IIDRC
Institutional & Industrial Dispute Resolution Centre

JUNE 2026 EDITION

PANORAMA

ADR IN IP & MEDIA SECTOR

Licensing, Royalties, Content Conflicts & AI-Created Material

EXCLUSIVE INTERVIEW
with
Dr. Sanjeev Gemawat
Managing Director and
Group General Counsel
Essar Group

Manaar Tower, 3rd Floor, Sector 132, Noida, Uttar Pradesh, India 201304
iidrcedge
info@iidrc.com

TABLE OF CONTENTS

SECTION ONE · WELCOME NOTE

01

CEO’S MESSAGE

For most of history, if you wanted to know who made something, you looked for the signature. On a painting. In the front of a book. At the foot of a contract. Somewhere, someone had put their name to the thing, and that little scrawl of ink was the oldest and most reliable form of intellectual property law we had. It said, in effect, this was me. If you have questions, you know where to find me.

Signatures have had a difficult year.

The most-viewed image of last week may have been generated by a machine that has no name, trained on ten million pictures whose original signatures were quietly overwritten, prompted by a teenager who cannot remember what he typed. The most-listened song of the month may not have a composer in the human sense of the word. And somewhere in a courtroom right now, a judge is being asked whether copyright can be granted to a work whose author was, technically, nobody.

We have handed this issue to that question, and to the people already living with its consequences. The panellists at our IP and Media webinar spent an afternoon on it, and their exchange was one of the more useful conversations I have had this year. One of them, Mr Aniket Agarwal, described alternative dispute resolution as “a smoke detector rather than a fire extinguisher,” which is the sort of line I intend to steal at every opportunity. It captures the moment perfectly. Waiting for the fire is no longer a strategy.

Our five contributors this month push the argument further. They cover AI-generated content, streaming platforms, licensing, royalties, corporate due diligence, and the emerging role of online dispute resolution. Read together, they describe an industry in which the tools of the eighteenth century, courts, statutes, and slow appeals, are being asked to referee the twenty-first. It is not a fair fight. ADR is not a nicer alternative here. It is the only mechanism moving at the same speed as the disputes.

A few personal notes. This month IIDRC was honoured with the Rising Star, ADR Institution award at the Law Conclave and Gavel Glory Awards at The Leela Palace, presented by three sitting judges and received on our behalf by our Chief Legal Officer, Mr Fahimuddin Ahmed Khan. It is a recognition we do not take lightly. We also entered into fifteen new institutional collaborations in a single month, which either speaks to our ambition or to my inability to say no. Either way, the network is growing, and in the right directions.

The rest of the issue speaks for itself. Read it, argue with it, and if a piece changes your mind about who really made a thing, do the honourable thing and tell them.

Hamid

Hamid Baig
CEO, IIDRC

hamid@iidrc.com

SECTION TWO · EVENTS

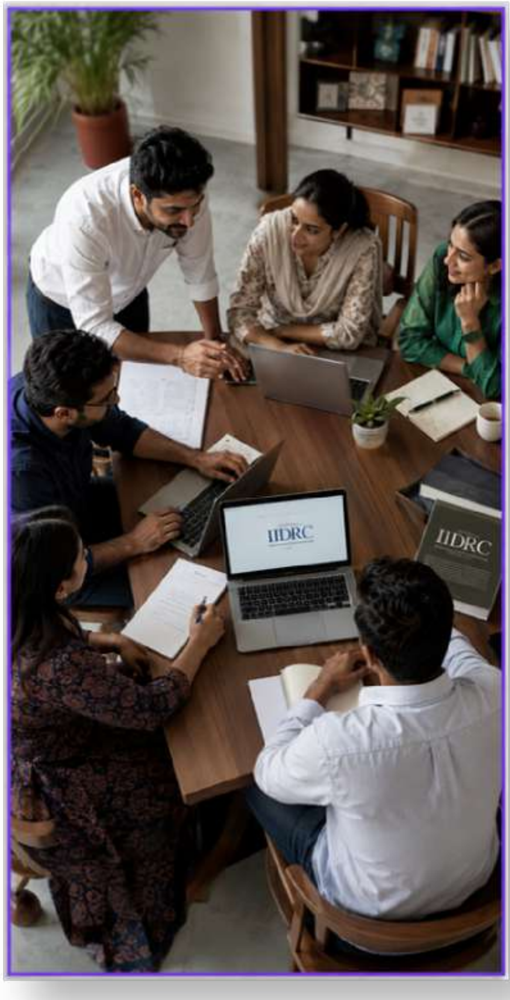
02

INSTITUTIONAL COLLABORATION

Strengthening partnerships remains central to IIDRC's vision of building a vibrant and inclusive dispute resolution ecosystem. This month, IIDRC further expanded its collaborative network through a series of Memorandums of Understanding (MoUs) with leading law firms, legal consultancies, educational institutions, technology enterprises, corporate advisory organizations, and professional platforms.

These collaborations reflect IIDRC's commitment to fostering meaningful engagement across diverse sectors and creating opportunities for knowledge exchange, capacity building, research, training, and the wider adoption of Alternative Dispute Resolution (ADR) mechanisms. By bringing together professionals from varied disciplines and industries, the institute continues to build bridges between legal expertise, business innovation, technology, education, and conflict management. Each partnership reflects a shared commitment to advancing ADR awareness, professional development, and effective dispute resolution practices.

This month, IIDRC entered into 15 new collaborations, further diversifying its growing network of partners. The collaborations span multiple sectors, including seven law firms and legal practices, two institutions dedicated to education and conflict management, and six corporate and business organizations operating across technology, infrastructure, advisory, and professional services. This broad spectrum of partnerships reflects IIDRC's belief that effective dispute resolution is not confined to the legal profession alone but is increasingly relevant across industries and organizational ecosystems.



> 15 partnerships. Multiple sectors. One shared commitment to advancing dispute resolution.

Among the notable collaborations were partnerships with DRF Conflict Management and IAMC Hyderabad, strengthening IIDRC's engagement with institutions focused on dispute resolution, education, and professional development. The institute also welcomed leading legal organizations including Madhok Law Firm, Justora Legal, Corplit Consultants, Vidhi Vimarsh Associates LLP, DC Law Offices, Singh and Associates, RPV Legal, and Legal Dose with Madhumita, further expanding its network of legal practitioners and ADR advocates.

On the corporate front, IIDRC forged new relationships with Sumeera Infosystems Pvt. Ltd., Sysbiome Technologies LLP, Rapid Boom Educational Hub, Wren Square Infra, and Rebizco Advisory (POC) Pvt. Ltd., reinforcing the institute's growing presence across technology, education, infrastructure, and business advisory sectors. These partnerships underscore the increasing recognition of ADR as an essential component of modern business strategy, risk management, and organizational governance.

Together, these collaborations mark another significant milestone in IIDRC's journey towards building a multidisciplinary and future-ready dispute resolution ecosystem, one that encourages dialogue, fosters innovation, and brings diverse stakeholders together in pursuit of effective and sustainable conflict resolution.

SECTION TWO · EVENTS

02

INSTITUTIONAL COLLABORATION

DRF Conflict Management

Madhok Law Firm

Justora Legal

IAMC Hyderabad

Corplit Consultants

Rapid Boom Educational Hub

Wren Square Infra

Legal Dose with Madhumita

GAMA

Rebizco Advisory (OPC) Pvt. Ltd.

Sumeera Infosystems Pvt. Ltd.

Sysbiome Technologies LLP


IIDRC
CELIS
International Knowledge Partner
INVESTMENT ARBITRATION CONFERENCE 2026
THEME:
India at the Frontier of International Investment Law:
Shaping the New Paradigm
SATURDAY,
14th NOVEMBER
IIDRC Sector 132, Noida, Uttar Pradesh
For more info, connect with us:
info@iidrc.com
atiya@iidrc.com
www.iidrc.com
Register your interest, scan the QR

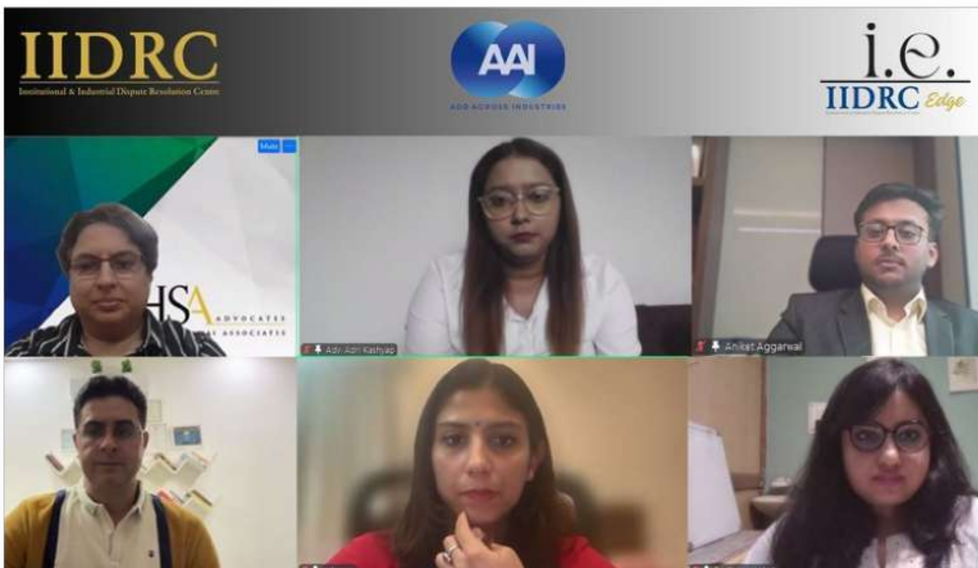
SECTION TWO · EVENTS

02

WEBINAR ON ADR IN THE IP AND MEDIA SECTOR

The Indian International Dispute Resolution Centre (IIDRC) continued its commitment to fostering meaningful dialogue on contemporary dispute resolution challenges through another engaging session under its flagship ADR Across Industries Knowledge Series. The webinar, titled "ADR in IP and Media: Licensing, Royalties, Content Conflicts, and AI-Created Material," brought together leading practitioners, in-house counsel, arbitrators, and dispute resolution experts to examine how Alternative Dispute Resolution mechanisms can effectively respond to the rapidly evolving intellectual property and media landscape.

