ALTERNATIVE DISPUTE RESOLUTION IN INTELLECTUAL PROPERTY LAW

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Abstract

The escalation of the importance of IPR in the world economy has been followed by higher numbers of disputes related to their protection and enforcement. Traditional lawsuit is not effective in handling IP disputes because of its adversarial and time-consuming nature at court. However, this paper discusses the incorporation of ADR measures in the resolution of IP disputes in the following fold: Arbitration, mediation, and negotiation. The paper presents the history and structure of both IPR and ADR in India with reference to the judiciary encouragement of ADR through statutes such as the Arbitration and Conciliation Act of 1996 and the Commercial Courts Act. Several legal authorities and case laws support the procedural advantages and effectiveness of ADR that lies especially in their handling of socially and technically delicate issues in IP cases. Internationally, organizations such as the WIPO Arbitration and Mediation Centre is an example of how ADR works in the handling of various multi credible international disputes. This paper shows how there is a desire for more ADR in IP law as a way to lessening judicial pressures, by protecting Knowledge that is a source of competitive advantage and promoting consensual approaches to conflict solving while filling the existing void through increased awareness and achievable skills enhancement.

Keywords: *Intellectual property Rights, Arbitration, Mediation, Negotiation, WIPO, Effectiveness, enhancement*

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INTRODUCTION

The Cambridge dictionary defines intellectual copyrights as the protection that may be bestowed upon an individual's creation to prevent it from being copied by someone else.[2]. It allows individuals not only to legally protect their work from being wrongfully possessed by another but also enables them to commercialise and reap benefits for the same, usually in monetary terms, by way of imposing certain exclusive rights on the inventors or creators of that property. Intellectual property (IP) may pertain to any original creation of the human intellect, such as artistic, literary, technical, or scientific creation, while intellectual property rights (IPR) refer to the legal rights given to the inventor or creator to protect their invention or creation for a certain period of time.[3]. In the last few years or so, there has been a fast-paced evolution in the field of Intellectual Property Rights. With a rise in human discoveries, innovations and inventions, people have rushed to legally protect and enforce their rights with regard to the works of creativity, unlike the past, where people might not have even heard the concept of intellectual property. Today, however, it seems as though individuals have become highly stringent with regard to establishing legal protection for their intangible property. As India embraced its membership in the World Trade Organisation and implemented the Trade-Related Aspects of Intellectual Property Rights (TRIPS) in 1995, the significance of safeguarding intellectual property became paramount.[4].

Alternate Dispute Resolution, on the other hand, is an emerging field of law whereby legal disputes are undergoing settlement procedures outside of the Courts. This process has been defined as the different ways by which people can resolve disputes without a trial, with common ADR processes including mediation, arbitration, and neutral evaluation[5]. This system allows for the facilitation of seamless settlement of legal disputes without needing to undertake any long and tedious court procedures. The coming of alternate dispute resolution mechanisms not only made dispute settlement faster and more efficient, but it has also immensely reduced the burden of pending cases before Courts. People can now avail alternate mechanisms by way of which their conflicts may be resolved and an effective solution obtained. While the

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[2] Cambridge University Press, 'Intellectual Property', *Cambridge Dictionary* https://dictionary.cambridge.org/dictionary/english/intellectual-property accessed 28 November 2024.

[3] R Singh, *Law Relating to Intellectual Property* (Vol 1, Universal Law Publishing, New Delhi 2004).

[4] 'Advocating for Alternative Dispute Resolution in Intellectual Property Rights: Need of the Hour', *Manupatra* https://articles.manupatra.com/article-details/ADVOCATING-FOR-ALTERNATIVE-DISPUTE-RESOLUTION-IN-INTELLECTUAL-PROPERTY-RIGHTS-NEED-OF-THE-HOUR accessed 28 November 2024.

[5] 'What Is ADR?', *New York State Unified Court System* https://ww2.nycourts.gov/ip/adr/What_Is_ADR.shtml accessed 28 November 2024.

traditional mode of dispute resolution, i.e. litigation, is a lengthy process leading to unnecessary delays in dispensation of justice as well as over-burdening the Judiciary, alternative Dispute Resolution (ADR) mechanisms like arbitration, conciliation, and mediation etc., offer better and timely solutions for the resolution of a dispute. These ADR mechanisms are less adversarial and are capable of providing an amicable outcome in comparison to conventional methods of resolving disputes[6].

