

## Article

# IP Dispute Resolution in the Digital Age: An Analysis of WIPO's UDRP Mechanisms and AI Integration

Daniyal Shoukat<sup>1,2,3</sup>

1. Wakalat Online LLP, Pakistan.
  2. Young Mediators Forum Pvt. Ltd., Pakistan.
  3. Department of Law, University of Punjab, Jhelum Campus, Jhelum, Pakistan.
- \* Correspondence: [daniyalshoukat9987@gmail.com](mailto:daniyalshoukat9987@gmail.com)

**Abstract:** The use of AI in intellectual property (IP) dispute resolution particularly in the framework of the World Intellectual Property Organization (WIPO) is a paradigm shift as far as efficiency and effectiveness of the domain name dispute resolution under the Uniform Domain Name Dispute Resolution Policy (UDRP) are concerned. The role of WIPO as a significant source of institutional ADR mechanisms is discussed in terms of its Arbitration and Mediation Centre and its functions and performance of cases administration procedures. The study highlights the procedural issues of the UDRP that enable owners of trademarks to challenge the bad faith domain name registrations and evaluates the success of the policy in delivering cost-effective and speedy decisions as compared to protracted litigation. The study explores the already existing implementations of the AI, including the case prediction systems within the scope of machine learning (e.g., SCALE and BERT models), and the applications of automated legal reasoning that are aimed at making the process of decision-making more efficient. Through comparative analysis of the AI-assisted and traditional proceedings of UDRP, the research identifies some of its greatest advantages, such as the acceleration of the cases processing, the elevated stability in decision-making, and the possibility to identify patterns in the cybersquatting cases.

**Keywords:** WIPO, UDRP; AI in dispute resolution; domain name disputes; online arbitration; cybersquatting; legal automation

## 1. Introduction

The fast evolution of the internet and online business has changed the very essence of intellectual property (IP) litigation, creating some problems that the conventional legal frameworks cannot handle conveniently (Gandhi 2022). With the rise in online interactions and transactions, conflicts related to the domain name and especially those related to trademarks infringement and cybersquatting are rising (Kaya et al. 2019). Organizations like Internet Corporation for Assigned Names and Numbers (ICANN) and World Intellectual Property Organization (WIPO) have special mechanisms to resolve such disputes effectively. Uniform Domain-Name Dispute-Resolution Policy (UDRP) adopted in 1999 by WIPO is one of the most significant ways of resolving domain name disputes in all generic top-level domains (gTLDs) (Qi 2024).

WIPO dispute resolution regimes help balance the interests of the rights holders and the domain registrants. Founded in 1994, the Arbitration and Mediation Centre of WIPO is an impartial, low-cost body where the cross-border IP disputes can be resolved by third-party expertise to guarantee impartiality and effectiveness (Gowshini 2023). The partnership between the Centre and ICANN has led to the UDRP under a three-pronged test:

1. Determining the identity or confusing similarity of a disputed domain to a trademark of a complainant
2. Determining the registrant's lack of legitimate rights
3. Bad faith of registration and use (Koulu 2018).

This efficient procedure has considerably saved time and money spent on litigation in national courts, providing a more predictable and faster alternative (Weber 2012).

Technology has improved the efficiency of dispute resolution mechanisms of WIPO. The combination of WIPO eADR system and other digital platforms has enabled safe online case management, online hearings, and evidence analysis with the help of AI (Pratama et al. 2025). This helps bypass the geographical barriers and improve the accessibility and scale of dispute resolution services. Nevertheless, increasing use of artificial intelligence (AI) in the legal system has raised

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questions about its implications on procedural fairness, transparency, and consistency of the UDRP decisions (Qi 2024). Although UDRP is effective in the regulation of domain disputes, there is no study that highlights the consequences of the introduction of AI in the legal structure.

This paper examines the effectiveness of the UDRP systems of WIPO in the digital world, and, specifically, the opportunities and problems of AI-based dispute resolution. This research explores the weaknesses and strengths of the UDRP and its ability to adapt to the changing technology. The research will help policy makers, legal practitioners and allied stakeholders to streamline dispute resolution systems in the most appropriate manner to ensure that they address the demands of the digital economy.