The session was adeptly moderated by Dr. Shivani Lahoti, whose insightful questions and thoughtful interventions ensured a dynamic and highly engaging discussion. By drawing connections between intellectual property rights, commercial realities, and emerging technologies, Dr. Lahoti encouraged the panelists to move beyond theory and address the practical challenges faced by stakeholders in today's digital ecosystem. Her moderation skillfully steered the conversation toward issues that are increasingly relevant in an era of AI-generated content, digital piracy, licensing complexities, and cross-border enforcement.



Key Perspectives from the Panel

Opening the discussion, Mr. Zeeshan Khan, Partner at Luthra and Luthra Law Offices, highlighted the growing importance of ADR in resolving intellectual property disputes, particularly those spanning multiple jurisdictions. One of the most compelling questions addressed by him concerned the ownership of AI-generated content. He explained the ongoing legal debate surrounding whether copyright in AI-created works should vest in the user, the developer of the AI system, or the platform itself. He also shared valuable insights on the role of WIPO mediation and arbitration in resolving complex cross-border disputes, citing practical examples where parties operating across multiple countries successfully used WIPO's specialized framework to reach settlements.

Drawing from over two decades of experience in litigation and arbitration, Ms. Parnaz G. Karwari, Founder of Alpha Chambers, Advocates & Solicitors, brought a practical perspective to the discussion. Responding to the moderator's question on whether parties should approach courts or rely on ADR when urgent relief is required, Ms. Karwari explained that while arbitration and mediation have significant advantages, intellectual property disputes often require immediate intervention to prevent irreversible commercial damage. She discussed the growing relevance of John Doe Orders, emergency arbitration, and institutional mechanisms that help rights holders tackle piracy, counterfeit products, and unauthorized online exploitation of intellectual property.

Mr. Aniket Agarwal, Principal Associate at JSA, focused on the changing nature of disputes in an increasingly technology-driven world. Addressing the question of how dispute resolution clauses should be drafted in multi-party media and technology arrangements, he emphasized that modern disputes involve entire ecosystems rather than simple bilateral relationships. He explained that creators, platforms, advertisers, investors, and technology vendors often have differing interests, making carefully designed dispute resolution frameworks essential. His observation that ADR should function as a "smoke detector rather than a fire extinguisher" resonated strongly with participants, underscoring the preventive role.

SECTION TWO · EVENTS

02

WEBINAR ON ADR IN THE IP AND MEDIA SECTOR

Offering an in-house counsel's perspective, Ms. Nishtha Sharma, Associate General Counsel at Schrodinger India Private Limited, discussed how organizations seek to prevent disputes before they arise. In response to a question regarding the licensing clauses that most frequently become flashpoints in commercial disputes, she explained the importance of clearly defining ownership rights, work products, royalty structures, indemnities, and licensing arrangements at the contract-drafting stage. Through practical examples from the technology sector, she illustrated how thoughtful contract structuring can mitigate disputes involving AI, software products, and collaborative innovation.

A Conversation at the Intersection of Law, Technology and Innovation

Throughout the session, panelists explored a wide range of contemporary issues, including AI-generated works, digital piracy, royalty disputes, emergency relief mechanisms, platform liability, cross-border enforcement, and the future of dispute resolution in creative industries. The discussion highlighted the growing need for flexible, specialized, and commercially sensitive dispute resolution frameworks capable of keeping pace with technological advancement.

The webinar witnessed enthusiastic participation from legal professionals, ADR practitioners, corporate counsel, academicians, and students, all of whom contributed to a vibrant exchange of ideas during the interactive session.

By bringing together distinguished experts from diverse professional backgrounds, IIDRC once again demonstrated its commitment to advancing knowledge, encouraging innovation, and promoting effective dispute resolution practices. The success of this session reaffirmed IIDRC's role as a leading platform for dialogue on the legal and commercial challenges shaping the future of dispute resolution in India and beyond.

SECTION TWO · EVENTS

02

POSH AWARENESS SESSION WITH CFS

IIDRC POSH Awareness Session for Currant Fielding Solutions
Online Session via Zoom

Through its trained and certified POSH Trainers, Ms. Saasha Gandhi, Ms. Adri Kashyap, and Ms. Vediccaa Ramadanee, conducted an online awareness session on the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 for the employees of Currant Fielding Solutions via Zoom. The session brought together approximately 30 employees in a focused and engaging conversation around one of the most important workplace compliance laws in India today.

The POSH Act, rooted in the landmark Vishaka v. State of Rajasthan (1997) judgment, establishes a comprehensive framework for prevention, prohibition, and redressal of workplace sexual harassment, extending its reach far beyond the physical office to include virtual environments, off-site locations, and digital communication platforms. IIDRC's session was designed to bring these provisions to life in a way that felt relevant and accessible to every participant in the room.

The discussion took employees through the essentials of the Act, covering the two forms of sexual harassment, Quid Pro Quo and Hostile Work Environment, the broad statutory definition of "workplace" under Section 2(o), and the foundational principle that impact and not intent determines harassment, as affirmed by the Supreme Court in Aureliano Fernandes v. State of Goa (2023). The session also addressed consent in professional settings, the constitution and functioning of Internal Committees, the end-to-end complaint process, and the rights available to both complainants and respondents under the Act.

Interactive Q&A rounds held throughout the session gave employees the space to ask questions, share concerns, and engage with practical scenarios. Quiz based exercises on identifying sexual harassment and understanding POSH timelines kept the energy in the room lively, ensuring that participants walked away with not just awareness but genuine confidence in applying what they had learned.

The session was further enriched by the remarks of Mr. Hamid Baig, Managing Partner at Currant Fielding Solutions and CEO of IIDRC, who shared his perspective on the importance of POSH compliance and the shared responsibility of building a respectful workplace culture. His contribution set a meaningful tone for the session, underscoring that lasting change in workplace culture begins with leadership.

IIDRC remains committed to making POSH awareness accessible, engaging, and actionable for organizations across sectors. Sessions like this one are a step toward that goal, bringing the law closer to the people it is meant to protect.

SECTION TWO · EVENTS

02

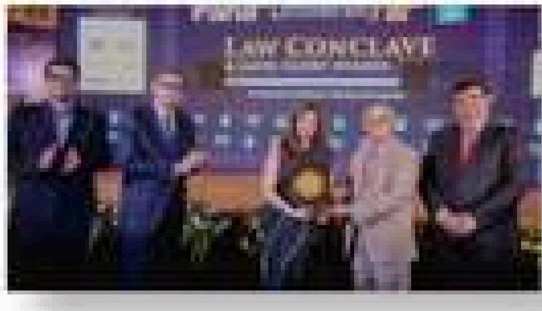
OPEN HOUSE & HIGH TEA WITH IIDRC

Continuing its efforts to foster meaningful engagement with professionals across the dispute resolution ecosystem, IIDRC successfully hosted two Open House sessions during the month of June, on **12 June 2026** and **26 June 2026**. These sessions provided a valuable platform for interaction, knowledge exchange, and dialogue between the institute and members of the legal and professional community. The Open Houses offered participants an opportunity to gain a understanding of IIDRC's vision, institutional framework, and its growing role in advancing Alternative Dispute Resolution (ADR). Through guided discussions and interactive exchanges, attendees were introduced to the Centre's initiatives, training programs, institutional processes, and its broader mission of promoting efficient and accessible dispute resolution mechanisms.

More than a formal introduction to the institution, the sessions served as a space for meaningful conversations on the evolving landscape of arbitration, mediation, and emerging dispute resolution practices. Participants shared their professional experiences, perspectives on contemporary legal challenges, and insights into the growing importance of ADR across industries and sectors.
The discussions reflected a shared commitment to strengthening India's dispute resolution ecosystem and highlighted the value of collaboration between institutions, practitioners, academicians, and emerging professionals. The diversity of viewpoints exchanged during the sessions enriched the dialogue and reinforced IIDRC's objective of building an inclusive and forward-looking ADR community.
Both Open House sessions were marked by enthusiastic participation, constructive engagement, and a spirit of mutual learning. They further strengthened IIDRC's commitment to creating accessible platforms where professionals can connect, exchange ideas, explore opportunities for collaboration, and collectively contribute to the advancement of dispute resolution practices.
As IIDRC continues to expand its network and outreach initiatives, these Open House engagements remain an important avenue for building lasting professional relationships and encouraging greater participation in the evolving ADR landscape.

SECTION TWO - EVENTS

PARUL UNIVERSITY LA GAVEL GLORY AWARDS



We are honoured to have been conferred the Rising Star – ADR Institution Award at the Law Conclave & Gavel Glory Awards 2026, organised by Parul University at The Leela Palace, New Delhi, on 27 June 2026. The Law Conclave 2026 served as a distinguished national platform, bringing together Hon'ble Judges, senior advocates, policymakers, academicians, and legal professionals to deliberate on pressing legal issues, emerging developments, and the evolving landscape of law. The conclave fostered meaningful dialogue, intellectual exchange, and collaborative efforts towards strengthening justice, governance, and the rule of law.

The prestigious award was presented by Hon'ble Mr. Justice Sanjay Karol (Judge, Supreme Court of India), Hon'ble Mr. Justice D.N. Ray (Judge, High Court of Gujarat), and Hon'ble Mr. Justice Tejas Karia (Judge, High Court of Delhi). The honour was graciously received on behalf of IIDRC by Mr. Fahimuddin Ahmed Khan, Chief Legal Officer, IIDRC.

This recognition is a testament to IIDRC's steadfast commitment to promoting excellence in Alternative Dispute Resolution and inspires us to continue advancing innovation, integrity, and accessible dispute resolution in India and beyond.

This prestigious recognition marks a defining moment in our journey, fueling our ambition to further innovate within the ADR ecosystem.

Adding immensely to the organization's prominent footprint at the conclave, Ms. Vediccaa Ramdanee from IIDRC brilliantly hosted the 'Gavel Glory' event, a cornerstone segment of the summit that celebrated legal brilliance and institutional excellence.

Beyond this contribution, IIDRC proudly served as a key supporting partner for the entire conclave, reinforcing its position at the vanguard of national legal discourse. As a premier arbitration and mediation center, IIDRC provides a neutral, technology-enabled environment for resolving commercial and industrial disputes efficiently and confidently. Equipped with modern hearing facilities and a hybrid digital infrastructure, the center serves corporates, law firms, and government bodies seeking fast, fair, and enforceable dispute resolution.