International disputes on intellectual property rights have also been quite widespread in the past few decades, especially in light of the globalisation that has been taking place at a fast-paced rate. Recognising the benefits of ADR mechanisms, WIPO has incorporated a WIPO Arbitration and Mediation Centre, which offers timely and cost-efficient dispute settlements.[7] Located in Geneva, Switzerland, this works as an intergovernmental organisation. The more countries are getting interlinked and the more transnational Intellectual Property laws are becoming, the greater is an increasing need for a neutral party to settle the disputes between the stakeholders. There is also a preservation of business relationships, which adds to the advantage of adopting ADR over adversarial litigation processes. In foreign jurisdictions, the scope of ADRS in IP law disputes has been effectively incorporated into their jurisdictions. In the case Federal Court of Australia, when IP matters are dealt with, they have a well-established mediation process, which is also known as the name of 'early intervention' strategy.[8] Arbitration and mediation mechanisms have been outlined in recent multilateral agreements with the recognition that traditional litigation is no longer an effective means of settling international intellectual property disputes[9]. However, while mechanisms such as arbitration, mediation, and expedited procedures provided by organizations like the WIPO Arbitration Center facilitate cost-effective and specialized dispute resolution, challenges may persist due to factors such as differing national IP laws, varying levels of protection, and resistance from developing nations perceiving stringent IP rules as tools for domination by industrialized countries. While the

[6] Ministry of Law and Justice, Government of India, *Arbitration and Mediation: Legislative and Policy Reforms* https://legalaffairs.gov.in/sites/default/files/Arbitration_Mediation.pdf accessed 28 November 2024.
[7] Julia A Martin, 'Arbitrating in the Alps Rather Than Litigating in Los Angeles: The Advantages of International Intellectual Property-Specific Alternative Dispute Resolution' (1997) 49(4) *Stanford Law Review* 917 https://doi.org/10.2307/1229340 accessed 28 November 2024.

[8] Lloyd Du and Joseph Patroni, 'Co-Mediation for Intellectual Property Rights Disputes' (2009) 12 *International Trade & Business Law Review* 266.
[9] World Intellectual Property Organization, 'Press Release No 93' (1 October 1993) [hereinafter WIPO].
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WIPO does administer key treaties and ADR services, its effectiveness is often limited by deficient enforcement mechanisms[10].

Both ADR as well as IPR have therefore emerged in recent times as two essential components of the legal sphere, especially considering the fast-paced changes that have occurred and are continuing to occur around the world. In light of all this, there has transpired an intersection of these two distinct component fields, with ADR mechanisms being hailed as an effective mode of settlement of disputes pertaining to intellectual property rights. Mechanisms such as negotiation, arbitration have been deemed as a productive way by which legal issues in these fields may be effectively managed and proper recourse availed. This paper, therefore, aims to conduct a further analysis of the same to properly understand this intersection between ADR and IPR.

IPR AND ADR IN INDIA

Intellectual Property Rights, though, have gained much momentum only recently, which does not mean that it was a recent discovery. This field of law dates back its emergence to almost a few centuries ago, and when talking about the emergence of Intellectual Property Rights in India, we can go as far back as 1856, which was when the first formal legislation of Intellectual Property was introduced within the Indian legal sphere. This was the Act VI of 1856 on the protection of inventions based on the British Patent Law of 185211, which granted exclusive privileges to inventors for a period of 14 years. However, further amendments and changes were continuously brought forth in these existing legislations, along with newer ones being introduced, all of which finally culminated in the coming forth of the current regulations on intellectual property, which are the Trade Marks Act of 1999. The Patents Act of 1970 (amended in 2005) and the Copyright Act of 1957. The concept of intellectual property rights, though it has risen in popularity only recently, has been an ever-evolving field within the legal sphere, having brought forth numerous laudable contributions to the Indian legal system.

