
ONLINE DISPUTE RESOLUTION IN CORPORATE DISPUTES: A CRITICAL ANALYSIS OF EFFICIENCY AND REGULATORY CHALLENGES

Ms. Pertilla Virginia Vincent, Faculty, Govt Law College, Coimbatore

Dr. Vijayalakshmi, Associate Professor, Head I/c, Department of Crime and Forensics Law, School of Excellence, Tamil Nadu Dr Ambedkar Law University, Chennai

ABSTRACT

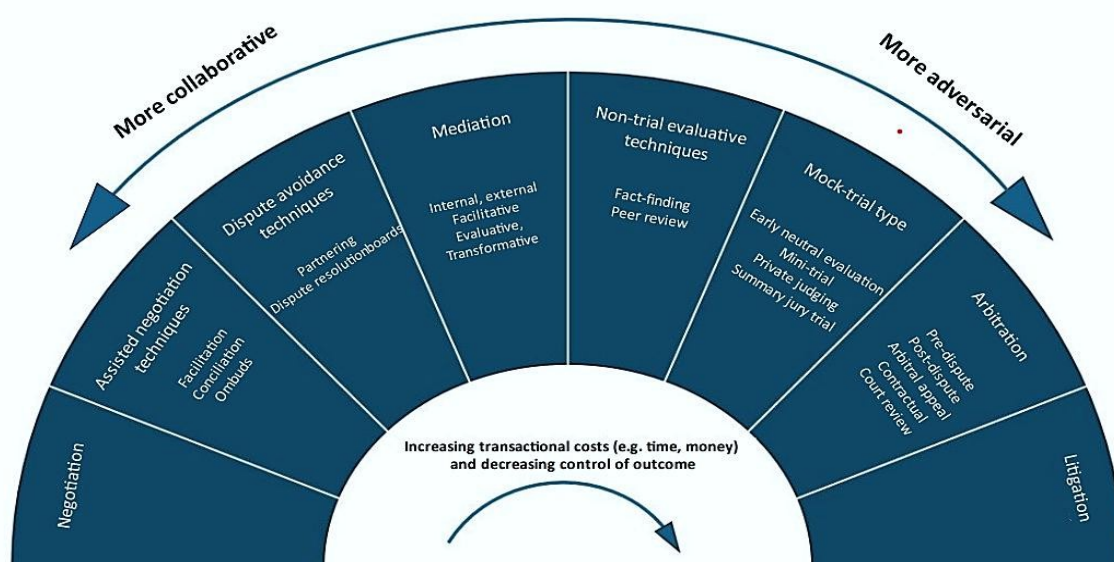
The Indian Judicial System continues to face a substantial backlog of cases across various domains, prompting the need for more efficient dispute resolution mechanisms. In an increasingly digital economy, Alternative Dispute Resolution (ADR) has naturally evolved into technology-driven forms such as Online Dispute Resolution (ODR). This transition was further accelerated during the covid pandemic, which necessitated the adoption of digital tools to ensure continued access to justice. ODR, while rooted in ADR, extends beyond dispute resolution to include prevention and management of conflicts, thereby enhancing overall legal system efficiency. By reducing barriers of cost, distance and language, it enables remote, accessible and cost-effective resolution processes while upholding principles of natural justice. Its flexibility allowing both real-time and asynchronous communication makes it particularly suitable for contemporary corporate disputes. Although ODR has gained traction in India with legal support from the Information Technology Act, 2000 and the Arbitration and Conciliation Act, 1996, its development remains at a nascent stage. This paper analyses the impediments such as data protection, privacy concerns, and regulatory gaps which continues to hinder its full potential. This study further explores the opportunities and challenges associated with ODR and evaluates its effective integration in the corporate sector, emphasizing sustainable development grounded in integrity and accountability.