## 2. AI Integration in IP Dispute Resolution and WIPO's Role

The WIPO is adopting the use of AI to enhance the management of IP and solve disputes (Picht et al. 2023). Application of AI to IP management can be categorized into three large functions:

1. Automating administrative processes
2. Enhancing prior art and infringement detection
3. Facilitating dispute resolution mechanisms (Swamy 2021)

European Patent Office (EPO) and Intellectual Property Office of Singapore (IPOS), use AI-based tools to automate trademark and patent examinations, including WIPO Translate and WIPO Brand Image Search, which employ machine translation and computer vision, are being used in a variety of IP offices (Swamy 2021). It suggests the way AI can be utilized to improve efficiency in IP classification, prior art search and infringement identification.

## 3. AI Applications in IP Dispute Resolution

AI is being used in technology-intensive arbitration processes, especially to review the evidence and analysis of cases. Big data analytics, and machine learning algorithms, help monitor the dissemination of digital content automatically, thus identifying IP violations in less time (Ma 2024). Technologies like blockchain improve the real-time monitoring of counterfeit products and pirated digital assets, whereas AI based dispute resolution platforms promote cooperation across borders (Ma 2024). International organizations prioritize the development of global IP protection platforms because such systems enable the standardization of the dispute resolution processes and enhance interoperability (Qi 2024). By introducing AI to the IP enforcement systems, WIPO and allied organizations plan to cope with such issues as trademark counterfeits, copyright infringement, and domain name disputes more efficiently.

## 4. WIPO Arbitration and Mediation Center: Structure and Functions

WIPO Arbitration and Mediation Center is the first international body that focuses on IP cases. The Center is non-profitmaking institution based in Geneva having a second office in Singapore and provides ADR mechanisms to parties that enter cross-border IP disputes on a private basis (Alghanim 2020). The Center is the sole monitor of all disputes involving technology and entertainment and any other IP related cases and cannot be shared with any other general commercial arbitration institutions (Kuznetsov et al. 2018). Its legal instruments are WIPO Mediation Rules and WIPO Arbitration Rules, updated in 2014 which provide properly organized procedures of out-of-court settlements (Santiago 2017).

## 5. Case Administration and Support Services

WIPO Arbitration and Mediation Center promotes efficiency in dispute resolution with the help of the supportive system of services. A critical aspect of this system is neutral selection since there are more than 1,500 arbitrators, mediators, and professionals that appear in the list of the Center, and they have a specific background in intellectual property law (Jovic 2019). This ensures that the disagreements are solved by the professional personnel who are aware of the field, therefore, enhancing the authenticity and precision of the verdicts.

Besides neutrals selection, the Center also assists logistically, such as translation and interpretation and the arrangements of a hearing venue (Kuznetsov et al. 2018). All this helps with cross-border litigation that would otherwise be stalled due to language barriers and issues of jurisdiction. Further, the Center has an open regime of cost management, in which the fees charged to the experts are determined with the consultation of the interested parties ensuring the resolution fair and predictable costs of dispute.

## 6. Case Profile and Jurisdictional Reach

The number of intellectual property disputes in the Center is broad, which is a sign of its specialized character in international IP governance. Its workload involves patent-related cases (approximately 30 percent of all its cases) and other ordinary cases of trademarks, copyright infringements and license agreements (Jovic 2019). Additionally, the Center handles complex cases of contractual disputes involving technology transfer, research and development (R&D), and sports marketing contracts highlighting the flexibility of the Center in setting different IP disputes. Nearly 70 percent of cases involve cross-border parties. The monetary value of the conflicts varies from 15,000-1 billion dollars, which implies that the Center deals with the small and multinational companies (Acharya 2020). This wide jurisdictional scope strengthens its position to resolve IP disputes.

## 7. WIPO's Dispute Resolution Procedures

### 7.1 ADR Mechanisms

The Center has four main dispute resolution mechanisms to serve various procedural requirements. Mediation is not binding and is consensus-based where a neutral mediator helps the parties to negotiate an acceptable solution (Kurniawan 2019). This is a beneficial approach in maintaining business relations since it focuses on joint efforts and does not involve confrontational litigation.

