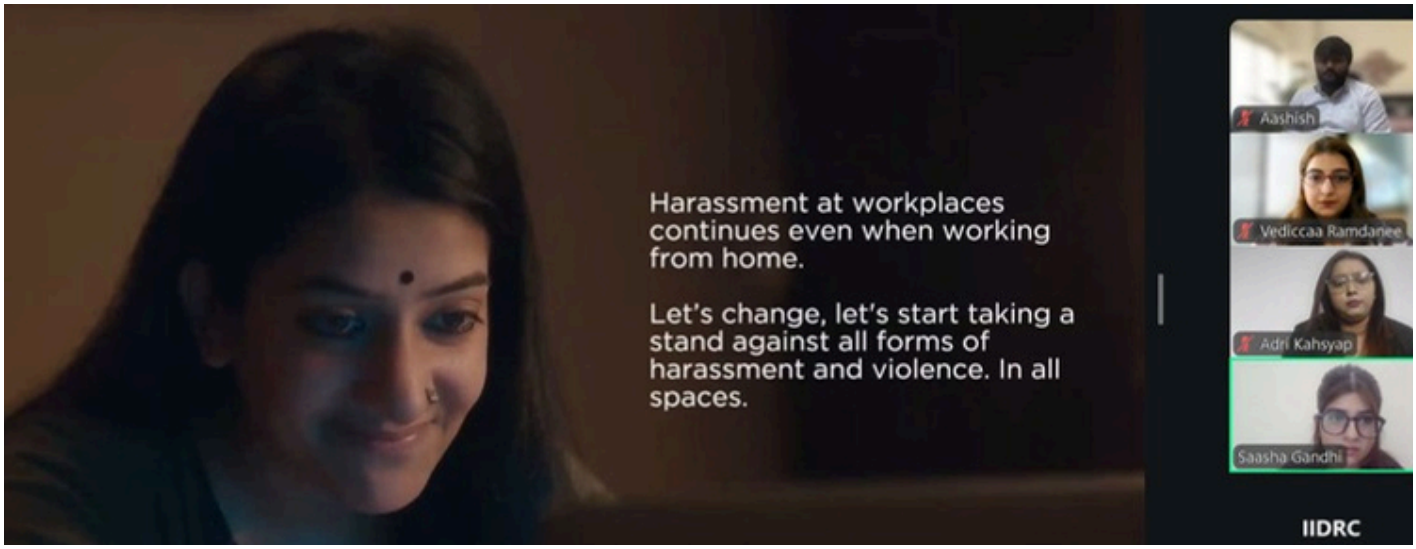
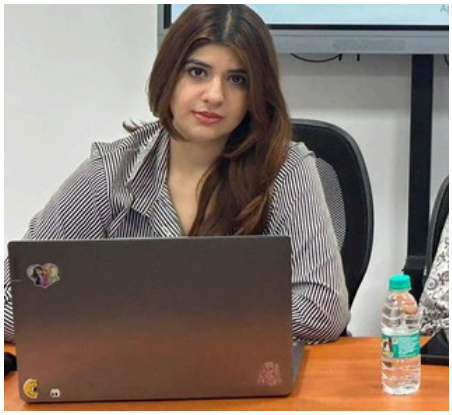
POSH AWARENESS & WORKPLACE RIGHTS WEBINAR

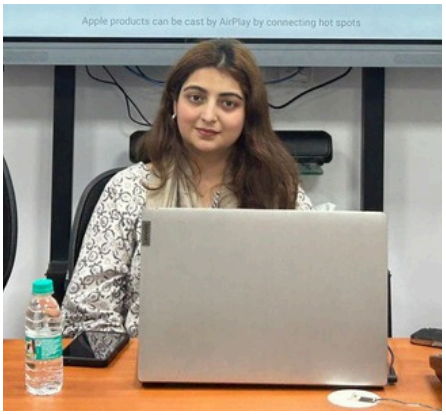


IIDRC, as part of its commitment to promoting safe and inclusive workplaces, successfully conducted the POSH Awareness Certificate Course on 28th March 2026. The session witnessed enthusiastic participation and meaningful engagement, highlighting the growing importance of awareness and compliance under the POSH framework. The interactive discussion provided participants with valuable insights into workplace rights, responsibilities, and best practices for fostering respectful professional environments.