When looking into the realm of ADR, practices such as arbitration are said to have emerged as far back as the Vedic period! However, the relatively modern and first Arbitration law was enacted in India only in 1772 by way of the Bengal Regulation of 1772. Following this was the enactment of the India Arbitration Act in the year 1899, but unfortunately, its scope was limited

[10] **Amy J Cohen,** 'Dispute Systems Design, Neoliberalism, and the Problem of Scale' (2009) 14 *Harvard Negotiation Law Review* 51, 64 https://kb.osu.edu/handle/1811/91851.
[11] Intellectual Property India, *History of the Indian Patent System* https://ipindia.gov.in/history-of-indian-patent-system.htm accessed 29 November 2024.

to the presidency towns of Madras, Bombay and Calcutta[12]. Today, there exists the Arbitration and Conciliation Act, introduced in the year 1996 and then later on amended in the subsequent years, the Mediation Bill of 2021 and various other legal provisions and statutes which look to effectively regulate and develop the field of alternate dispute resolution[13].

Therefore, both the fields of IPR and ADR have been instrumental to the Indian legal field, with their existence dating back to the 18th Century. However, it is in recent times that there has been intersection between these two essential realms of the Indian legal sphere, particularly with the emergence of a recent trend so as to settle disputes with regards to intellectual property rights by way of alternate dispute resolution mechanisms such through practices of conciliation, arbitration, negotiation, mediation and so on and so forth. This allows for a faster and more effective settlement of such disputes, enabling the conflicting parties to save much time, money and resources that would have been otherwise spent on a courtroom battle. This not only benefits the parties to the case, but also helps to reduce the burden of cases that fall upon the judiciary's shoulders, especially when considering the rising number of cases within our country. The Indian judiciary has effectively incorporated the benefits of adopting ADR to its Intellectual Property laws. Statutory backing is attributed to these processes by way of the Mediation Act.[14] and the Commercial Court Act[15]. There has been considering debate surrounding whether intellectual property rights should be referred to arbitration or not. The contrast between right in rem and right in personam is what gave impetus to this diverse discourse on IP disputes.

ROLE OF ALTERNATIVE DISPUTE RESOLUTION (ADR) IN IP DISPUTES

Intellectual property includes trademarks, copyrights, patents, designs, and geographical indications, and this ensures the creative mind of an individual is adequately acknowledged. With the rising use of digital technology, the rights and disputes involved in intellectual property are bound to rise in the coming years. The dynamic scope of IPR with its emerging fields necessitates the need to adopt Alternative Dispute Resolution methodologies for fast and less costly settling of disputes. Interestingly, at the European Union Intellectual Property Office Conference (2023) held in Spain, one of the panellist judges commented, "There *is no IP*

[12] Indian Dispute Resolution Centre (IDRC), *What is the History of Arbitration in India* https://theidrc.com/content/adr-faqs/what-is-history-of-arbitration-in-india accessed 29 November 2024.
[13] Department of Legal Affairs, Government of India, *Arbitration and Mediation* (1st edn, 2021) https://legalaffairs.gov.in/sites/default/files/arbitration-and-mediation_0.pdf.
[14] Mediation Act 2023, s 5, No 32, Acts of Parliament, 2023 (India).
[15] Commercial Courts Act 2015, s 12A, No 4, Acts of Parliament, 2016 (India).

dispute that cannot be mediated. If the parties want to, they can mediate anything[16]*."* ADR is seen as an effective alternative to the long-drawn litigation process. There have been court directives to minimise the amount of time taken to settle matters dealing with IP laws. The Hon'ble Supreme Court decided so in the case of ***M/s Shree Vardhman Rice and Gen Mills v. M/s Amar Singh Chawalwala***[17] that matters dealing with IP must be settled as expeditiously as possible by the trial court and must not waste time by seeking unnecessary injections and adjournments. The evolving nature of IPR, with the increasing burden of cases upon the judiciary, makes it a requisite that a certain number of cases be transferred to other amicable ways of dispute settlement.[18] Added to this, the fragile nature of the reputation of the big companies and enterprises involved in an IPR dispute makes the parties prefer ADR over settlements in open courts[19]. The secretive nature also adds an added layer of confidentiality and ensures that trade secrets are not leaked. In ***Salem Advocate Bar Assn. Vs. Union of India,***[20] the four key methods of ADR are negotiation, mediation, arbitration, and collaborative law. The parties to an IPR ADR mechanism are not limited to individuals only, but also include communities, collectivities, organisations, businesses, and states.[21] The different intricacies that come within the wide ambit of Intellectual Property Rights need to be settled in line with the characteristics that each specifies. In the case of disputes arising on traditional knowledge, traditional cultural expressions, and genetic resources, the parties involved can, at times, be sensitive, and people coming from diverse cultural backgrounds require professionally trained arbitrators to deal with their specific demands. When matters transgress multiple jurisdictions and include highly technical matters, then the matter can be better settled by referring to ADR. The trend that can be seen is that seasoned IP practitioners tend to focus upon adjudicative processes, whereas non-adjudicative practices can also be adopted to supplement the scope of IP dispute settlement. Even with the wide spectrum of benefits that any non-adjudicative process seeks to extend, there has been widespread reluctance in adopting this ADR mechanism