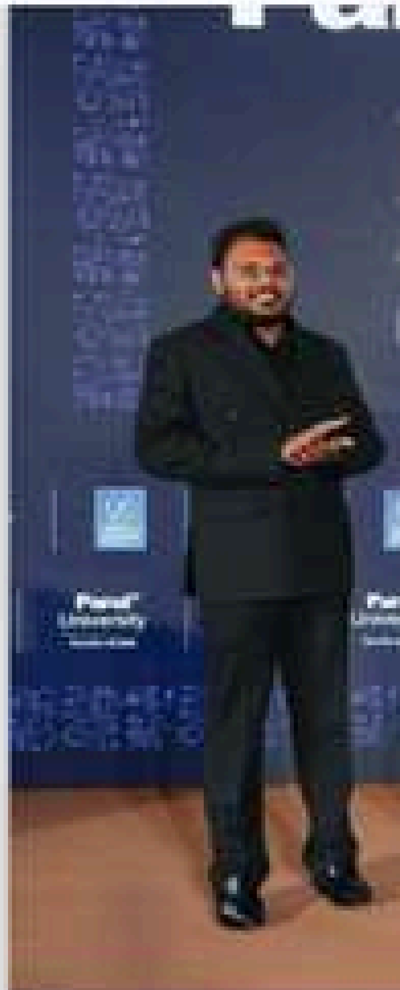
This strategic partnership reflects the institution's commitment to collaborating directly with stakeholders across the legal spectrum to drive systemic reform.By backing a platform of this scale, the organization actively facilitated critical conversations on institutional growth, judicial efficiency, and the integration of modern mechanisms within traditional legal frameworks.

Furthermore, through its dedicated academy, IIDRC also trains future arbitrators and mediators, actively promoting global best practices in alternative dispute resolution across India and aligning its educational mission with the evolving needs of thejudiciary and the wider legal fraternity.

This recognition is a testament to IIDRC's steadfast commitment to promoting excellence in Alternative Dispute Resolution and inspires us to continue advancing innovation, integrity, and accessible dispute resolution in India and beyond.

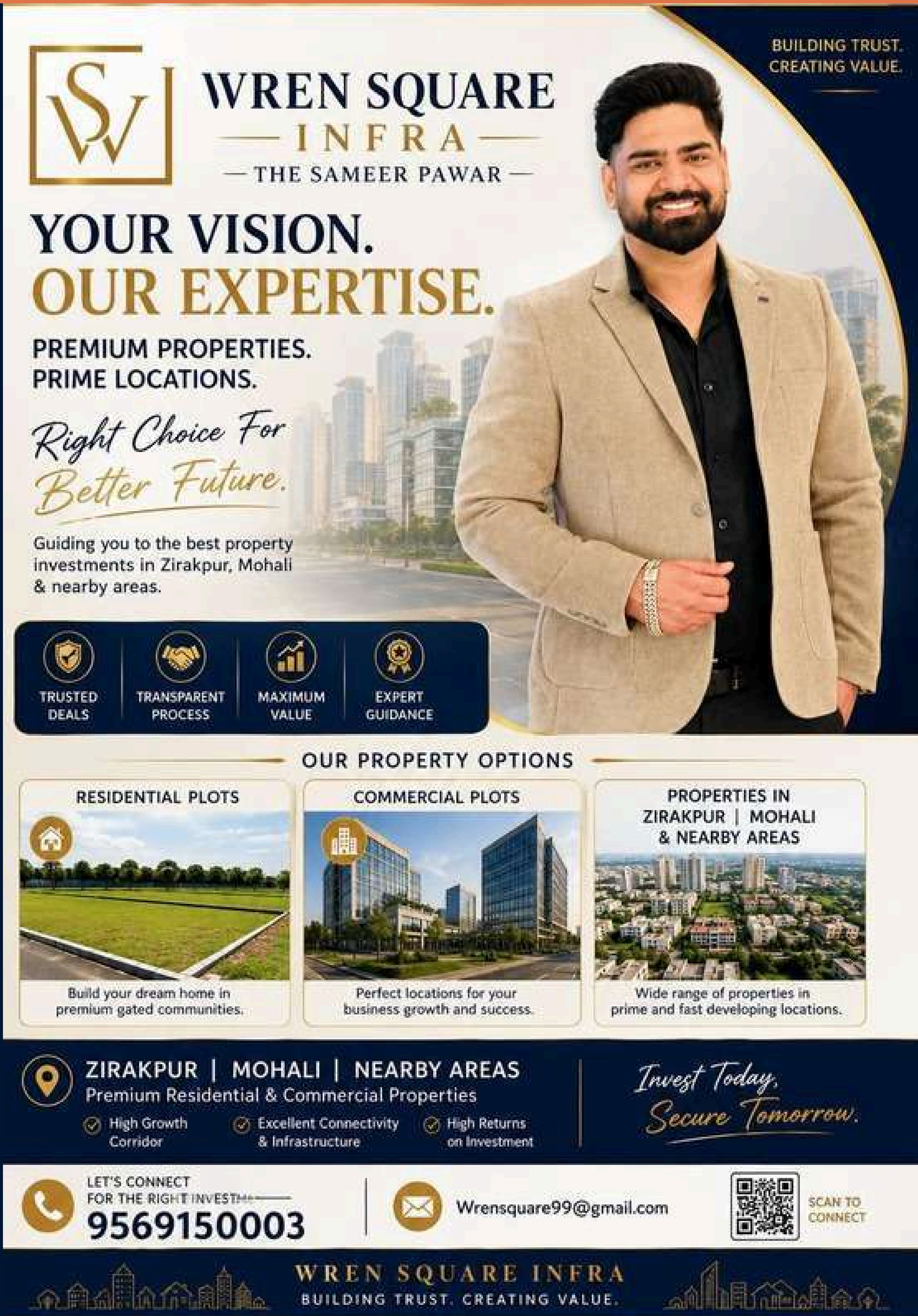
Moving forward, the organization remains dedicated to setting new benchmarks in the legal fraternity, driven by a shared vision of collaborative growth and institutional distinction.

This recognition is a testament to IIDRC's steadfast commitment to promoting excellence in Alternative Dispute Resolution and inspires us to continue advancing innovation, integrity, and accessible dispute resolution in India and beyond. Moving forward, the organization remains dedicated to setting new benchmarks in the legal fraternity, driven by a shared vision of collaborative growth and institutional distinction.



Rising Star ADR Institution Award

Law CONCLAVE AND GAVEL Glory


BUILDING TRUST.
CREATING VALUE.
SW
WREN SQUARE
INFRA
THE SAMEER PAWAR
YOUR VISION.
OUR EXPERTISE.
PREMIUM PROPERTIES.
PRIME LOCATIONS.
Right Choice For
Better Future.
Guiding you to the best property investments in Zirakpur, Mohali & nearby areas.
TRUSTED DEALS
TRANSPARENT PROCESS
MAXIMUM VALUE
EXPERT GUIDANCE
OUR PROPERTY OPTIONS
RESIDENTIAL PLOTS
Build your dream home in premium gated communities.
COMMERCIAL PLOTS
Perfect locations for your business growth and success.
PROPERTIES IN ZIRAKPUR | MOHALI & NEARBY AREAS
Wide range of properties in prime and fast developing locations.
ZIRAKPUR | MOHALI | NEARBY AREAS
Premium Residential & Commercial Properties
High Growth Corridor
Excellent Connectivity & Infrastructure
High Returns on Investment
Invest Today,
Secure Tomorrow.
LET'S CONNECT
FOR THE RIGHT
9569150003
Wrensquare99@gmail.com
SCAN TO CONNECT
WREN SQUARE INFRA
BUILDING TRUST. CREATING VALUE.

SECTION THREE · ARTICLES 03

AI-Generated Content and Intellectual Property Challenges

This article has been authored by:

Adv. Saad Mulani
LLM Candidate

INTRODUCTION

We live in a time where a piece of music can be composed, an article written, or a person's face recreated all within seconds. Artificial intelligence tools such as ChatGPT, Gemini, and Grok have made this possible, and their use is growing rapidly across the media and creative industries. Who owns a song written entirely by an AI? Can a company be held responsible for using your photographs to train its AI model without asking you? What legal remedy does a celebrity have when their face appears in a deepfake video they never agreed to? These are not hypothetical questions; they are live disputes being fought in courts around the world, with inconsistent outcomes and no clear resolution in sight.

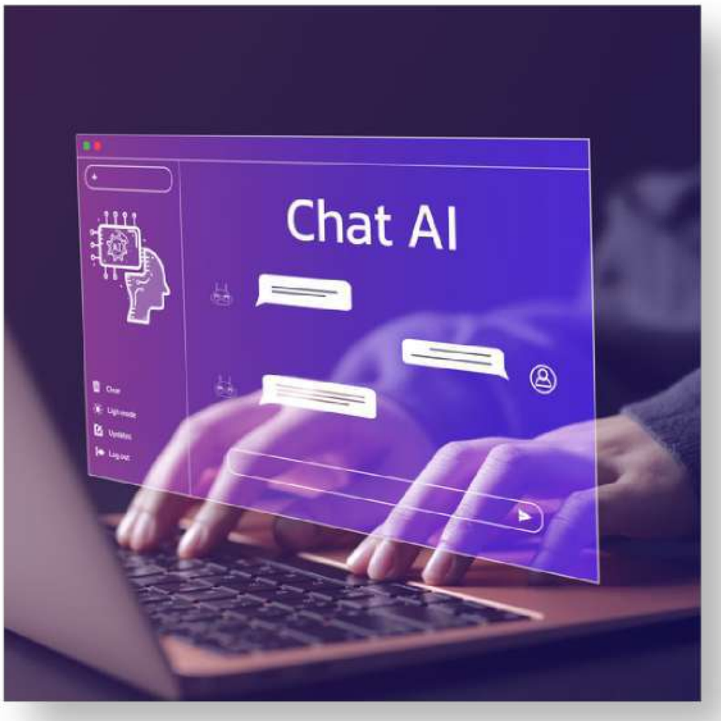
This article argues that alternative dispute resolution, encompassing arbitration, mediation, and expert determination, offers a structurally superior mechanism for resolving IP disputes arising from AI-generated content in the media sector.

AI-GENERATED CONTENT & THE IP CRISIS

A. Defining AIGC and Core Disputes

The term "Artificial Intelligence-Generated Content" (AIGC) refers to a software product that generates any text, image, video or any other format through a prompt given by any human being. As per the prompt given, the software creates it through searches and analysis, using globally available data. Nowadays, everyone is using AI software like ChatGPT, Gemini, and Grok for their daily work. However, there is a difference that is very important in the context of legal views between AI-assisted work and fully AI-generated works. While AI-assisted work means work in which a person's creativity is present and he has taken assistance of AI software, from where the final output work can be of such a nature which can be said that involved Human mind and Understanding. On the other hand, AI-generated work means a work in which there is an absence of creativity and application of the human mind and understanding; it is generated only by the AI-software by use of work available on the Internet.