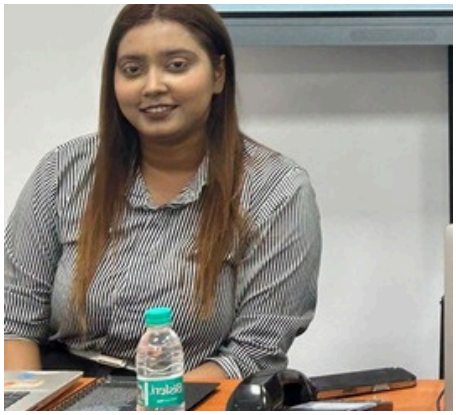
CERTIFIED POSH TRAINERS



Ms. Saasha Gandhi



Ms. Vediccaa Ramdanee



Ms. Adri Kashyap

The next POSH Awareness session is scheduled for 11th April 2026 (Saturday), and registrations will open soon. IIDRC also looks forward to launching its Train the Trainer Programme on 22nd–23rd May 2026,

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IIDRC AT CONCORDIA 3.0

As Institutional Partner at the International ADR Conference

IIDRC was proud to serve as the **Institutional Partner** at **Concordia 3.0**, a **Two-Day International ADR Conference** organized by the **ADR Board, Hamdard Institute of Legal Studies and Research (HILSR)**, **Jamia Hamdard**, held on **27th–28th March 2026**. Centered around the theme **"From Tradition to Transformation: Innovative Approaches to Alternative Dispute Resolution in the Global Justice System,"** the conference brought together leading voices from the dispute resolution ecosystem.

The inaugural session featured **Shri R. Venkataramani**, Hon'ble Attorney General of India, as Chief Guest, who emphasized the evolving nature of legal systems and the growing importance of ADR. The conference also included global perspectives from **Ms. Jo Colbert Stanley**, FCIArb, alongside remarks from distinguished academic and institutional leaders.

The panel discussion brought together **Justice Najmi Waziri** (Former Judge, Delhi High Court), **Adv. Qurratulain**, **Adv. Amit Chaddha**, **Adv. Vishvanath Agarwal**, and **Adv. Fahimuddin Ahmed Khan**, and was moderated by **Ms. Naazish Fatima Naqvi**, fostering meaningful dialogue on contemporary ADR challenges and opportunities.

IIDRC's association as Institutional Partner reflects its continued commitment to strengthening ADR dialogue and advancing collaborative dispute resolution frameworks.

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Article 1. Arbitration in the Digital Economy: Future of Tech Arbitration

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-By Ria Dalmia

I. INTRODUCTION

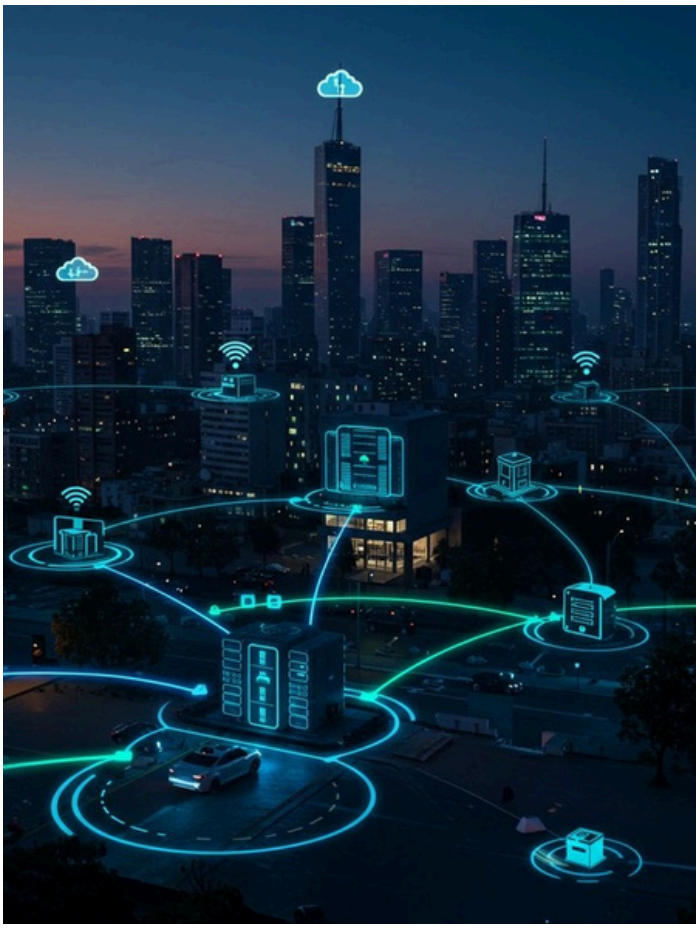
The digital economy is fast expanding globally, with export of digitally delivered services amounting to ($3.82 trillion) in 2022, or approximately 54% of the world's service exports. These services have grown an average of 8.1% per year in comparison with the traditional goods trade.[1] With the growing use of technology, there is also an expansion in conflicts involved in online contracts, in fintech payments, as well as in data protection. Existing courts are not always sufficient when it comes to solving such cases as they are inefficient, and therefore, arbitration is the teanswer with its speed, flexibility, and the ability to be used alongside digital practices, such as online hearings and electronic evidence.