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[16] Laila Ollapally, 'Can Mediation Be Used to Resolve Intellectual Property Disputes in India?' (27 June 2024) *Bar & Bench* https://www.barandbench.com/columns/can-mediation-be-use-to-resolve-intellectual-property-disputes-in-india accessed 29 November 2024.

[17] M/s Shree Vardhman Rice and Gen Mills v M/s Amar Singh Chawalwala (2009) 10 SCC 257.

[18] Vanshika Dabriwal, 'Advocating for Alternative Dispute Resolution in Intellectual Property Rights: Need of the Hour' (14 May 2024).

[19] Nandita Yadav and Charmi Khurana, 'Beyond Courts: ADR's Influence in Navigating Intellectual Property Rights' (2023) 6 *International Journal of Law, Management & Humanities* 715.

[20] Salem Advocate Bar Assn v Union of India, AIR 2005 SC 3353.

[21] World Intellectual Property Organization (WIPO), *Alternative Dispute Resolution for Disputes Related to Intellectual Property and Traditional Knowledge, Traditional Cultural Expressions and Genetic Resources* (WIPO Pub RN 2023/5-8, 2023) https://www.wipo.int/edocs/pubdocs/en/wipo-pub-rn2023-5-8-en-alternative-dispute-resolution-for-disputes-related-to-intellectual-property-and-traditional-knowledge-traditional-cultural-expressions-and-genetic-resources.pdf accessed 29 November 2024.

in the long term[22]. One reason behind this can be a lack of awareness of the benefits, methodologies that can be incorporated, or misunderstandings with the scope of its enforceability.

In the landmark case of ***Bawa Masala Co. v. Bawa Masala Co. Pvt. Ltd. and Anr***[23]The Delhi High Court actively advocated for looking at avenues of a neutral assessment prior to intellectual property-based suits. The early assessment so undertaken is required to be neutral, private, and it is not to be used by one party against the other. [24]

A study was conducted on the effectiveness of Alternative Dispute Settlement techniques in Intellectual Property Right Disputes by the ABA section of the IP Subcommittee on Civil Justice Expense and Delay Reduction Plans.[25]. The study aimed to assess the viewpoint of practitioners on the effective use of ADR in IP disputes. With the increasing preference for ADR for its cost-saving and flexibility, there have also been concerns about the question of expertise of the persons who are to be appointed as a mediator or arbitrator. The survey report gave the status that 57% of ones who participated in the survey believed that ADR would be effective and beneficial for the parties who are employed in the dispute. The survey endorsed that there have also been cases where the participants cautioned on the use of the ADR process at certain times. The majority were against the opinion of using ADR in a case wherein the parties were more interested in developing a legal precedent. Another major criticism directed towards ADR processes is that, being non-binding, there is no need for the parties to be bound by their own jointly reached solutions.

ARBITRATING THE WAY FORWARD

In the case of a copyright dispute between ***International Business Machines (IBM) and Fujitsu[26],*** the parties took up arbitration of the matter, which was against the traditional methods of settling disputes on matters concerning software copyright disputes. Rather than choosing to litigate on the long, complex issue, the parties ended the battle by an arbitration

[22] Jeremy Lack, 'Addressing the IP Dispute Resolution Paradox: Combining Mediation with Arbitration and Litigation' (21 December 2022) *Global Arbitration Review* https://globalarbitrationreview.com/guide/the-guide-ip-arbitration/second-edition/article/addressing-the-ip-dispute-resolution-paradox-combining-mediation-arbitration-and-litigation accessed 29 November 2024.
[23] Bawa Masala Co v Bawa Masala Co Pvt Ltd & Anr, AIR 2007 Del 284.
[24] 'Alternative Dispute Resolution and Intellectual Property Rights' *IP Bulletin* https://ipbulletin.in/alternative-dispute-resolution-and-intellectual-property-rights/ accessed 29 November 2024.
[25] Mark N Mutterperl and Doritt Carroll, 'The Use of ADR Techniques in Intellectual Property Cases: Results of Practitioner Survey' (Fall 1993) 12 *IPL Newsletter* 25.
[26] International Business Machines Corp v Fujitsu Ltd, No 13T-117-0636-85 (American Arbitration Ass'n Commercial Arbitration Tribunal, 1987) 4 (Mnookin and Jones, Arbs) [hereinafter *IBM v Fujitsu*].