In cases that need a binding solution, arbitration is performed under the WIPO Arbitration Rules (Lee 2015). The Center offers expedited arbitration in situations that require such services, and it operates within a tight schedule without affecting the due process of the arbitration. Experts are determined for highly technical disputes, and the issues are evaluated by specialized evaluators (Kurniawan 2019), for patents validity or royalties. Cases since *June 1, 2014*, are administered with the revised WIPO Mediation, Arbitration, and Expert Determination Rules, which reflect the best contemporary practices in ADR (Kaya et al. 2019). These are applied in international contracts, and this is a sign that they are credible and popular with corporate and institutional stakeholders.

## 8. Procedure for Domain Name Dispute Resolution under UDRP

The process of domain name dispute is simplified by the UDRP. The process starts when a trademark owner files a complaint, and the respondent files a written defense. Documentary evidence is used, and the case is heard by a panel of one or three experts and thus physical hearing is not necessary. Some of the remedies that may be awarded by successful complainants are transfer or cancellation of a domain name and this is a good alternative to litigation which may be very costly (Howe 2024). UDRP system is one of the most successful WIPO initiatives to resolve digital IP disputes efficiently. The Center eases the challenges of cybersquatting and trademark misuse in the global domain name system by establishing a standardized and cost-effective system.

## 9. The UDRP Framework and Mechanisms

The Uniform Domain-Name Dispute-Resolution Policy is an expert supranational legal system to address the problem of trademark infringement in domain names as part of alternative dispute resolution (ADR) and domain seizure systems. Contrary to the traditional courts, the UDRP is an online dispute resolution procedure where domain names can be seized and transferred, a binding and effective solution to transnational cybersquatting. This system reduces the deficiencies of the conventional litigation system in terms of costs, jurisdiction and prolonged cases (Kiškis 2013).

### 9.1 Legal Test and Procedural Requirements

The procedural nature of the UDRP is based on a three-prong legal test contained in Article 4(a) of the UDRP Policy. To succeed, complainants must demonstrate:

- 1) That the subject domain name is confusingly similar or identical to a trademark or service mark in which they have a right to;
- 2) That the respondent lacks rights and legitimate interests in the domain name;
- 3) That the domain is registered in bad faith and used in bad faith (Kaya et al. 2019)

It specifically targets classical cybersquatting, and acquisition of the domain names with the intention of exploiting a pre-existing trademark. Once these requirements are fulfilled, the arbitration panels can order the transfer, cancellation, or re-registration of the disputed domain (Jovic 2019).

### 9.2 Procedural Efficiency and Technological Integration

To be efficient, UDRP model carries out through written submissions devoid of the actual hearings. The parties are allowed to employ attorneys, and successful complaints are normally granted to the complainant or cancellation of the domain (Howe 2024). Technology has made the UDRP more efficient through digitized document processing, video conferencing to attend hearings across geographical borders and artificial intelligence to look at evidence. This reduces the distance and logistic barriers to a problem, which saves more time at a lower cost (Qi 2024).

## 10. Integration WIPO Case Volume and Case Examples Illustrating UDRP Application

The WIPO-UDRP has received over 46,000 disputes, involving approximately 86,000 domain names, since 1999 (Singh 2018). WIPO is one of the accredited arbitration providers by ICANN and ensures that the principles of UDRP are applied in a uniform manner irrespective of jurisdiction (Sharrock 2001). The best examples of the UDRP effectiveness include the transfer of <marlboro.com> to a respondent without legitimate interests, and the settlement of <wwwshell.com>, which was registered in bad faith and sold at an unreasonably high price (Singh 2018).

The UDRP in practice can be looked at in terms of some of the landmark cases decided by the WIPO. UDRP has been effective in dealing with the problem of cybersquatting and typo-squatting (also referred to as URL hijacking) whereby the domain names are registered to take advantage of the trademarks that have already been developed (Hassanah et al. 2018). One of the most well-known cases is the Phillip Morris USA v. r9.net (2007)<sup>1</sup> also known as the Marlboro case. The respondent had registered the domain name <marlboro.com> when it did not even have a right to the well-known name Marlboro trademark of Phillip Morris. The complainant might prove that the domain name was the same as their trademark and it was registered in bad faith. The respondent did not refute the allegations according to WIPO panel, and, therefore, decided in favor of Phillip Morris and transferred the domain (Singh 2018).