II. UNDERSTANDING TECH ARBITRATION

Tech arbitration is the arbitration of technology arguments in court. Among them, software contracts, e-commerce, fintech payments, and data protection are the key ones. [2] In 2023, approximately 890 new cases were registered by the International Chamber of Commerce and with resolved cases amounting to roughly US$ 255 billion, arbitration has shown great importance and usage in dealing with modern technology disputes, a trend which is likely to rise with the growth into digital business.

III. EMERGING TECHNOLOGIES IN TECH ARBITRATION

The vast use of technology has influenced arbitration. According to the World Intellectual Property Organisation, cases that are related to technology doubled to 1,461 in 2025, with WIPO settling 410 cases, the majority of which concerned digital content, trademarks, patents, and domain name cases. Approximately 70 % of disputes are settled by a mediator, and 33 % of disputes are settled by a mediator, respectively, which demonstrates the importance of both of these approaches in resolving international and technology-related disputes. As an example, the Permanent Court of Arbitration registered 246 cases in 2023, of which 122 were investor-state cases, demonstrating how complicated and voluminous these cases are in the technology industry. According to the International Chamber of Commerce, 831 new arbitration cases in 2024 with a total value of approximately US$ 354 billion indicated that the dispute in the tech industry has been more complicated. Traditional courts have become sluggish in India, spurring the adoption of Online Dispute Resolution (ODR), which is now backed by online mediation training initiated by the Supreme Court of India in 2024. In general, arbitration is turning out to be more international and more technologically oriented.



IV. CHALLENGES IN TECH ARBITRATION

There are numerous advantages of tech arbitration, yet there exist several significant complications to it. Data privacy is one of the significant problems. The information and cases of such are sensitive and subject to cyberattacks; hence, high levels of security must be implemented. The other issue is that not all arbitrators are well aware of the latest technologies, such as artificial intelligence and blockchain. This may ensure that they deal with complicated issues inappropriately involving technological aspects. Online hearings also have risks of hacking and data breaches during hearings, which can interfere with confidentiality. As a result, there are demands for good legislation, enhanced cybersecurity, and adequate technical education of arbitrators.

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Article 1. Arbitration in the Digital Economy: Future of Tech Arbitration -By Ria Dalmia

V. FUTURE TRENDS IN TECH ARBITRATION

Tech arbitration is going to be increasingly more digital around the world, as well as in India. Arbitration is becoming very strong at the international level. The International Chamber of Commerce reports 831 new cases of arbitration in 2024, with 2,392 parties in 136 countries. Moreover, the overall number of disputes settled by arbitration was estimated to be approximately US$ 354 billion, the highest in history, and the cases involved in arbitration are of high value and complexity and even technological cases. The trend of digital dispute resolution in India is also on the rise. ODR is gaining significance as the conventional courts are congested. It has been reported that online mediation and digital training systems are on the rise in India as a way of managing high numbers of disputes effectively, particularly in the e- commerce and financial service sectors. Arbitration is also adopting technologies in a clear shift to online training and mediation. In 2024, the Supreme Court also introduced an online mediation training program that included 40+ hours of online training and 50+ lectures, indicating a significant shift towards technology in dispute resolution. The arbitration system is becoming more digital, global, and efficient; hereby, the 107 cases have been held in 62 countries, all according to these trends.

VI. LEGAL FRAMEWORK AND CASE LAWS

The Indian courts have reinforced the principles of arbitration using critical decisions. In ONGC v Saw Pipes Ltd., the Supreme Court stated that under the circumstances of the arbitral awards, they may be reversed due to the violation of the public policy, which guarantees fairness in the decision-making. In Perkins Eastman Architects DPC v HSCC (India) Ltd., the Court stressed that the arbitrators must be independent and neutral to enhance fairness in the decision-making. Therefore, despite the technological advancements, the main principles of fairness, neutrality, and justice of arbitrations are crucial.