settlement. The argument was settled by invoking the arbitration clause, which was included in the agreement between them. There are cases when the agreement itself adopts an arbitration clause to settle disputes in a previously decided matter in the future. But this needs to be looked at carefully since the inclusion of an arbitration clause in no way mandates the matter to be settled by Arbitration itself when the agreement requires it to be so. Such was the case in the patent dispute of ***Beckman Instruments Inc. v. Technical Development Corp***,[27] in which the patent sublicensing agreement included an arbitration clause, but the Court opined that such matters needed to be decided by the court itself. Similarly, in the ***John Wiley & Sons v. Fuch***[28] case, despite there being an arbitration clause to settle the matter, the court held that the matter was non-arbitrable and must be referred to the federal court itself. Hence, the decision to refer cases to arbitration must be carefully balanced with the issues that each case seeks to address and the scope it has to be settled by alternative dispute settlement mechanisms. The arbitration process drew its inputs from the enactment of the US Arbitration Act of 1925 and the American Arbitration Association (AAA).[29] Many of the contract agreements incorporated these days include an arbitration-mediation clause on the transfer of intellectual property rights.

There are certain advantages that any arbitration procedure gives to its parties. One is the selection of decision-makers. When arbitration happens under the proceedings of AAA, they maintain a list of qualified subject matter experts who can be chosen by the parties themselves. Secondly, the proceedings can be tailor-made to the specific requirements of the parties involved. This makes the entire process flexible and easy to approach by the parties. Thirdly, the entire process can be chosen to be in a private hearing set up, which ensures the confidentiality and secrecy of the process. It also helps in faster decision-making and cost savings. In any intellectual property dispute which is internationally settled, there might be instances when the entire cost is marginally higher for both countries which are involved in the dispute. For example, in the instance of a patent dispute settled in the Patents County Court, the costs incurred by the plaintiff and defendant were US$ 530,000 and US$ 725,000, respectively, which was even higher than their annual turnover[30]. American Arbitration Association (AAA) mandates the arbitral award to be made within a time period of 30 days

[27] Beckman Instruments, Inc v Technical Develop 433 F2d 55 (7th Cir 1970).
[28] *Frerck v John Wiley & Sons, Inc, Case No 11 C 2727 (ND Ill, 23 January 2013).*
[29] Anita Stork, 'The Use of Arbitration in Copyright Disputes: *IBM v Fujitsu*' (1988) 3(2) *High Technology Law Journal* 241 http://www.jstor.org/stable/24122290 accessed 28 November 2024.
[30] M Vitoria, 'Mediation of Intellectual Property Disputes' (2006) 1(6) *Journal of Intellectual Property Law and Practice* 398.

from the close of evidence in any particular case. It is another Alternative Dispute Settlement Method that is available to the parties in an IPR dispute.

MEDIATION: AN EFFECTIVE ALTERNATIVE

Mediation is one process where parties voluntarily agree to appear in front of it; being non-binding upon its parties, mediation opens scopes for the formulation of the best settlement framework by the parties themselves. This is a form of subjective justice. The parties are required to adhere to the WIPO set Mediation Rules, which have been in effect from October 1, 1994. Article 7 of the WIPO Mediation Rules mandates that a Mediator shall be neutral, impartial, and independent[31]. This ensures that the entire process remains neutral and the parties involved have faith in the impartiality of the process. Section 12A of the Commercial Act specifies that pre-litigation mediation must be made mandatory unless there is an urgent need for interim relief. Alongside this, there have been interpretation by various interpretations of the judgments delivered by Indian Courts. In the case of ***Ericsson v. Intex Technologies (India) Ltd***,[32] There was a patent infringement dispute, upon which the Court deliberated upon the parties to take recourse to the mediation procedure. The case concerned a patent dispute between the petitioner, who is a telecommunications giant, and the defendant, who is an Indian mobile handset manufacturer. The mediation process ultimately reached a settlement agreement in which royalty rates were given for the use of Ericsson's patents. In yet another case of ***Licensing Executives Society International v. Amul India[33]The*** matter involved a trademark dispute over the use of a registered trademark. This case was also further referred to mediation by the Bombay High Court, which resulted in a negotiated settlement regarding trademark usage and licensing terms. Delhi High Court, while delivering its 2023 judgment on ***Campus Activewear Ltd v. Asian Footwear Pvt Ltd***, [34]Showcased a successful application of mediation in IP disputes. Hence, mediation offers an effective alternative to litigation, which takes years for the matter to be settled.