Keywords: ODR, Arbitration, Mediation, Data, Corporate Sector

Online Dispute Resolution (ODR) - An Introduction

Online Dispute Resolution (ODR) is a technology-enabled extension of Alternative Dispute Resolution (ADR), which facilitates the settlement of disputes through digital platforms using methods such as negotiation, mediation, arbitration, or a combination of these processes. Unlike traditional ADR, ODR integrates technological tools into every stage of dispute resolution, including the filing of claims, communication between parties, case management, and delivery of outcomes. It is often described as electronic or internet-based dispute resolution, highlighting its reliance on online systems to conduct proceedings efficiently and remotely.

Figure 1. The dispute resolution continuum



Source: American Arbitration Association (2015^[1]), Archive, <https://www.adr.org/>.

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ODR emerged in the 1990s alongside the rapid expansion of electronic commerce², where traditional dispute resolution mechanisms proved inadequate for handling cross-border and low-value disputes. The digital environment created a need for a system that could overcome geographical barriers, reduce costs, and provide timely solutions. In this context, ODR developed as a mechanism that aligns the forum of dispute resolution with the nature of the dispute, particularly in cases involving parties located across different jurisdictions and time zones. Its suitability for resolving small-value, high-volume disputes made it an essential

¹ American Arbitration Association. (2015). *The dispute resolution continuum*. retrieved from <https://www.adr.org/>, last accessed on 14/04/26.

component of the e-commerce ecosystem. The practical effectiveness of ODR is demonstrated by its widespread adoption by major online platforms, where disputes are often resolved through automated or semi-automated processes. In many instances, parties can resolve conflicts through structured online negotiation without the intervention of a neutral third party. Where necessary, mediators or arbitrators may be introduced to facilitate resolution. This ability to handle large volumes of disputes quickly and efficiently highlights ODR's scalability and operational efficiency.

While ODR is closely related to ADR, it is not merely an online version of traditional mechanisms. ADR generally refers to non-judicial processes that enable parties to resolve disputes outside the courtroom, often with the assistance of a neutral intermediary. ODR, however, represents an evolution of these processes, incorporating advanced technologies such as artificial intelligence, automated decision-making, and digital communication tools. As a result, ODR has developed into a distinct and independent category of dispute resolution. Over time, the scope of ODR has expanded beyond its initial focus on e-commerce disputes. It is now applied across a wide range of areas, including small claims, landlord-tenant disputes and other civil matters and has even been extended to certain regulatory issues. This expansion reflects its growing acceptance as a flexible and efficient mechanism capable of addressing diverse dispute types².

The term "AODR" further denotes an integrated approach where both ADR and ODR are employed together to resolve disputes in a complementary manner. Both ADR and ODR offer several advantages, including reduced time consumption, cost efficiency, procedural flexibility, and greater convenience for parties involved. These benefits make them more attractive alternatives to traditional litigation, which is often characterized by delays, high costs, and procedural complexity. In the Indian context, these advantages are particularly significant given the challenges of an overburdened judicial system and the absence of comprehensive regulatory frameworks for corporate disputes³.

While ODR shares similarities with traditional forms of dispute resolution such as conciliation and arbitration, it is distinguished by its reliance on digital tools for communication, data management, and procedural coordination⁴. These technological components not only

² Katsh, E., & Rabinovich-Einy, O. (2017). *Digital justice: Technology and the internet of disputes*. Oxford University Press.

³ NITI Aayog. (2021). *Designing the future of dispute resolution: The ODR policy plan for India*. Government of India. content can be viewed on <https://www.niti.gov.in/>, last accessed on 14/04/26.

⁴ United Nations Commission on International Trade Law (UNCITRAL). (2017). *Technical notes on online*

streamline the dispute resolution process but also influence the methods and dynamics through which disputes are resolved, making ODR a distinct and evolving mechanism within the broader framework of ADR⁴. In essence, ODR represents a shift from traditional, physically bound dispute resolution processes to digitally mediated systems that emphasize accessibility, speed, and cost-effectiveness. Its evolution signifies a broader transformation in the administration of justice, where technology plays a central role in enhancing dispute resolution while simultaneously raising new challenges relating to fairness, transparency, and accountability⁵.