VII. RECOMMENDATIONS AND WAY FORWARD

- Technical Training of Arbitrators: Arbitrators are supposed to receive appropriate training on technology in order to learn about digital disputes such as AI, blockchain, and cybersecurity. This will enhance the quality of decisions.
- Publicity of Online Dispute Resolution: Governments ought to advertise Online Dispute Resolution (ODR) platforms to resolve disputes in a fast manner. As per NITI Aayog, ODR has the potential to handle huge volumes of cases and ease the pressure on courts.
- Good Legal Framework: Good laws that safeguard data privacy and guarantee cybersecurity should exist in arbitration. This will make people more confident in digital dispute resolution systems.
- International Cooperation: Nations must collaborate to ensure that awards of an arbiter are accepted and enforced throughout the international system. Such viable measures will render the future of tech arbitration more efficient.

CONCLUSION

The digital world is becoming a place of tech arbitration. It offers a more expeditious and adaptable method of dispute resolution. The problems, such as cybersecurity and expertise, should be overcome, though. Arbitration would be the best option for solving digital disputes in future with the right legal protection and technology in place.

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Article 2. Cross-Border Tech Disputes: The Role of Arbitration in a Borderless Digital Economy

By- Devyanshi Gaud and Haneri Tyagi

I. INTRODUCTION

The rise of the digital economy has changed how businesses function. Companies are no longer limited by geographic boundaries and can serve customers worldwide through digital platforms. This shift is clear in areas like software development, cloud computing, fintech, and e-commerce. However, along with this globalization comes a rise in disputes that cross national borders. Cross-border technology disputes are complex, mainly because they involve multiple jurisdictions, different legal systems, and technical subjects. Courts, which are limited by territorial boundaries, often struggle to handle these disputes well. In this situation, arbitration has become an important way to resolve international disputes neutrally and effectively.

II. NATURE OF CROSS-BORDER TECH DISPUTES

Cross-border technology disputes arise in many contexts. One common area is intellectual property, where disputes over copyright infringement, patent violations, and unauthorized software use frequently occur across borders. Enforcement becomes tricky when violations happen in more than one country at the same time. Data protection and privacy are also significant issues. As dependence on data grows, disputes often concern cross-border data transfers, data breaches, and compliance with various regulations. E-commerce platforms generate disputes related to consumer rights, contracts, and liability of intermediaries. Since these platforms operate globally, determining jurisdiction and applicable law can be challenging.

Additionally, disputes in fintech and blockchain technology are rising due to the decentralized nature of transactions. Agreements for technology licensing and Software-as-a-Service also add to cross-border disputes, particularly regarding performance expectations and payment problems.

III. CHALLENGES IN RESOLUTION

Resolving cross-border technology disputes comes with several practical and legal challenges. Jurisdiction is a major concern, as multiple courts may assert jurisdiction over a dispute, leading to conflicting outcomes and delays. Parties might also engage in forum shopping for strategic advantages. Determining the applicable law adds complexity. Different countries have different legal frameworks, making it hard to figure out which law governs a dispute, especially when contracts lack clear specifications. Enforcement of judgments can be difficult. Unlike arbitral awards, court rulings are not always easily enforceable in other countries. The technical nature of disputes also complicates matters. Judges might lack the expertise needed to address complex technological issues, affecting the quality of their decisions. Moreover, cross-border litigation is often costly and time-consuming, making it less appealing for businesses. .

IV. ARBITRATION AS A SOLUTION

Arbitration has surfaced as a practical solution to many challenges linked to cross-border disputes. One of its key benefits is neutrality. Parties can choose a neutral forum, which helps avoid bias found in domestic courts. Arbitration also allows parties to select arbitrators who have relevant expertise in technology and international law. This ensures that disputes are resolved by people who understand the subject.

Another benefit is procedural flexibility. Arbitration processes can be adjusted to meet the parties' needs, including virtual hearings and the use of digital evidence. Confidentiality is crucial in technology disputes where sensitive business information and trade secrets are involved. Most importantly, arbitral awards are generally enforceable in many jurisdictions, making arbitration a more effective choice than litigation in cross-border disputes.

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Article 2. Cross-Border Tech Disputes: The Role of Arbitration in a Borderless Digital Economy

By- Devyanshi Gaud and Haneri Tyagi

V. LEGAL FRAMEWORK

The effectiveness of arbitration in handling cross-border disputes is backed by a solid legal framework. The Convention on the Recognition and Enforcement of Foreign Arbitral Awards, 1958, known as the New York Convention, supports the acknowledgment and enforcement of arbitral awards across member states. The UNCITRAL Model Law on International Commercial Arbitration provides a uniform framework adopted by many nations, ensuring consistency in arbitration practices. In India, the Arbitration and Conciliation Act, 1996 governs arbitration, incorporating international standards and encouraging the use of arbitration in commercial disputes.