Today, one of the Intellectual Property challenges faced due to AI-generated content is copyright and authorship. Here, the dispute is regarding the ownership of the content, whether the ownership is with the person who created the content and uploaded it on the internet or with the developer or AI software that just generated the content? The United States Court of Appeals for the Federal Circuit in Stephen Thaler vs. Katherine K. Vidal, where the court held that only natural persons can be inventors and an AI-Machine cannot be an inventor under the Patent Act. On the other hand, the Australian Federal Court in the case of Thaler vs Commissioner of Patents held under para. 226 of the judgment that "an inventor under the act can be an artificial intelligence system or device."



Second, the most important and serious concern is regarding the personality rights and deepfakes. People nowadays, by using the AI tools, create deepfakes, i.e. creating realistic images or videos of a real individual without their knowledge or consent, which is spread over the internet, defaming such an individual, which is also a threat to the right to privacy, moral rights and personality rights. Most of the well-known person/celebrities are running to the courts for the infringement of their personality rights.
Third, the usage of the data without the consent of the owner, provided by AI software available on the Internet, results in data infringement. Such AI systems are trained by providing them with copyrighted data, which is used unauthorizedly.

B. Inadequacy of Existing Legal Frameworks

Existing intellectual property legal frameworks are not written in a way that allows them to be resolved in a manner that is timely, consistent, or internationally coherent.
Firstly, the jurisdictional complexity of AI-IP disputes makes litigation a particularly ineffective vehicle for resolution. AI developers, training data sources, end-users, etc., rarely belong to the same country, and being in a different country carries different substantive laws, procedural rules, and enforcement mechanisms. For example, A model trained in the United States on European works, and deployed by a user in India, involves at least three overlapping legal regimes at the same time, and none clearly governs the conduct of the others. WIPO's Arbitration and Mediation Center has explicitly positioned ADR as a structured and compelling alternative to litigation for the cross-border IP disputes that AI deployment generates, recognising that no single national court can serve as the appropriate forum.

Secondly, the human authorship requirement embedded in copyright statutes across all major jurisdictions creates an ownership gap that legislators have yet to address. These structural deficiencies make a compelling case for alternative dispute resolution (ADR) mechanisms as a faster, more flexible, technically literate, and capable of operating across the borders that litigation cannot easily cross. It is to those mechanisms that this article now turns.

ADR AS A PREFERRED MECHANISM FOR AI-IP DISPUTES

A. Advantages of ADR for AI-IP Disputes

Alternative dispute resolution mechanisms such as arbitration, mediation, negotiation and expert determination have offered parties a means of resolving IP disputes outside the courtroom with notable success in areas including patent licensing, trademark conflicts, domain name disputes, and entertainment industry disagreements. While the specific rules and procedures are still evolving, the foundational advantages of ADR translate directly and powerfully into the AI context. WIPO's Arbitration and Mediation Centre has administered IP-specific ADR since 1994, and the ICANN Uniform Domain Name Dispute Resolution Policy (UDRP) stands as one of the most efficient and widely-used dispute resolution systems in the world.
The first advantage is confidentiality. AI-IP disputes carry commercially sensitive information that parties cannot risk exposing in public court proceedings. ADR proceedings are confidential by default. Parties can protect their most sensitive technical and commercial information from public disclosure, from competitors, and from regulators.
The second advantage is technical expertise. AI-IP disputes are inherently technical. In ADR, the parties can appoint arbitrators or mediators with specialist knowledge in AI, software development, and intellectual property. This not only produces better-informed decisions but also reduces the time and cost of educating the tribunal on technical fundamentals.
The third advantage is speed and cost. For disputes involving fast-moving AI technologies and commercial relationships that cannot wait years for resolution, litigation is not a viable option. Arbitration and mediation can typically be concluded within months, and often at a fraction of the cost of equivalent court proceedings.
The fourth and perhaps most important advantage in the AI context is cross-border enforceability. AI-IP disputes are inherently international, and any resolution mechanism must be capable of producing outcomes that can be enforced across borders. Awards rendered through international arbitration are enforceable in over 170 countries under the 1958 New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards.

B. Emerging ADR Frameworks for AI Disputes

In June 2024, JAMS, one of the world's leading private dispute resolution providers, published its AI Innovation and ADR Governance guidelines, representing one of the first systematic attempts to adapt existing ADR frameworks to the specific procedural and substantive challenges of AI disputes. At the international level, WIPO's Arbitration and Mediation Center has expanded its AI-specific resources and guidance, explicitly positioning its services as appropriate for AI and IP disputes.

CHALLENGES & RECOMMENDATIONS

Despite its advantages, there are some real challenges ADR faces in the context of AI-IP disputes. The most important is the absence of standard rules regarding AI disputes, such as the appointment of a qualified technical expert in the field of AI or IP. The second challenge is enforceability, where no party has authorised rights over disputed content, the legality of any award may be fragile.

Some recommendations are as follows: first, WIPO should develop standardised ADR rules for AI-IP disputes for the appointment of technical experts as mediators or arbitrators, and procedural laws that can be applicable. Second, there shall be mandatory pre-dispute mediation clauses in the agreements related to AI and IP by parties so that in case any dispute arises, it shall be dealt with by mediation, which will ensure a structured resolution. Third, fast-track ADR procedures should be developed for disputes where timely resolution is needed.

CONCLUSION

The rise of AI-generated content has given rise to different kinds of intellectual property disputes, and to govern such disputes, we lack any legal frameworks. By the time, ADR is the preferred mechanism to deal with AI-IP disputes, which would be helpful in matters of confidentiality, speedy process and cost-effectiveness. The technology will not wait for the law to catch up; the law must find a way to move faster.

SECTION THREE · ARTICLES 03

Alternative Dispute Resolution in Digital Media and Streaming Platforms

This article has been authored by:

Adv. Mahek Shaikh
LLM Candidate

INTRODUCTION

The digital economy has fundamentally changed how content is created, licensed, and consumed. Streaming platforms and digital publishers now operate across jurisdictions at a pace that courtrooms cannot match, generating disputes over royalties, licensing terms, distribution rights, and talent contracts that demand equally fast resolution. Yet despite the clear advantages of Alternative Dispute Resolution (ADR), three structural problems continue to limit its effectiveness in this space: the jurisdictional uncertainty created by cross-border OTT operations, the power imbalance embedded in platform-imposed arbitration clauses, and the inconsistency with which Indian courts enforce arbitral awards in IP and media matters. This article examines each of these issues and argues that addressing them is essential if ADR is to fulfil its promise for the digital media sector.

ALTERNATIVE DISPUTE RESOLUTION AND OTT PLATFORMS

ADR refers to a range of processes through which parties resolve disputes outside formal court proceedings, while still operating under recognised procedural rules. Arbitration is the most structured: an impartial arbitrator hears the parties' submissions and issues a binding decision through a streamlined process with limited discovery. Mediation is less formal; a neutral facilitator helps parties reach a mutually acceptable outcome, but control over the result remains entirely with the parties. Negotiation and conciliation are more flexible, still bringing the parties together to openly discuss disagreements and find common ground. A newer and increasingly relevant mechanism is Online Dispute Resolution (ODR), a technology-enabled subset of ADR that conducts hearings and proceedings through digital platforms particularly suited to the distributed, cross-border nature of digital media disputes. In global practice, most OTT disputes would benefit from starting with mediation and escalating to arbitration only if settlement fails.

OTT services deliver audio and video content directly to users over broadband connections, accessible on demand across smart TVs, smartphones, and tablets. The commercial relationships that sustain this ecosystem, licensing arrangements, talent contracts, distribution deals, and publishing agreements, are numerous, fast-moving, and frequently span multiple legal systems simultaneously. These are precisely the conditions under which ADR is most valuable, and also where its current limitations are most exposed.

ISSUES, CHALLENGES, AND THE CASE FOR ADR

The most fundamental problem is jurisdiction. When a dispute arises over a royalty calculation, a licensing term, or a content takedown, determining the appropriate forum is genuinely difficult. Different countries apply different rules on governing law, enforcement, and even what constitutes an intellectual property right. Traditional litigation compounds the problem: courts struggle to keep pace with technological change, laws frequently lag digital advancement, and the risk of parallel proceedings in multiple jurisdictions creates inconsistent outcomes and years of delay in an industry where content windows are often measured in weeks.

A second issue is less discussed but equally important: the growing use of mandatory arbitration clauses in platform contracts. Large OTT platforms routinely put arbitration clauses in standard agreements with independent creators, and by the time a dispute arises, the creator has already signed away their right to go to court. While such clauses are presented as efficiency measures, they effectively remove weaker parties' access to courts before any dispute has arisen. The confidentiality of arbitration, a feature that benefits sophisticated commercial parties, can work against individual creators who have no way of knowing whether similarly situated parties have obtained better outcomes. This is not a reason to abandon ADR, but it is a reason to scrutinise how it is deployed. Meaningful reform requires that arbitration clauses in platform contracts meet basic fairness standards: a neutral arbitrator, disclosure of relevant precedents, and accessible, low-cost procedures for smaller claims.