*Shell Trademark Management B.V. v. Domains-Best Domain (2003)*<sup>2</sup> is another interesting case where UDRP was applied in managing typo-squatting- redirecting internet traffic using minor misspellings of trademarks. The respondent registered <wwwshell.com> (omitting the period between "www" and "shell") and redirected it to an unrelated website. Shell International Petroleum Company, the owner of the trademark, proved that the domain was confusingly similar with the trademark of the company

<sup>1</sup> Arbitration and Mediation Center, "WIPO Domain Name Decision: D2007-1450," November 30, 2007, <https://www.wipo.int/amc/en/domains/decisions/html/2007/d2007-1450.html>.

<sup>2</sup> Arbitration and Mediation Center, "WIPO Domain Name Decision: D2003-0066," March 27, 2003, <https://www.wipo.int/amc/en/domains/decisions/html/2003/d2003-0066.html>.

and that the respondent had no legitimate interest in the domain. Other grounds of bad faith were achieved after the respondent tried to sell the domain name to Shell for 549,000 dollars. The WIPO panel transferred the domain to Shell because the respondent did not present any counterarguments (Singh 2018).

These rulings indicate that UDRP can provide speedy and binding solutions to the trademarks owners, making it a powerful tool in the protection of intellectual property. Nevertheless, the use of participation of respondents or their absence, is a procedural fairness of default judgments question that that should be answered by the scholars.

## 11. AI integration in WIPO Domain Name Dispute Resolution

The application of AI in the Online Dispute Resolution (ODR) systems has been catching up in the systems globally especially due to the influence of bodies such as the United Nations Commission on International Trade Law (UNCITRAL). UNCITRAL has devised an ordinary ODR system to facilitate the settlement of cross-border e-commerce disputes, and this system is focused on effectiveness and affordability (Rhim et al. 2019). It became widespread even in such organizations as the WIPO or the European Commission (Putri 2019). These systems are scalable as they are illustrated by the country-level implementations, i.e., the National Internet Exchange (NIXI) in India (Bharadwaj 2017). AI is mainly used in ODR systems in three functional systems, namely:

1. Decision Support Systems, which assist arbitrators in evaluating evidence
2. Negotiation Support Systems, which facilitate automated mediation
3. Auto Counseling Systems, which gives the initial legal advice to the parties of the dispute (Rhim et al. 2019).

The developed technologies increase the effectiveness of the processes and correlate with the principles of the dispute resolution.

### 11.1 Current AI Applications in WIPO Domain Name Dispute Resolution

WIPO has streamlined the domain name dispute resolution process under UDRP. The most significant of them are WIPO Translate, an AI translation service, which eliminates the language barrier in international cases of dispute, and WIPO Brand Image Search, an image recognition system, which assists in identifying trademark infringement (Swamy 2021). WIPO has also enhanced its capability to analyze using machine learning platforms like the SCALE platform. SCALE has more than 16,000 historical UDRP cases in its databases and applies a five-step method to tag legal facts and predict the outcome of a dispute (Villata et al. 2022). This system enhances decision-making consistency while reducing manual workload.

### 11.2 AI-Powered Case Processing and Prediction Systems

AI creates automated systems of resolution, which can handle massive amounts of disputes in the domain of names. An example of such system is trained on a corpus of 30,311 English-language UDRP cases, with an F-measure accuracy of 75.5-81.3 in predicting the outcome of the case based on the **BERT** (*Bidirectional Encoder Representations from Transformers*) and **LEGAL-BERT** natural language processing models (Francia et al. 2022). The systems are set to pre-determine the complaints and find the indications of a successful case (Vihikan et al. 2021), including the business use of the contested domain, and, hence, to control the number of cases (Gray et al. 2024).

### 11.3 Comparative Analysis of AI-Assisted and Traditional UDRP Proceedings

Despite using AI in UDRP processes, traditional arbitration is still necessary when the dispute needs delicate human judgment including the subjective evaluation of bad faith or the complicated interpretation of facts (Broyde et al. 2024). Even though the AI systems can have algorithmic errors due to the drawbacks in training data, the traditional methods are also not deprived of human biases and inconsistencies. Therefore, the combination of AI to increase efficiency on routine cases and human experience to address complex disputes will be the key to the preservation of the UDRP framework integrity and performance.