VI. JUDICIAL APPROACH

The Indian judiciary has played a vital role in promoting arbitration. In Bharat Aluminium Co. v. Kaiser Aluminium Technical Services Inc[4], the Supreme Court clarified the limits of arbitration law in India and highlighted the importance of party autonomy. In Centrotrade Minerals & Metal Inc. v. Hindustan Copper Ltd., the Court upheld the validity of international commercial arbitration agreements, reinforcing India's supportive stance on arbitration. These decisions show judicial backing for arbitration as an effective way to resolve disputes.

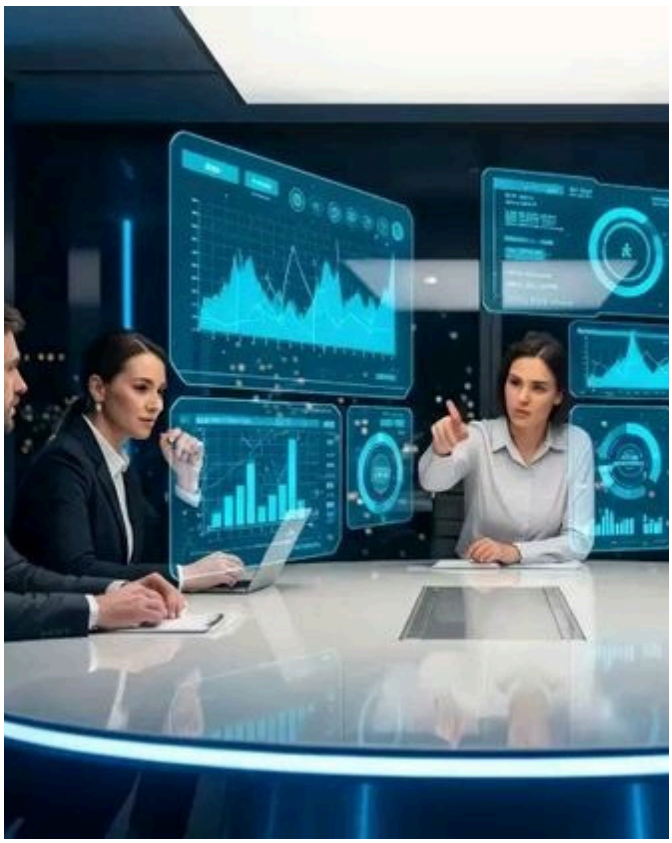
VII. CONCLUSION

The The rapidly growing global digital economy, in which companies and individuals engage across national borders through digital platforms, cloud computing, and online services, naturally leads to cross-border technology disputes. These disputes are complicated because they frequently touch on topics like cybersecurity, software licensing, data protection, and intellectual property rights.

Due to jurisdictional conflicts, disparities in legal systems, and challenges in enforcing court rulings abroad, traditional litigation techniques are frequently insufficient in settling such disputes. Litigation can also be expensive, time-consuming, and lack the technical know-how needed to effectively handle technology-related issues.

By offering flexibility, impartiality, and confidentiality, arbitration provides a workable and effective solution. The parties can choose a neutral venue for resolving disputes, choose arbitrators with technical expertise, and determine the applicable law. One of the main benefits of arbitration is that its rulings are enforceable under international agreements in numerous nations, guaranteeing successful execution.

Additionally, arbitration is quicker and more flexible, particularly in light of the growth of virtual hearings and online dispute resolution. Arbitration is turning into a crucial tool for settling cross-border technology disputes in a fair, effective, and internationally recognized way as the digital economy expands.



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Article 3. Resolving Founder, Investor, and Technology Contract Disputes Through Arbitration

By- Rishabh Gandhi

At 10:30 p.m., the founder says the investor is blocking decisions that should have been routine. By midnight, the investor says the founder has breached reserved matters and gone off-script. By morning, the technology vendor has suspended support for alleged non- payment, the customer-facing product is unstable, and somebody has discovered that the shareholders' agreement, the founders' agreement, and the services contract were drafted as though disputes were a matter for another lifetime. This is not an exotic story from the digital economy. It is increasingly an ordinary one. In a market built on speed, scale, and contractual layering, disputes do not arrive politely. They arrive when the business is least able to absorb delay..