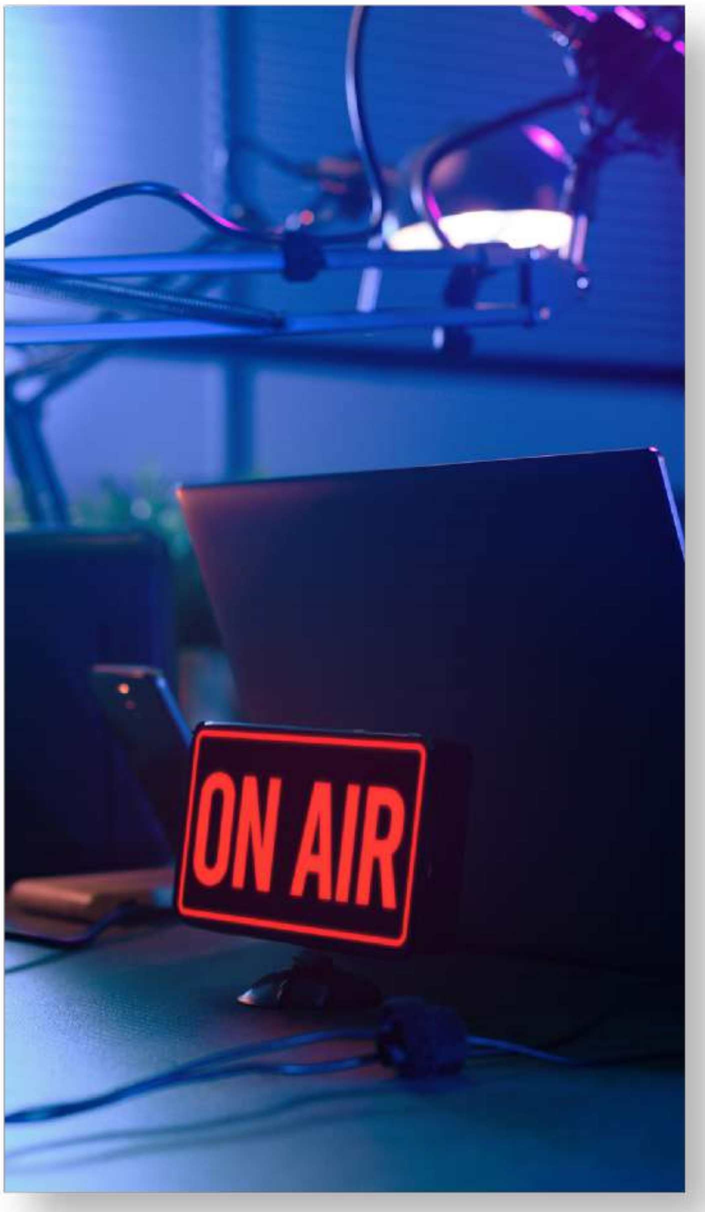
The range of disputes that commonly arise in this sector further illustrates why these concerns matter. Publishing companies regularly face disagreements over royalty calculations, marketing obligations, and the scope of rights granted. Talent contracts give rise to conflicts over exclusivity clauses, non-performance, availability windows, and remuneration. Platform agreements generate disputes around content removal, algorithmic demonetisation, and the territorial limits of licensed rights.

A third challenge concerns enforceability. Even where parties obtain an arbitral award, realising its value in India has not always been straightforward. Indian courts have, in certain cases, construed the public policy ground under Section 34 of the Arbitration & Conciliation Act, 1996, broadly enough to interfere with the awards the parties intended to be final, despite the narrowing amendments of 2015 and 2019. This residual uncertainty is particularly acute in IP-related disputes, where courts may be reluctant to defer entirely to arbitral findings on questions of copyright subsistence or ownership.

India has made meaningful legislative progress. The Mediation Act, 2023 establishes a dedicated framework for institutional and pre-litigation mediation. The DPDP Act, 2023 intersects with many digital media disputes involving data handling. Section 89 of the CPC, 1908 empowers courts to refer suitable disputes to ADR, and the Commercial Courts Act, 2015 mandates pre-institution mediation for commercial disputes. These are sound foundations, but statutory frameworks only work if parties trust the process, and that trust depends on consistent enforcement and accessible procedures.

ADR IN PRACTICE: KEY DISPUTES

The inadequacy of traditional litigation for OTT disputes is well illustrated by two Indian cases. In Tips Industries Ltd. v. Wynk Music Ltd. (2019), Tips challenged Wynk's reliance on Section 31D of the Copyright Act, 1957, a statutory licensing provision, to stream its catalogue on demand without a direct commercial licence. The Court found that the scope of Section 31D did not extend to interactive, user-initiated streaming, a distinction Wynk had effectively gambled its licensing model on. The significance of this case for ADR lies in what it exposed: a licensing dispute between a rights-holder and an OTT platform turned on a statutory interpretation question that took years of litigation to resolve. Had the parties included an arbitration clause in their licensing arrangement from the outset, the dispute over scope and royalty entitlement could have been resolved far more efficiently, preserving the commercial relationship.



More recently, Zee Entertainment Enterprises Ltd. v. Reliance-Disney (JioStar) (2026) has brought questions of licensing breach, post-expiry content exploitation, and territorial digital rights to the fore. The dispute arose from Zee's allegations that JioStar continued to exploit licensed content beyond the agreed term and outside the licensed territory. This is precisely the kind of ongoing commercial relationship dispute for which ADR, particularly mediation or expedited arbitration, is best suited: the parties are sophisticated, the subject matter is highly technical, the reputational stakes are high, and the commercial relationship is likely to continue regardless of the outcome.

The disputes are technically complex, involve ongoing commercial relationships, and carry reputational risk that public litigation only amplifies. Each would have been better served by ADR. The challenge is ensuring that the industry builds that recognition into its contracting practice rather than arriving at it after years of court proceedings.

CONCLUSION

Digital media and OTT disputes are fast-moving, cross-border, and reputationally sensitive, poorly served by traditional litigation and well suited to ADR in principle. But principle is not enough. The jurisdictional uncertainty created by global OTT operations, the fairness concerns raised by mandatory arbitration clauses in platform contracts, and the residual uncertainty around judicial enforcement in India are real problems that limit ADR's effectiveness in practice. Addressing this requires fairness standards in arbitration clauses, a pro-enforcement judicial posture, and ODR infrastructure capable of matching the industry's pace.

As former Chief Justice of India Justice Ahmedi observed, the majority of cases reaching courts do not require judicial determination of legal questions; they involve factual disputes that could be resolved outside the courtroom. For digital media and OTT, where commercial stakes are high and the pace of business is unforgiving, that observation carries particular weight. The industry's next step is not simply adopting ADR when disputes arise, but ensuring that the ADR it adopts is fair, enforceable, and fit for the global scale at which it operates.

SECTION THREE · ARTICLES

03

AI-Generated Content, Copyright Ownership Disputes and the Case for Online Dispute Resolution

This article has been authored by:

Shivani Lahoti
Legal Acamedician

INTRODUCTION

The creative economy has traditionally been premised on a relatively straightforward assumption: every copyrightable work can ultimately be traced to an identifiable human author. The emergence of generative artificial intelligence (AI) however, has begun to challenge this foundational assumption in unprecedented ways. AI systems are now capable of producing text, images, music, software code and audiovisual content with minimal human intervention, thereby blurring the traditional boundaries between human creativity and machine-generated expression.

The increasing deployment of generative AI systems has generated significant uncertainty regarding ownership, authorship and liability. While AI-generated outputs may appear original and creative, determining the individual or entity entitled to claim rights over such outputs remains a contentious issue. The question becomes particularly complex where multiple actors contribute to the creation of AI-generated outputs. Consequently, disputes concerning ownership of AI-generated content are no longer merely theoretical concerns; they are emerging as practical legal challenges with substantial commercial implications for the creative industries.

The Indian copyright framework was enacted at a time when machine-generated creativity was largely inconceivable. Although the Copyright Act, 1957 contains provisions relating to computer-generated works, the statute does not provide a comprehensive framework for addressing the unique challenges posed by contemporary generative AI systems. Section 2(d)(vi) of the Act attributes authorship of a computer-generated work to the person who causes the work to be created. However, the application of this provision becomes considerably more difficult when AI-generated outputs result from complex interactions between training datasets, machine learning models and user prompts.

The uncertainty surrounding ownership has significant implications for the creative economy. Businesses investing in AI-assisted content creation require clarity regarding commercial exploitation rights, while artists and creators remain concerned about the unauthorised use of copyrighted material during AI training processes. The absence of clear legal standards may therefore result in increased litigation and prolonged disputes, potentially hindering both innovation and creative expression.

This article argues that although Indian copyright law offers a partial framework for addressing ownership disputes involving AI-generated content, conventional litigation may not always provide the most effective mechanism for resolving such disputes. Given the technical complexity, cross-border nature and rapidly evolving character of AI-related copyright conflicts, Online Dispute Resolution (ODR) mechanisms, particularly those operating within established intellectual property frameworks, offer a promising alternative for the efficient resolution of such disputes.

AI-GENERATED CONTENT AND THE EMERGING OWNERSHIP PROBLEM

The uncertainty surrounding ownership of AI-generated content stems largely from the fact that existing copyright frameworks were developed on the assumption that creative works originate from human intellectual effort. While technological tools have historically assisted authors in the creative process, generative AI systems occupy a significantly different position. They do not merely facilitate creation but rather, are capable of independently generating text, images, music and other forms of content that may closely resemble human-authored works. This development has complicated the identification of the 'author' for copyright purposes and has exposed certain limitations within existing legal frameworks.

The Indian Copyright Act, 1957 offers a partial starting point through Section 2(d)(vi), which identifies the author of a computer-generated work as the person who causes the work to be created. However, the provision was introduced at a time when computer-generated works largely referred to outputs produced through relatively deterministic software processes. The emergence of contemporary generative AI systems, which rely upon extensive training datasets, machine learning models, and probabilistic decision-making, has significantly altered the technological landscape. Consequently, determining who 'causes' an AI-generated work to be created is no longer a straightforward exercise.

The application of Section 2(d)(vi) becomes particularly difficult in the context of generative AI because ownership claims may be advanced by developers, users and other participants in the content-generation process. The absence of judicial guidance on the allocation of rights in such circumstances continues to generate uncertainty regarding ownership and commercial exploitation of AI-generated outputs.

The uncertainty is further compounded by infringement concerns. Generative AI systems are trained on vast quantities of pre-existing content, raising questions regarding the legality of training practices and the extent to which AI-generated outputs may reproduce protected expression. Consequently, disputes involving AI-generated content frequently concern both ownership and infringement.

These issues are likely to acquire greater significance as AI-generated content becomes increasingly integrated into commercial markets. Businesses, creators, and technology platforms require predictable legal standards regarding ownership and exploitation of AI-generated outputs. However, the absence of judicial consensus, coupled with the rapidly evolving nature of AI technologies, suggests that many such disputes may ultimately require mechanisms capable of delivering timely and technically informed outcomes. It is in this context that the limitations of conventional litigation become particularly relevant.

THE LIMITATIONS OF CONVENTIONAL LITIGATION AND THE CASE FOR ONLINE DISPUTE RESOLUTION

The ownership disputes discussed above are not merely questions of substantive copyright law. They also raise important procedural concerns regarding the manner in which such disputes should be resolved. Traditional litigation has undoubtedly played a significant role in the development of copyright jurisprudence. Nevertheless, disputes involving AI-generated content possess certain characteristics that may render conventional litigation comparatively less effective.

First, AI-related copyright disputes frequently involve multiple stakeholders operating across different jurisdictions. Developers, platform providers, content creators and end-users may all be located in different countries, thereby giving rise to complex questions of jurisdiction and applicable law. Secondly, such disputes often require courts to engage with highly technical questions relating to machine learning models, training datasets, algorithmic processes and content generation mechanisms. The specialised expertise necessary to evaluate such issues may not always be readily available within conventional adjudicatory frameworks.