Online Dispute Resolution in IT - Corporate Sector Employment Disputes

Online Dispute Resolution (ODR), as a technology-enabled extension of Alternative Dispute Resolution (ADR) has emerged as a particularly relevant mechanism in addressing employment disputes within the information technology (IT) sector. Given that the IT industry operates in a highly digitized, global, and remote-working environment, ODR aligns naturally with the structural and functional characteristics of IT employment relationships.

Employment disputes in the IT sector often arise in contexts involving geographically dispersed workforces, virtual teams and cross-border employment arrangements. In such scenarios, conventional court-based adjudication or even physical ADR processes may prove impractical due to issues of jurisdiction, cost and logistical constraints. ODR addresses these challenges by enabling parties to initiate and manage disputes digitally, thereby eliminating the need for physical presence and significantly reducing time and expense. This is particularly valuable in disputes relating to termination, performance evaluation, contractual obligations, and workplace conduct, where timely resolution is crucial to both organizational functioning and individual career progression⁶.

The adaptability and scalability of ODR make it especially suitable for handling high-volume and relatively standardized disputes that are common in large IT organizations. For instance, issues relating to employment contracts, remote work policies, confidentiality obligations or grievance redressal can be efficiently processed through structured digital platforms. This

dispute resolution. United Nations. content can be viewed on https://uncitral.un.org/en/texts/online_dispute_resolution, last accessed on 14/04/26.

⁵ Katsh, E., & Rabinovich-Einy, O. (2017). *Digital justice: Technology and the internet of disputes*. Oxford University Press.

⁶ Pandey, P. K. (2025). Future of alternative dispute resolution in labour relations. *Journal of Advance and Future Research*, 3(12), 283–299.

enhances efficiency while preserving confidentiality, which is a critical concern in the IT sector due to the sensitivity of proprietary information and data. At the same time, the integration of ODR into IT employment dispute resolution reflects a broader shift towards privatized and technology-driven justice systems. While ODR offers clear advantages in terms of speed, cost-effectiveness, and accessibility, it also raises important concerns regarding procedural fairness and power imbalances. Employees, particularly in hierarchical corporate structures, may face limitations in effectively asserting their rights within automated or employer-controlled dispute resolution systems. The absence of physical hearings and reduced human interaction may further impact the perception of fairness and transparency in the process.

Moreover, the increasing use of artificial intelligence and algorithmic decision-making in ODR platforms introduces additional challenges, including risks of bias, lack of accountability and limited scope for meaningful review. These concerns are particularly significant in employment disputes, where outcomes can have long-term implications for an individual's professional reputation and livelihood. Therefore, while ODR enhances efficiency, it necessitates robust safeguards to ensure that technological convenience does not compromise substantive justice. From a governance perspective, the incorporation of ODR mechanisms within IT companies' internal dispute resolution frameworks reflects an evolving approach to corporate accountability and employee relations. It signals a move towards integrating dispute resolution into organizational systems, thereby reducing reliance on external adjudicatory bodies. However, for ODR to function effectively in this context, it must be supported by transparent procedures, neutral oversight and avenues for escalation where necessary⁷.

So ODR represents a transformative development in resolving IT sector employment disputes, offering a flexible and technology-driven alternative to traditional mechanisms. Its success, however, depends on achieving a careful balance between efficiency and fairness, ensuring that digital dispute resolution systems remain accessible, impartial and aligned with fundamental principles of justice.

Legality of Online Dispute Resolution (ODR) in India

The legal validity of Online Dispute Resolution (ODR) in India is rooted in the broader statutory and judicial framework that recognizes and promotes Alternative Dispute Resolution (ADR)

⁷ Rabinovich-Einy, O., & Katsh, E. (2012). Technology and the future of dispute systems design. *Harvard Negotiation Law Review*, 17, 151–199.

mechanisms⁸.