I. NATURE OF CROSS-BORDER TECH DISPUTES

India's startup ecosystem is no longer small, informal, or forgiving. Startup India states that more than 1,57,000 startups have been recognised, while official government material continues to describe India's digital economy as a major and fast-growing component of national income. India now has a startup ecosystem of formidable size and the India's digital economy is a major and fast-growing component of national income. That growth brings a less glamorous companion: serious commercial disputes. The old instinct of treating startup conflict as a temporary personality issue no longer works. Founder fights now affect governance, fundraising, data control, intellectual property, and exit pathways. Investor disputes now affect veto rights, dilution protection, transfer restrictions, and the company's ability to survive the next round. Technology contract disputes now affect business continuity itself.

II. WHY ARBITRATION FITS

That is why arbitration fits this space so naturally. The point is not that arbitration is fashionable. It is that digital-economy disputes are usually intolerant of public delay. A founder dispute litigated in open court can damage reputation before liability is determined. An investor dispute can paralyse control long before a final decree. A technology dispute can make the merits almost secondary if platform access, source code support, or implementation continuity is under immediate strain. The Arbitration and Conciliation Act, 1996, by design, gives parties procedural flexibility, a chosen forum, and access to interim protection under Sections 9 and 17. In the right case, those features are not merely convenient. They are commercially decisive.

III. FOUNDER FALLOUT

Founder disputes are often misdescribed as ego clashes. In truth, they are usually disputes about control dressed in the language of trust. Who has authority to bind the company? Who controls product direction? What happens when one founder exits? What if vesting was never properly documented? What if one founder begins speaking to investors, employees, or customers as though the company were already his alone? The legal difficulty is that startup relationships often begin informally and scale faster than their governance documents. Once confidence collapses, every casual understanding suddenly seeks legal status. Arbitration is attractive here because it can move privately, quickly, and with enough procedural elasticity to accommodate the commercial reality that the company must usually keep operating while the dispute is being fought.

IV. INVESTOR CONFLICT

Investor disputes are less emotional, but more dangerous. Capital is never merely money. It arrives with rights: board seats, vetoes, information access, anti-dilution terms, drag rights, tag rights, exit protections, and governance levers that become visible only when things go wrong. When those rights are disputed, the problem is not only contractual interpretation. It is leverage over the company's future. A contested down-round, an alleged breach of reserved matters, or a blocked exit can all become existential events in a venture-backed business. Arbitration suits such disputes because it is fundamentally a contract-enforcement mechanism in a private forum. That is valuable where the documents are complex, the issues are commercially sensitive, and the parties need a tribunal that can understand negotiated rights without converting the process into public theatre.

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Article 3. Resolving Founder, Investor, and Technology Contract Disputes Through Arbitration

By- Rishabh Gandhi

V. TECHNOLOGY CONTRACT FAILURES

Technology contract disputes have their own distinct temperament. The software implementation was delayed, but the vendor says the client kept changing the scope. The SaaS platform underperformed, but the provider points to exclusions and dependencies. Payment was withheld for milestone failure, but the counterparty argues that acceptance was deemed.

Access to tools, code, data, or backend support becomes contested precisely when operations depend on them most. These are not merely "IT issues." They are contract disputes with technical facts. That makes forum design critical. Arbitration is often better suited than ordinary litigation to handle expert evidence, technical records, staged relief, and confidential business material without unnecessary procedural sprawl.

VI. URGENCY AND RELIEF

The case for arbitration becomes even stronger when urgency is real. The Supreme Court's decision in Amazon.com NV Investment Holdings LLC v. Future Retail Ltd. gave important reinforcement to the Indian arbitration framework by recognising that an emergency arbitrator's order under institutional rules can, in the proper statutory setting, be enforceable in India. That matters far beyond the facts of that case. In founder and investor disputes, urgent relief may be required to prevent share transfers, governance actions, disclosure of confidential information, or actions that alter the company irreversibly before the tribunal can fully hear the matter. In technology disputes, urgency may relate to access, continuity, data preservation, or operational restraint. Commercial conflict in the digital economy often does not wait for leisurely procedure, and the law increasingly acknowledges that reality.

VII.CONFIDENTIALITY

Confidentiality is a significant advantage. Startups avoid public funding disputes, investors protect portfolio value, and technology companies limit exposure of sensitive data and systems. While arbitration is not entirely opaque, it is better suited than public litigation for such information-sensitive disputes. That said, it is not inherently efficient. Poorly drafted clauses in multi-document transactions, shareholders' agreements, IP assignments, MSAs, and related instruments often lead to disputes over signatories, joinder, and scope. In Cox and Kings Ltd. v. SAP India Pvt. Ltd., the Court recognised the group of companies doctrine but emphasised that it depends on consent, intention, participation, and the transaction's structure—not automatic inclusion.