Further, litigation is frequently associated with substantial costs, procedural delays, and uncertainty. These concerns become particularly significant in the context of the digital economy, where commercially valuable content may be generated, distributed and monetised within extremely short periods. A dispute concerning ownership that remains unresolved for several years may significantly diminish the practical value of the underlying work. Consequently, parties operating within the creative economy increasingly require dispute resolution mechanisms capable of delivering timely and commercially meaningful outcomes.

It is in this context that Online Dispute Resolution (ODR) merits serious consideration. ODR combines traditional alternative dispute resolution mechanisms such as mediation and arbitration with digital technologies that enable parties to resolve disputes remotely and efficiently. Within the intellectual property domain, institutions such as the World Intellectual Property Organization (WIPO) Arbitration and Mediation Center have already demonstrated the utility of specialised dispute resolution frameworks for technology-intensive disputes.

Several characteristics make ODR particularly suitable for AI-related copyright disputes. Parties may appoint neutrals possessing expertise in intellectual property, technology law or artificial intelligence, thereby ensuring that disputes are evaluated by individuals familiar with the underlying technical issues. Secondly, ODR proceedings generally offer a greater degree of confidentiality, which may be particularly valuable where proprietary algorithms, training methodologies or commercially sensitive datasets are involved. Thirdly, online proceedings can significantly reduce costs and time, thereby allowing parties to obtain resolution without prolonged litigation.[4]

At the same time, ODR should not be viewed as a complete substitute for substantive legal reform. The absence of legislative clarity concerning AI authorship, ownership and training-data practices cannot be resolved solely through procedural innovation. Nevertheless, ODR can provide an important institutional mechanism for managing disputes while the law continues to evolve.

RECOMMENDATIONS AND CONCLUSION

From an Indian perspective, greater clarity regarding authorship of AI-assisted works remains necessary. Equally important is the incorporation of mediation and arbitration mechanisms within AI-related licensing and content-generation arrangements. The development of specialised ODR panels possessing expertise in intellectual property and emerging technologies may further enhance the efficiency of dispute resolution. The emergence of generative AI has exposed uncertainties that existing copyright frameworks were never designed to confront. While questions concerning authorship and ownership continue to attract considerable attention, the effectiveness of the mechanisms used to resolve such disputes may prove equally important. The challenge for the future is not merely to determine who owns AI-generated content, but to ensure that disputes concerning such content are resolved in a manner that promotes both innovation and legal certainty. In this regard, ODR may not provide all the answers but it offers a practical framework through which the law can respond to one of the most significant challenges confronting the contemporary creative economy.

SECTION THREE · ARTICLES

03

Corporate Due Diligence in the Age of AI: From Automation to Dispute Resolution

This article has been authored by:

Saasha Gandhi
Advocate

INTRODUCTION

Corporate due diligence refers to the process of assessing legal, financial, and operational risks associated with mergers, acquisitions, investments, and other major business decisions. Traditionally, this process has been document-intensive and time-consuming.

Artificial Intelligence (AI) is increasingly transforming due diligence by automating contract review, identifying risks, and improving efficiency. However, its use also raises important questions relating to liability, data privacy, intellectual property ownership, licensing arrangements, and dispute resolution. This article examines the role of AI in corporate due diligence and explores the growing relevance of ADR in resolving disputes involving AI-generated assets and technology-driven transactions.

HOW AI IS BEING USED IN CORPORATE DUE DILIGENCE

AI is changing the way organizations handle due diligence by making the review of complex data sets more efficient and insight-driven. Legal teams, financial analysts, and corporate executives are now turning to AI for support with tasks that used to demand immense time and manual effort.

A. Reviewing and Interpreting Contracts

One of the most valuable applications of AI in this space is automated contract review. AI tools using NLP can scan thousands of legal documents to extract key terms—like indemnity clauses, non-compete conditions, termination triggers, and change-of-control provisions. Platforms such as Luminance, eBrevia, and Kira Systems help legal teams quickly locate and categorize crucial legal language. Instead of spending days on line-by-line reviews, teams can now rely on AI to perform the initial analysis, enabling lawyers to focus their expertise where it's most needed.

B. Flagging Risks and Assigning Scores

AI can also identify high-risk areas by analysing patterns within litigation histories, compliance records, and financial data. By highlighting anomalies and potential concerns, these tools enable legal teams to focus their attention on matters requiring closer scrutiny.

C. Compliance Vetting and Regulatory Alerts

AI systems can run background checks against global sanctions databases, politically exposed persons (PEPs), and other watchlists. This function is particularly important in tightly regulated industries such as finance, pharmaceuticals, and digital payments. Automated vetting ensures no stone is left unturned and significantly reduces the risk of regulatory breaches going unnoticed.

In essence, AI is no longer just a support tool—it is actively reshaping how due diligence is performed, making it quicker, more precise, and increasingly reliant on real-time data. Still, this evolution brings with it a host of legal and ethical dilemmas that must be addressed.

LEGAL AND ETHICAL RISKS LINKED TO AI USAGE IN DUE DILIGENCE

Despite the advantages AI brings in terms of speed and efficiency, its integration into due diligence operations brings several complex legal and ethical dilemmas. These challenges are particularly prominent in sensitive transactions where even minor errors could cause serious legal or financial harm. As machines increasingly assist in legal roles traditionally performed by professionals, critical evaluation of their legal status, accountability, and transparency becomes necessary.

A. Unclear Responsibility for Errors

A major issue is determining who is liable when AI makes a mistake. If an automated tool fails to highlight a risky contract term, overlooks potential litigation, or misreads critical information—who is at fault? Should responsibility lie with the legal professionals deploying the tool, the company relying on the results, or the software creator? Traditional liability laws often don't clearly apply to AI systems, creating grey zones where assigning fault becomes tricky.

B. Sensitive Data and Privacy Implications

Conducting due diligence often requires examining confidential documents such as internal financial records, employee details, and proprietary information. When processed by AI platforms—especially those using cloud infrastructure—there's an increased risk of privacy breaches, cross-border data concerns, and violation of confidentiality. A security lapse or mismanaged storage could trigger violations under data protection laws like the GDPR in the EU or India's DPDP Act, 2023.

C. Inherent Bias and Training Limitations

AI tools reflect the data they are trained on. If this data is skewed or not diverse enough, the outcomes—such as risk flags or contract evaluations—may be inaccurate. This can result in false alarms or missed red flags. For example, a tool developed using mainly Western legal precedents might misread terms in Indian agreements, resulting in incomplete assessments or errors in interpretation.

D. The "Black Box" Dilemma

Many AI systems, particularly those that use deep learning, provide outputs without explaining the decision-making process. This lack of clarity can pose a serious challenge in legal matters, where decisions need to be justifiable and traceable. If a tool classifies something as low risk or fails to alert users about an issue, legal teams need a way to understand why. Without visibility into the AI's logic, justifying findings to courts or regulators becomes difficult.

E. AI Hallucinations and False Positives

Generative AI systems occasionally produce inaccurate outputs or confidently present incorrect information. Within the due diligence context, such hallucinations may result in fabricated contractual interpretations, incorrect risk assessments, or misleading summaries of corporate records. Overreliance on AI-generated outputs without independent verification could therefore expose businesses to significant transactional and regulatory risks. Human review remains essential to ensure accuracy and reliability.

CURRENT REGULATIONS AND COMPLIANCE BARRIERS

As AI adoption in legal workflows accelerates, regulatory systems are struggling to keep pace. While some laws address adjacent concerns—like cybersecurity or professional liability—few are tailored to the unique features of AI-assisted legal tasks, leaving practitioners navigating uncertain terrain.

A. Legal Gaps Around AI in Legal Functions

Most jurisdictions continue to treat AI as a support tool rather than an autonomous decision-maker. As a result, questions concerning liability, accountability, and regulatory acceptance of AI-generated analysis remain largely unresolved.

B. Data Movement and Jurisdictional Challenges

AI tools often use cloud services, meaning data may be stored or processed in different countries. This raises questions under privacy laws like the GDPR, India's DPDP Act, and industry-specific norms issued by Indian authorities like RBI or SEBI.

Key concerns includes Cross-border data processing raises concerns regarding consent, data localization, and the lawful sharing of confidential information with AI providers. Non-compliance with these provisions could lead to fines, legal challenges, or regulatory scrutiny.

INTELLECTUAL PROPERTY DUE DILIGENCE IN THE AGE OF AI

As artificial intelligence becomes increasingly integrated into business operations, intellectual property (IP) due diligence has emerged as a critical component of corporate transactions. Companies today rely on AI-generated content, software models, digital assets, proprietary datasets, and automated creative tools that often raise complex ownership and licensing questions.

During mergers, acquisitions, and investments, legal teams must now assess whether a target company genuinely owns the intellectual property it claims to possess. This includes verifying copyrights, trademarks, patents, software licenses, and rights associated with AI-generated works. A failure to identify ownership gaps can significantly affect a company's valuation and expose buyers to future litigation.

AI further complicates this assessment. If an AI system generates code, marketing content, artwork, or business materials, determining authorship and ownership becomes challenging. Different jurisdictions take different approaches to recognizing copyright protection for AI-assisted works, creating uncertainty during cross-border transactions. Consequently, modern due diligence exercises increasingly focus not only on traditional intellectual property rights but also on the legal status of AI-created assets and the datasets used to train AI systems.

A. <u>ADR as a Strategic Tool for Resolving AI and IP Disputes</u>

As technology evolves faster than legislation, Alternative Dispute Resolution (ADR) mechanisms are becoming increasingly important for resolving intellectual property and AI-related conflicts. Traditional litigation often proves expensive, time-consuming, and ill-suited to highly technical disputes involving software, algorithms, licensing arrangements, or digital content.

Arbitration offers parties a confidential forum where disputes can be resolved by specialists with expertise in technology, intellectual property, and commercial transactions. This is particularly valuable when disagreements arise regarding ownership of AI-generated content, breach of software licensing agreements, royalty calculations, or unauthorized use of proprietary datasets.

The flexibility of ADR procedures also allows parties to tailor dispute resolution frameworks to technological realities. Businesses increasingly include arbitration clauses in software licensing agreements, content creation contracts, and technology collaboration arrangements to ensure faster and more specialized resolution of disputes.