Online Mediation under the Mediation Act, 2023: The Mediation Act, 2023⁹ marks a significant development in India's ADR framework by formally recognizing online mediation as a valid mode of dispute resolution. Reflecting the increasing digitization of legal processes, the Act enables mediation to be conducted through electronic means such as video conferencing, email, and secure digital platforms, thereby expanding the scope and accessibility of dispute resolution.

Online mediation is governed by the same legal standards as traditional mediation, allowing parties to initiate proceedings through mutual agreement, including at the pre-litigation stage. The Mediation Council of India is empowered to regulate the conduct of such proceedings, including setting standards for technological integrity and procedural fairness. The Act also ensures confidentiality of communications and grants enforceability to mediated settlements, treating them as binding and equivalent to court decrees¹⁰.

By incorporating online mediation, the Act enhances access to justice by reducing geographical and financial barriers, particularly benefiting remote users and small entities. It also aligns, to an extent, with international developments in digital dispute resolution frameworks. However, challenges remain in implementation, including issues of digital literacy, cybersecurity, lack of standardized platforms, and limited awareness. The effectiveness of online mediation will depend on robust regulatory mechanisms, capacity-building, and greater institutional support¹¹.

The procedural foundation for ADR is laid down under the Code of Civil Procedure, 1908, particularly Section 89, which encourages courts to refer disputes for settlement through alternative mechanisms. Additionally, Order X Rule 1A empowers courts to direct parties to explore ADR methods, thereby indirectly facilitating the adoption of ODR as a modern extension of these mechanisms. Although ODR is not explicitly codified as a separate statutory process, it operates within this enabling framework.

⁸ *Salem Advocate Bar Association v. Union of India*, (2003) 1 SCC 49 (India).

Afcons Infrastructure Ltd. v. Cherian Varkey Construction Co. (P) Ltd., (2010) 8 SCC 24 (India).

⁹ Official Act (Government of India – Gazette / Legislative Dept.) detailed content can be viewed on <https://legislative.gov.in/sites/default/files/A2023-18.pdf>, last accessed on 14/04/26.

¹⁰ Kumar, R., & Singh, B. D. (2024, December 21). *The rise of the robo-mediator: AI's transformative role in alternative dispute resolution*. SSRN. for detailed article <https://doi.org/10.2139/ssrn.5222318>, last accessed on 14/04/26.

¹¹ Kazmi, Q. A. (2025). *ODR and global justice: Issues and challenges*. SSRN.

for detailed article : https://papers.ssrn.com/sol3/papers.cfm?abstract_id=5899542, last accessed on 14/04/26.

The conduct of ODR proceedings is further supported by the Arbitration and Conciliation Act, which provides flexibility to parties in determining procedural aspects, including the place and mode of hearings. This flexibility allows arbitration proceedings to be conducted online, thereby accommodating virtual dispute resolution formats. Complementing this, the Information Technology Act, 2000¹² grants legal recognition to electronic records and digital signatures, ensuring that online communications, agreements, and procedural exchanges in ODR are legally valid. The evidentiary value of such electronic records is further reinforced under Section 65B of the Indian Evidence framework, thereby strengthening the legitimacy of digitally conducted proceedings.

Judicial pronouncements have also played a crucial role in validating the use of technology in dispute resolution. Courts have acknowledged the legitimacy of conducting legal proceedings through electronic means, including video conferencing, thereby affirming that physical presence is not an indispensable requirement for adjudication. This judicial acceptance supports the procedural viability of ODR, particularly in enabling remote participation and digital submission of evidence and arguments.

In practice, ODR procedures closely mirror those of traditional arbitration, with the primary distinction being the use of online platforms for communication and case management. The arbitral award, once rendered, retains its legal enforceability and may be communicated electronically, with formal requirements such as signed copies being fulfilled subsequently. Enforcement mechanisms remain unchanged, as awards issued through ODR are treated on par with those delivered through conventional arbitration proceedings.