VIII.ARBITRABILITY

Arbitrability also requires discipline. Not every dispute that has a company-law flavour, or arises in a startup setting, is automatically fit for private adjudication. Booz Allen and Vidya Drolia remain the leading signposts. They underline that Indian law distinguishes between disputes that are suitable for private resolution and those that, by reason of their nature or statutory design, belong to public fora. Many shareholder and contract disputes will be arbitrable. Some claims invoking statutory remedies, public rights, or remedies with broader erga omnes consequences may not be. The art, therefore, lies not in sloganising every dispute as arbitrable, but in correctly identifying which aspects of the controversy belong before an arbitral tribunal and which do not. Technology contracts should address access to logs, testing artefacts, source material, and data transition issues before tempers rise. Founder and investor documents should anticipate the unpleasant future rather than flatter the optimistic present. The better the drafting, the less likely that the dispute forum itself becomes the first dispute.

IX.CONCLUSION

The digital economy runs on speed, code, capital, and confidence. Its disputes do too. Founder disputes test governance. Investor disputes test leverage. Technology contract disputes test resilience. In each category, delay is not passive; delay can become the injury. Properly structured arbitration cannot eliminate commercial conflict. But it can prevent commercial conflict from maturing into commercial paralysis. In this corner of the economy, that is not a procedural advantage. It is a strategic one.

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SECTION THREE · ARTICLES

Article 4. Arbitration in the Digital Economy: Resolving Tech and Startup Disputes

By- Keshav Maheshwai

I. INTRODUCTION

Arbitration has been a benchmark shift for resolving immensely complicated, complex and undifferentiated issues and disputes pertinently involving claims of materials, obstruction in supply of goods and services, employment, intellectual property rights, monetary claims, international commercial transactions and employee-employer disputes amongst others. It is not reverie or an afterthought anymore as per the need and essentiality of arbitration is into regime. It is needless to say that the arbitration in terms and peripherals of digital commercialization had been accepted by every sector and segment including but not limited to medical, infrastructure, revenue, consumer, judiciary, technology, hardware, education etc. Further, in past few years there had been a significant and umpteen rise of the arbitration legal proceedings in digital front which is being advanced to reduce the burden of court, court proceedings, reducing valuable time utilisation of court, pendency of time and assessment of filing of matters filed before the Hon'ble court, etc. on the functioning of courts. The rise and rapid growth of arbitration for alternative dispute resolution and virtual related conflicts had been an effective and delay saving resolution since past five-six years more specifically after Covid-19 have now become ordinary practice for effective and expedite redressal of work order, incomplete compliance of services as per agreement and pecuniary claims etc.

II.IMPORTANCE OF ARBITRATION IN IMPROVEMENT AND UPKEEPING OF DIGITAL ECONOMY:

The digital ambience and platform in terms and amplification of arbitration mechanism has seen an enormous growth and has been an important partner and component in pushing growth of digital economy by including the quick and convenient redressal of multi-million disputes between the parties, convenient judicial forum for understanding and adjudicating complicated issues and resolving them with minimum time, keeping in view balance of convenience, reasonableness of the interest and claims of the parties etc., more specifically in the digital ecosystem of arbitration in upgradation of digital economy and disposal or settlements of the technology and startups disputes as well.

Further, the significance of arbitration in digital sector involves wider amplifications, benefits, simple dispute redressal restructure, reestablishment of landscape of the digital economy and arbitration system and mechanism as the digital utilisation has became a day to day affairs for the civilians doing commercial and professional job work, tasks, assignments, assessments etc. has in reality revamped the roadmap of virtual podium, digital arena and digitisation in many reforms which prima facie shows that the arbitration has been an integration to reestablishment of efficiency, competency and accessibility to resorting disputes of high stakes.

Further, in recent years the entire and evolution in the digital dynamics has transformed arbitration and vice versa from attending lengthy court proceedings in which the trial procedure more specifically in a pecuniary recovery dispute ongoing in trial courts takes years to be adjudicated due to pendency of files, from dealing with the notice, service, reply, trial and arguing procedure to entire pleadings of arbitration to be filed consolidatedly to reduce time and resources. It would no be out of place to mention that most of the companies or any entity being aggrieved being affected by the legal complexities are going through the process of arbitration more specifically in digital sphere and structure as the same involves technical issues pertaining to digital assets, crypto assets, cybersecurity, software organisations etc. It would not be out of place to mention that arbitration has been regarded as reliable source to adjudicate voluminous issues and appreciated by the digital sector for it's adaptability, confidentiality and procedural aspects.