B. <u>Licensing, Royalties, and Content Ownership Challenges</u>

The growing use of AI-generated content has created new complexities concerning licensing structures and royalty entitlements. Businesses frequently utilize AI tools to create marketing campaigns, digital media, software code, music, and visual content. However, questions often arise regarding who owns the resulting output—the user, the platform provider, the developer of the AI model, or another stakeholder.

These uncertainties become particularly significant during corporate due diligence. Investors and acquiring companies must evaluate whether existing licensing agreements clearly allocate ownership rights and royalty obligations. Ambiguous contractual language can result in future disputes, regulatory scrutiny, and unexpected liabilities.

C. <u>The Future of ADR in AI-Driven Corporate Transactions</u>

Looking ahead, the intersection of artificial intelligence, intellectual property, and ADR is expected to become increasingly significant. As organizations acquire technology companies, license AI solutions, and commercialize AI-generated content, dispute resolution mechanisms will need to adapt to novel legal questions that existing legislation may not fully address.

Specialized arbitration rules for technology and intellectual property disputes are already gaining prominence globally. Future ADR frameworks may incorporate technical experts, algorithm audits, and digital evidence protocols designed specifically for AI-related conflicts. Such developments will help businesses resolve disputes efficiently while maintaining confidentiality and protecting valuable intellectual property assets.

Ultimately, the combination of robust due diligence practices and effective ADR mechanisms will be essential for fostering trust, innovation, and legal certainty in the rapidly expanding AI economy.

THE ROAD AHEAD: AI IN DUE DILIGENCE—INNOVATION OR INTRUSION?

AI is no longer a novelty in the legal domain—it's becoming the norm. As the technology matures, the question is not whether it will redefine corporate due diligence, but rather how deeply it will be embedded in the decision-making process. With this evolution comes both incredible potential and necessary caution.

A. Augmented Intelligence: Human + Machine Collaboration

The future of legal work lies in collaboration, not competition, between AI and lawyers. The most effective tools won't replace legal experts; they'll empower them. Repetitive, data-heavy tasks will be automated, while lawyers will continue to apply their judgment, reasoning, and strategic insight—forming a partnership that combines speed with expertise.

B. Regulatory Oversight and Ethical Certifications

As AI tools become more embedded in legal decision-making, regulatory scrutiny will increase. We may see the development of compliance standards or AI usage certifications akin to ISO norms. Legal teams may be required to disclose how AI was used in forming legal advice, especially in sensitive sectors like finance, defense, or healthcare, where transparency and accountability are paramount.

CONCLUSION

AI isn't just a digital assistant in corporate due diligence—it's a transformative force. From expediting contract reviews to forecasting potential compliance pitfalls, AI is redefining how organizations evaluate risk and make strategic decisions. However, as this transformation unfolds, it raises critical questions about responsibility, fairness, and trust.

The legal world stands at a crossroads: embracing innovation while safeguarding ethical and professional standards. As we move forward, the focus must remain on designing AI systems that are not only efficient but also explainable, equitable, and governed by robust human oversight. As artificial intelligence becomes increasingly integrated into corporate transactions, the challenge is no longer whether organizations should adopt AI, but how they can deploy it responsibly. The future of due diligence will depend on balancing technological efficiency with intellectual property protection, regulatory compliance, and effective dispute resolution. In this evolving landscape, human judgment, supported by AI and reinforced through robust ADR mechanisms, will remain indispensable.

SECTION THREE · ARTICLES 03

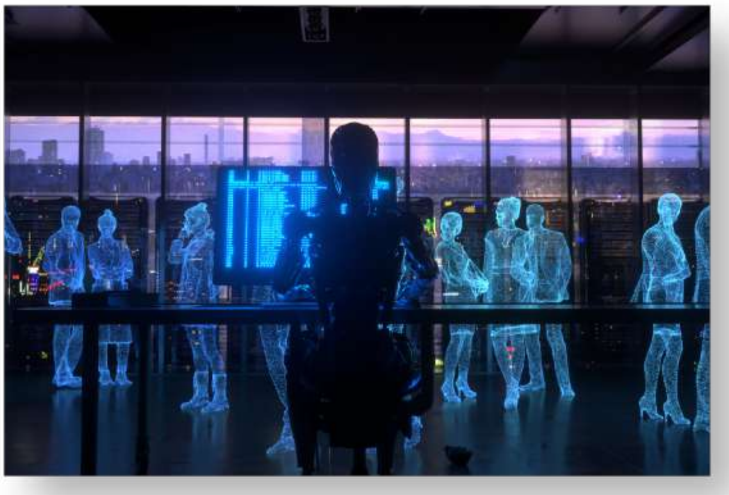
ODR and the Future of Intellectual Property Dispute Resolution in the Digital Media Era

This article has been authored by:

Aayat Khan
B.A. LL.B. (Hons.) Student
School of Law, Jamia Hamdard, New Delhi)

ABSTRACT
The rapid growth of digital technology has transformed the creation and distribution of creative content while increasing intellectual property (IP) disputes. Copyright infringement, licensing conflicts, and ownership disputes have become common in the digital media sector, where traditional litigation is often slow, costly, and jurisdictionally complex.
Online Dispute Resolution (ODR), a technology-enabled form of Alternative Dispute Resolution (ADR), offers a faster and more accessible solution through online mediation, arbitration, and expert determination. This article examines the role of ODR in resolving IP and digital content disputes, analyses international developments led by the World Intellectual Property Organization (WIPO), explores India's legal framework, and evaluates the benefits and challenges of its implementation. It argues that ODR is becoming an essential mechanism for dispute resolution in the digital media era.

INTRODUCTION
The rapid growth of digital media has transformed the creation, distribution, and consumption of content. Films, music, and other creative works are now shared globally through streaming services, social media platforms, and digital publishing networks. While this has expanded opportunities for creators, it has also led to a rise in intellectual property disputes, including copyright infringement, ownership conflicts, and licensing disagreements.
Traditional litigation often struggles to address these disputes effectively. Digital content disputes frequently involve cross-border parties, complex technological issues, and the need for timely remedies. For creators, artists, and small businesses, lengthy court proceedings can be both costly and impractical.
In response, Online Dispute Resolution (ODR) has emerged as a technology-driven extension of Alternative Dispute Resolution (ADR). By enabling disputes to be resolved through digital platforms, ODR combines flexibility, efficiency, and accessibility, making it particularly suitable for the digital media sector.
This article examines the growing role of ODR in intellectual property and digital content disputes, analyses international developments led by WIPO, explores India's legal framework, and evaluates the opportunities and challenges associated with its wider adoption.



UNDERSTANDING ODR AND ITS RELEVANCE TO IP DISPUTES
Alternative Dispute Resolution (ADR) refers to methods of resolving disputes outside traditional court proceedings, including mediation, arbitration, and expert determination. These mechanisms offer greater flexibility, confidentiality, and efficiency than conventional litigation.
Online Dispute Resolution (ODR) is the digital extension of ADR, using information and communication technologies to conduct proceedings online. ODR platforms facilitate electronic filing, virtual hearings, digital evidence submission, and online communication between parties.
ODR is particularly relevant to intellectual property disputes, which often involve digital assets, online platforms, and

cross-border parties. By reducing geographical barriers and providing access to specialised legal and technical experts, ODR enables more efficient dispute resolution. For creators and businesses in the media sector, where delays can result in financial loss and unauthorised distribution of content, ODR offers a faster, cost-effective, and practical alternative to traditional litigation.

WIPO'S FRAMEWORK FOR ONLINE DISPUTE RESOLUTION IN MEDIA AND IP DISPUTES.

To address the growing number of intellectual property disputes, the World Intellectual Property Organization (WIPO) has developed specialised ADR and ODR mechanisms. Through the WIPO Arbitration and Mediation Center, parties can resolve disputes involving copyright, trademarks, patents, software, licensing agreements, and digital content without lengthy court proceedings.

A significant feature of the WIPO framework is its Mediation and Expedited Arbitration Rules for Film and Media, which provide a faster and more confidential process for resolving disputes in the media and entertainment industry. The framework also offers considerable flexibility, allowing parties to choose mediators, arbitrators, procedural rules, and the language of proceedings.

Another strength of WIPO's ODR system is access to experts with specialised knowledge of intellectual property and emerging technologies. This is particularly valuable in disputes involving digital rights management, software licensing, online copyright infringement, and content ownership. The increasing number of cases administered by WIPO reflects growing confidence in ODR as an effective mechanism for resolving cross-border intellectual property disputes.

INDIA'S LEGAL FRAMEWORK AND THE EMERGING ODR ECOSYSTEM

India has witnessed significant growth in the adoption of ADR mechanisms, creating a strong foundation for Online Dispute Resolution (ODR). While no dedicated ODR legislation exists, several laws support its functioning. The Arbitration and Conciliation Act, 1996, promotes arbitration and mediation, while the Information Technology Act, 2000, recognises electronic records, digital signatures, and online communication, providing legal validity to digital proceedings.

Section 89 of the Code of Civil Procedure, 1908, along with the Commercial Courts Act, 2015, and the Consumer Protection Act, 2019, reflects India's growing commitment to technology-driven dispute resolution. A notable example is the National Internet Exchange of India's Domain Name Dispute Resolution Policy (INDRP), which resolves .IN domain name disputes through an online process.

Policy initiatives by NITI Aayog have further promoted ODR as a tool for improving access to justice and reducing judicial backlog. However, despite these developments, India still lacks a comprehensive legal framework dedicated to ODR, highlighting the need for greater regulatory clarity and wider adoption.

BENEFITS OF ODR IN INTELLECTUAL PROPERTY AND DIGITAL CONTENT DISPUTES

ODR offers several advantages that make it particularly suitable for intellectual property disputes in the media sector. Its most significant benefit is speed, as disputes can often be resolved within months rather than years, which is crucial where delays may reduce the value of legal remedies.

ODR is also cost-effective and accessible, reducing expenses associated with travel, procedural requirements, and prolonged litigation while enabling parties to participate regardless of geographical location. This is especially beneficial for creators, freelancers, and small businesses with limited resources.

Additionally, ODR ensures greater confidentiality and allows parties to select neutrals with specialised expertise in intellectual property, technology, and digital commerce. These advantages make ODR a highly effective dispute resolution mechanism for the digital economy.

CHALLENGES IN THE IMPLEMENTATION OF ODR

Despite its many advantages, ODR faces several practical challenges. One major concern is the digital divide, as effective participation depends on access to reliable internet services, technology, and basic digital literacy. In a diverse country like India, unequal access may prevent many individuals and small businesses from fully benefiting from ODR.