However, the parties must be mindful of the fact that mediation cannot provide a straitjacket solution for every IP dispute. For example, when a complicated question arises that requires

[31] World Intellectual Property Organization, 'Mediation, Arbitration, and Expedited Arbitration Rules' (1995) 34 *International Legal Materials* 559, 559–89.
[32] Intex Technologies (India) Ltd v Telefonaktiebolaget LM Ericsson, 2023 SCC OnLine Del 1845.
[33] Licensing Executives Society International v Amul India, (2022).
[34] Campus Activewear Ltd v Asian Footwears Pvt Ltd & Others, 2022 Del 1555.

judicial interpretation or matters where urgent relief, such as injunctions, are required, there is a need to refer them to court litigation.[35]

There is a long list of benefits that mediation offers to its parties in contrast to a traditional adversarial system of litigation. Unlike a rigid litigation process, mediation allows for flexible and creative solutions. It also increases speed and cost-effective remedies along with long-term Relationship preservation, which can rarely be achieved in a traditional form of dispute settlement.

CONCLUSION

The legal relationship between ADR and IPR presents a way to come up with different solutions and strategies so as to effectively deal with the complexities associated with all types of IP disputes, especially when considering that the growth of innovation and creativity is accelerating, thus making conflicts regarding intellectual property inevitable. Traditional litigation, while perhaps the most comprehensive method, has always been lengthy, expensive, and mostly inadequate to address the sensitive and technical nature of IP conflicts. This is where ADR shows up and provides a much more flexible and efficient alternative.

Methods such as mediation, arbitration, and negotiation prescribe the necessity to address the individual needs of the dispute. Such processes have their own characteristics of confidentiality, preserve the business relationship, and are quick and cheap in settlement. For example, the presence of subject-matter experts as arbitrators under arbitration would help create a perception of technical correctness and fair adjudication. Mediation, on the other hand, affords the settlement of issues that would be in line with the mutual interests of the parties. These are most important in IP matters, where their many aspects that concern protecting trade secrets as well as preserving a corporation's reputation.

In India, there is statutory support for ADR by way of the Arbitration and Conciliation Act, the Commercial Courts Act, and many other laws. The High Courts have also upheld ADR's application in IP matters, as demonstrated in judgments like M/s Shree Vardhman Rice and Gen Mills v. M/s Amar Singh Chawalwala and Ericsson v. Intex Technologies. Such judgment underlines the zeal of the judiciary in promoting ADR for speedy and effective resolutions in

[35] Sadika Khera, 'Harnessing Mediation for Effective Resolution of Intellectual Property Rights Conflicts' (18 September 2024) https://www.livelaw.in/lawschool/articles/harnessing-mediation-effective-resolution-intellectual-property-rights-conflicts-269960 accessed 29 November 2024.

IP disputes. Globally, institutions like the WIPO Arbitration and Mediation Centre strengthen the role ADR is playing in transnational IP disputes.

All in all, ADR proves to be an effective manner of settlement of IP-related disputes. However, this does not mean it is without its own set of drawbacks, with a significant concern being the lack of awareness about its benefits and enforceability. Additionally, the non-binding nature of some ADR processes, such as mediation, may also act as a deterrent towards parties from fully committing to the outcome. Furthermore, the need for domain-specific expertise among arbitrators and mediators is critical but often overlooked. Addressing these challenges through training programs, awareness campaigns, and legislative refinements will strengthen ADR's position as a viable alternative to litigation.

The future of ADR in IP law lies in its ability to adapt to the dynamic nature of intellectual property. By offering tailor-made solutions, it not only ensures justice for the disputing parties but also contributes to the broader goals of fostering innovation and protecting intellectual assets.