### 11.4 The Dual Nature of AI Integration in UDRP Proceedings

The implementation of AI in the UDRP procedures is beneficial and challenging simultaneously. AI makes the process cost-effective due to reduced arbitrator fees and operational costs, and enhanced consistency in decision-making due to less human bias. It is more efficient due to its automation of routine work, can work on cases 24/7, and can serve as a strategic location to test legal AI on a larger scale. Nevertheless, the adoption of AI is characterized by numerous challenges, such as the lack of a clear definition of its abilities, the perceptual barriers among the stakeholders who refuse to rely on algorithmic decision-making, and the technical constraints of managing complex and context-specific judgments in a straightforward manner (Broyde et al. 2024). Further, the non-legal status of AI-based decisions by the courts highlights the importance of well-defined accountability models. Addressing these challenges requires transparent AI design, stakeholder education, and iterative legal validation to ensure the system's reliability and acceptance (Agarwal et al. 2023). This ambivalence reflects more general critiques of the UDRP system itself, which, although hailed due to its speedy decisions, cost-effectiveness, and the expertise of the adjudicators, has been criticized as lacking procedural consistency and adequate protections (Weber 2012). The UDRP is, however, an important tool of resolving domain disputes, and AI integration, provided it is done prudently, can increase the efficiency and enforceability of UDRP in the digital age.

## 12. The UDRP's Role in Modern IP Dispute Resolution

UDRP is better than other mechanisms of resolving disputes. Globally, IP enforcement experiences threats of digital piracy, disparity in legal interpretation, and inter-border enforcement (Weber 2012). The next step can be the extension of the UDRP system to cover a wider range of IP infringement via supranational jurisdiction, and AI and blockchain can be effective to detect infringement and ensure transparency (Eviani et al. 2024). International collaboration based on the standardized ODR protocols is a key to effective IP protection at the global level (Kiškis 2013). The effectiveness of the WIPO in dispensing cases of domain name disputes is reinforced by the fact that legal challenges to its decisions are very rare (Ma 2024). Although parties may appeal WIPO decisions to competent national courts or after proceedings, this is hardly ever the case (Blackshaw 2011). This tendency suggests that the arbitration held by WIPO is effective and, therefore, enhances the legitimacy and credibility of dispute resolution procedures that are held at WIPO.

The WIPO dispute resolution processes have remained empirically favorable in the core role played by the organization in international IP dispute settlement. WIPO has stringent examination and verification procedures that make the organization witness high success in the adjudication of disputes (Feng et al. 2008; Thaines et al. 2018). Systematic procedures of WIPO ensure that rulings are enforceable in addition to being considered fair and authoritative by the parties affected. WIPO is the most authoritative body in effective IP dispute resolutions other than the conventional courts. This institutional legitimacy has increased the role of WIPO in the development of global IP governance placing it among the actors in the dynamic world of digital and IPRs protection.

### 13. Conclusions

The WIPO has become a center in settling IP conflicts, especially through its Arbitration and Mediation Center and its implementation of the UDRP. Since its establishment in 1994, the Center has been offering an efficient and cost-effective alternative to traditional litigation and has settled many international IP disputes, such as patent cases, and cybersquatting cases. The UDRP, which has been formulated with the help of ICANN, has been particularly effective, and provides a fast-track system of settling domain name disputes with little or no judicial intervention. Use of AI in the dispute resolutions of WIPO is a more efficient and cost-effective process due to AI-powered tools like predictive case assessment systems, and automated legal research platforms. AI application in dispute resolution is a good trend, and this corresponds to the overall ODR and digital justice trends. WIPO should maintain a balance between technological advancement and procedural fairness to make the dispute resolution mechanism affordable and be able to cope up with the emerging IP issues. The effectiveness of the UDRP and the increasing use of AI in arbitration testifies to the role of WIPO in determining the future of IP protection. More research is necessary to explore the effects of the use of AI in dispute resolution without compromising the ideals of justice and due process in the digitalized global economy. Incorporation of AI, and strict supervision will further cement the position of WIPO as the global authority in international IP dispute settlement.

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