Privacy and cybersecurity are equally important concerns. Since ODR proceedings involve the exchange of sensitive information online, strong data protection measures are necessary to maintain trust in the process. Any breach or misuse of information can undermine confidence in the system.

Challenges also arise in relation to the enforcement of outcomes, particularly in mediated settlements that may require additional legal recognition across jurisdictions. Further, the success of ODR depends on trained professionals who possess both legal knowledge and technological competence.

Addressing these concerns is essential to ensure that ODR remains secure, accessible, and effective as a mechanism for resolving intellectual property disputes in the digital age.

CONCLUSION

The rapid expansion of digital media has fundamentally changed the nature of intellectual property disputes. Copyright infringement, content ownership conflicts, licensing disagreements, and cross-border digital disputes have become increasingly common in today's interconnected world. Traditional litigation, while important, often struggles to provide timely and effective solutions to these challenges.

Online Dispute Resolution has emerged as a promising mechanism capable of addressing the unique demands of the digital media environment. By offering speed, flexibility, cost-efficiency, confidentiality, and access to specialised expertise, ODR provides significant advantages for creators, businesses, and consumers alike.

International initiatives led by WIPO and India's evolving ADR framework demonstrate that the foundations for wider ODR adoption already exist. However, continued policy development, technological investment, and institutional support remain necessary to unlock its full potential.

In an era where creative works can travel across the globe within seconds, dispute resolution must be equally adaptable. ODR represents more than a technological innovation; it reflects the future direction of intellectual property enforcement in the digital age. As the media sector continues to evolve, the success of intellectual property protection will increasingly depend on dispute resolution mechanisms that are as dynamic and borderless as the content they seek to protect.


Legatio
Unified View
All documents & agreements at one place.
Smart Tracking
Real-time signature status & template monitoring.
Quick Dispatch
Instantly send pre-approved documents.
All Your Contracts.
One Intelligent Dashboard.
Track, dispatch, and manage compliance—without chaos.
BOOK A DEMO
Welcome, Nova Logistics!
Unified View of Documents, Agreements at one place
Templates Signing Status
Quick Dispatch
Instantly accelerate your legal workflow with pre-approved templates.
Dispatch Document
Total Signatures
1,280
COMPLETED
Assigned Templates
View All
Mutual NDA
Offer Letter
Service Agreement
Pending Tasks
DSC Signature
Recently Send Documents
Sort
RECIPIENT NAME
DOCUMENT TYPE
SENT TIME
STATUS
ACTIONS
John Doe
Service Agreement
Pending
75+
Employees Managed
200+
Contracts Processed
12
Hours Saved Weekly
+91 84228 42350
Business@legatioinfo.com
www.legatio.co

SECTION FOUR · INTERVIEW

04

Beyond the Boardroom: A Conversation on Leadership, Law, and Lifelong Learning with Dr. Sanjeev Gemawat

Managing Director & Group General Counsel at Essar Group, Dr. Sanjeev Gemawat, is a distinguished legal and business leader with nearly three decades of experience across corporate law, governance, compliance, litigation, arbitration, and strategic advisory. Having held leadership roles at organisations including Vedanta, Dalmia Bharat, DLF, and JCB, he has been widely recognised among India's leading General Counsels by Forbes India, Businessworld, and other esteemed platforms. A doctorate holder in Insider Trading and professionally qualified as a Chartered Accountant, Cost & Management Accountant, and Chartered Secretary, Dr. Gemawat shares his insights on leadership, trust, the evolving role of in-house counsel, and the future of the legal profession in this exclusive conversation with IIDRC.

You have built an extraordinary career spanning law, finance, governance, and business leadership. What first inspired you to pursue the legal profession?

I honestly never planned my career in such a structured way. I grew up in Rajasthan, studied in both villages and cities, and came from a family where public service and education were deeply valued. As a student, I was an avid reader, particularly biographies of leaders like Mahatma Gandhi and Nelson Mandela.

What intrigued me was that many great nation builders had a background in law. I realised that law was not just about courts; it was about understanding society, institutions and human behaviour.

Then liberalisation happened in India in the early 1990s. New industries emerged, multinational companies entered India and opportunities opened up. I felt law was a profession that would sit at the centre of this transformation.

In many ways, my career has simply been a journey of curiosity.

What is one failure or setback that ultimately became a turning point in your career?

I wouldn’t call it a single failure, but an early misconception.

I initially believed that if you were technically excellent, everything else would automatically fall into place. I eventually realised that organisations don’t always need the most legally perfect answer; they need practical solutions. That shifted my thinking.

I stopped seeing myself as a lawyer who advised businesses and started seeing myself as a business leader who happened to have a legal background. That change in mindset was transformative.

You have led legal functions across diverse industries. What is the one leadership lesson that applies universally?

Businesses may differ, but people don’t. The one lesson I have learnt is that trust is everything. People don’t necessarily remember the legal advice you gave ten years ago, but they remember whether you were dependable during difficult times. Leadership is ultimately about trust, consistency and credibility. Everything else follows.

SECTION FOUR · INTERVIEW

04

Beyond the Boardroom: A Conversation on Leadership, Law, and Lifelong Learning with Dr. Sanjeev Gemawat

Which book has influenced your thinking the most?

I have always struggled with this question because I don’t have one book.
Different books have influenced different phases of life. The books on Indian philosophy and religion, particularly the principles of Anekantvad and Syadvad from Jain philosophy have certainly stayed with me throughout. I also enjoy biographies and history because they teach you that every generation faces uncertainty, disruption and change.
One lesson that has stayed with me is that human nature does not change much; only the circumstances do.
That gives you perspective.

How do you maintain balance and perspective amidst the demands of a high-profile corporate career?

I don’t think work-life balance is about achieving a perfect fifty-fifty equation. That’s unrealistic.
I think it’s more about managing your energy and priorities. I enjoy reading, travelling, running, visiting historical places and spending time with family. I also consciously make time to mentor young professionals and engage with academia.
I strongly believe that you should not wait until retirement to give back to society. It should happen alongside your career. That itself becomes energising.

How can young professionals remain relevant in an era increasingly shaped by artificial intelligence?

Don’t be afraid of AI. Be afraid of not learning. AI will replace many repetitive tasks, but it cannot replace judgement, empathy, ethics and wisdom.
I often tell young professionals one thing: never stop learning because life never stops teaching. Also, don’t suppress your wild ideas. Sometimes, the craziest idea you have may eventually become your biggest contribution. Stay curious, stay adaptable and keep reinventing yourself. That is perhaps the most important skill of the future.

Having studied insider trading at a doctoral level, what have you learned about the relationship between information, power and responsibility?

Information has become the world’s most valuable asset.But information without ethics is dangerous.
The higher you rise in an organisation, the greater your responsibility becomes because you are entrusted with information that others don’t have access to. The privilege of access must always be balanced by responsibility. That is true not only in insider trading but in leadership itself.

SECTION FOUR · INTERVIEW

04

Beyond the Boardroom: A Conversation on Leadership, Law, and Lifelong Learning with Dr. Sanjeev Gemawat

What lessons can business leaders draw from insider trading regulations about trust and transparency? ▼

The biggest lesson is that trust takes years to build and seconds to lose. Markets work because people believe there is fairness in the system. Insider trading regulations are ultimately not about punishment; they are about preserving confidence. And confidence is the currency on which institutions survive. The same principle applies to businesses too.

What gap in the legal ecosystem led to the creation of GCAI? ▼

For years, we felt that General Counsels were doing immensely important work but lacked a collective voice.
India has hundreds of thousands of lawyers working inside corporations, but they did not have a distinct professional identity. We wanted to build a platform that would not only connect General Counsels but also contribute to policy making, legal reforms, academia and nation building.
GCAI was born from that idea. In many ways, it is a movement rather than an association.

How has the role of General Counsel evolved? Will the next generation look different? ▼

Absolutely. Today's General Counsel is no longer a legal gatekeeper. The role has evolved into that of a strategist, enabler and protector. Tomorrow's General Counsel will understand geopolitics, AI, sustainability, data, technology and stakeholder management as much as law itself.
I often say that the General Counsel's office is becoming a mini law firm, mini consulting firm and mini risk management office all rolled into one. The role will become even more exciting.

Are law schools equipping students with the commercial acumen required to succeed as in-house counsel? ▼

Not entirely, though they are making progress. Law schools are producing talented graduates, but business understanding still comes largely through experience. Students today should not limit themselves to statutes and judgments. Learn finance. Learn technology. Understand business models. Understand how organisations create value.
The future lawyer will be multidisciplinary. In fact, I think that is already happening.

SECTION FIVE · MORE ABOUT THE INSTITUTION

05

UPCOMING EVENTS

JULY 2026
10

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

JULY 2026
11

INDIA ENERGY LAW ASSOCIATION
IIDRC as Supporting Organization

JULY 2026
15

BESPOKE LEGAL GLOBAL SUMMIT
IIDRC as Supporting Organization

JULY 2026
24

IIDRC OPEN HOUSE

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

AUGUST 2026
01

AAI WEBINAR

ADR in Real Estate: RERA, Builder-Buyer Issues, Lease Disputes & Development Agreements

*Stay Updated: Follow **IIDRC & IIDRC Edge** on LinkedIn and Instagram for the latest news and updates.*

iidrcedge

IIDRC
IIDRC Edge

SECTION FIVE · MORE ABOUT THE INSTITUTION 05

STAY CONNECTED

FOR PROFESSIONALS

Stay plugged into the evolving ADR landscape by joining the official WhatsApp channel.

"IIDRC Notice Board"

Get priority updates on conferences, panel discussions, advanced training programmes, and institutional initiatives led by IIDRC.

This channel is designed for practitioners and experts who want timely insights, meaningful engagement, and a front-row seat to developments shaping dispute resolution in India.

IIDRC NOTICE BOARD
PROFESSIONALS WHATSAPP GROUP

FOR STUDENTS

Looking to build a strong foundation in arbitration and mediation? Join the official WhatsApp channel.

"IIDRC Students Network"

Receive curated updates from the Institutional and Industrial Dispute Resolution Centre (IIDRC) on **internships, workshops, certificate courses, competitions, and academic programmes.**

Discover opportunities that help you learn, practice, and prepare for a career in dispute resolution right as they are announced.

IIDRC STUDENTS NETWORK
STUDENT'S WHATSAPP GROUP

Parul® University Gujarat Goa | GAVEL GLORY

IIDRC

AS

RISING STAR

OF THE YEAR

ADR INSTITUTION

IIDRC continues to lead with excellence, innovation, and impact in the field of Alternative Dispute Resolution.