III. GROWTH MECHANISM AND MOMENTUM OF ARBITRATION IN RESOLVING TECH AND STARTUP DISPUTES:

The upliftment and necessity of arbitration has established a stature of making decisions collating to balance of convenience, observing the paradigms and keeping the interest of the parties at the behest and keeping the best possible remedies available for sorting the technical and complicated issues. The growth of arbitration more specifically in tech and startup has been consistently and in due course growing for the reason of expeditious redressal of the disputes which grants them time to utilise on their commerce and business.

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Article 4. Arbitration in the Digital Economy: Resolving Tech and Startup Disputes

By- Keshav Maheshwai

Further, the shift from traditional and customary litigation to arbitration has seen taking route to arbitration procedure as it has procedure fairness, maintaining balance on case outcomes, efficiency and legal amplification amongst other characteristics had made the arbitration best establishment for tech and startup for adjudication of their disputes. The digital capitalisation is expected to emasculate amass revenue which is evented to be one of the plausible, tenable and credible reason for tech and startup disputes to pave the legal option of arbitration. The infrastructure, accordance and technological system in terms of the venue, access convenient to the location of arbitration and other factors observed for convenience adopted arbitration and all the facilities and amenities in terms of the tools, components and equipment's for virtual hearing and proceedings available which has been the possible growth mechanism and momentum of arbitration.

IV. DIFFERENCES IN THE SECTORS WHICH HAD EFFECTED THE ECONOMY POSITIVELY:

In the era and evolution of Artificial Intelligence (for short "AI") not even the arbitration has intercepted a mainstream and vital role and module in past few years more specific to mention after covid-19 the arbitration has made the parties going through arbitration procedure have making it a standard mechanism for cost friendly on litigation, simplified procedure for adjudication of disputes aiding in positive growth of economy.

Further, the arbitration also has effected economy on different sectors including but not limited to companies managing business in medical, real estate, security systems, software development etc, amongst others. That the reasons for paving for arbitration is procedural fairness, transparency, mode for expedite redressal of disputes amongst others. It would be pertinent to mention that prior to taking the accessibility of arbitration there were serious conflicts and complications for adjudication of the disputes by the jurisdictional courts. That for very reason as discussed amongst others the parties for balanced resolution head towards arbitration route. The valuation of technology industry will be expected to worth to 300-350 billion dollars as well as the startups entities will likely to be worth to around 350 billion dollars in India which itself is a self-explanation to entities having statutory remedy of arbitration. The national judicial data grid (for short "NJDG") has time and again uploaded the data as there the pendency of cases is more than 55 million thereby making a litigation lengthy, cumbersome and costly procedure and route.

V. CONCLUSION::

Arbitration has been a benchmark shift for resolving immensely complicated, complex and undifferentiated issues and disputes in intellectual property rights, monetary claims, international commercial transactions and employee-employer disputes amongst others. Further, in past few years there had been a significant and umpteen rise of the arbitration legal proceedings in digital front which is being advanced to reduce the burden of court, court proceedings, reducing valuable time utilisation of court, pendency of time and assessment of filing of matters filed before the hon'ble court, etc. on the functioning of courts therefore it goes without saying as understandable in the above discussion that arbitration in upcoming years is the best available statutory remedy for resolving complicated, uncomplicated, complex, uncomplex disputes.

Further, it is not reverie or an afterthought anymore as per the need and essentiality of arbitration is into regime in past few years there had been a significant and umpteen rise of the arbitration legal proceedings in digital front which is being advanced to reduce the burden of court, court proceedings, reducing valuable time utilisation of court, pendency of time and assessment of filing of matters filed before the Hon'ble court, etc., on the functioning of courts. The infrastructure, accordance and technological system in terms of the venue, access convenient to the location of arbitration and other factors observed for convenience adopted arbitration and all the facilities and amenities in terms of the tools, components and equipment's for virtual hearing and proceedings available which has been the possible growth mechanism and momentum of arbitration. That the reasons for paving for arbitration is procedural fairness, transparency, mode for expedite redressal of disputes amongst others. The valuation of technology industry will be expected to worth to 300-350 billion dollars as well as the startups entities will likely to be worth to around 350 billion dollars in India which itself is a self-explanation to entities

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04

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IIDRC Open House- Join us for an informal interaction as we showcase our state-of-the- art center

18th April 2026:

Claude AI Advanced Masterclass-Learn to leverage AI with precision & practical application

23rd April 2026:

High Tea with IIDRC at Tis Hazari District Court

25th April 2026:

Understand the POSH Act, 2013 and your Workplace Rights

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