The legality of ODR is further supported by judicial recognition of electronic agreements and communications. Courts have upheld the validity of arbitration agreements concluded through digital correspondence, thereby reinforcing the principle that consent and contractual obligations can be effectively established through electronic means. Similarly, judicial observations have affirmed that consultation and decision-making processes need not occur in physical proximity if effective communication can be achieved through electronic platforms¹³.

Jurisdictional aspects of ODR are influenced by principles governing electronic communication

¹² Can be viewed on https://www.meity.gov.in/static/uploads/2024/03/IT-Act-Rules_2000_0.pdf, last accessed on 27/03/26.

¹³ Zahidi, A., & Ahmad, M. A. (2021, March 24). *Arbitral awards and their enforcement in India*. for detailed article <https://articles.manupatra.com/article-details/Arbitral-Awards-and-their-Enforcement-in-India>, last accessed on 14/04/26.

under the Information Technology framework. The place of contract formation, often determined by the location where acceptance is communicated plays a crucial role in identifying jurisdiction and the seat of arbitration. Parties retain the autonomy to determine the seat of arbitration through contractual provisions, which in turn governs the applicable procedural law and the extent of judicial intervention¹⁴.

Where the seat of arbitration is located in India, ODR proceedings are subject to Indian procedural and evidentiary laws, including requirements relating to electronic evidence certification. Conversely, where the seat lies outside India, the applicable legal framework shifts to the jurisdiction governing the arbitration, necessitating compliance with foreign legal standards. In such cross-border contexts, international frameworks such as the UNCITRAL Model Law on ODR assume significance in ensuring uniformity and legal certainty¹⁵.

Institutionally, ODR has already found practical application in India, including its use in domain name dispute resolution and other digital platforms. This demonstrates its growing acceptance as a legitimate and effective dispute resolution mechanism. Ultimately, ODR is not a departure from existing legal principles but rather an extension of ADR facilitated by technology. Its legality is firmly grounded in existing statutes, judicial recognition, and contractual autonomy, making it a valid and increasingly relevant mechanism within the Indian legal system¹⁶.

ODR's legality in India reflects a "technology-neutral legal approach", where existing laws are interpreted flexibly to accommodate digital processes. However, the absence of a dedicated statutory framework for ODR may lead to interpretational inconsistencies, particularly in cross-border disputes and evidentiary standards, highlighting the need for clearer regulatory guidelines. Although existing principles of contract law and electronic communication provide some guidance, the lack of specific ODR rules creates uncertainty in resolving such issues¹⁷.

¹⁴ *Bharat Aluminium Co. v. Kaiser Aluminium Technical Services Inc.*, (2012) 9 SCC 552 (India). for detailed case access <https://www.casemine.com/judgement/in/5609ab8fe4b0149711410fba>, last accessed on 14/04/26. *Indus Mobile Distribution Pvt. Ltd. v. Datawind Innovations Pvt. Ltd.*, (2017) 7 SCC 678. <https://www.casemine.com/judgement/in/58f7912e53bee77d50c515fd>, last accessed on 14/04/26.

¹⁵ United Nations Commission on International Trade Law (UNCITRAL). (2017). *Technical notes on online dispute resolution*. United Nations. For detailed content https://uncitral.un.org/en/texts/online_dispute_resolution, last accessed on 14/04/26.

¹⁶ Gupta, A., & Bajpai, A. (2023). *Online dispute resolution in India: A distant reality or dream?* SSRN. For detailed article <https://doi.org/10.2139/ssrn.4855121>, last accessed on 14/04/26.

¹⁷ Reddy, P. A. (2025). *Online dispute resolution: A new era for India's justice system? Analysing the growth and effectiveness of ODR platforms*. For detailed article SSRN. <https://doi.org/10.2139/ssrn.5149527>, last accessed on 14/04/26.

Critical Analysis and Lacunae in the Legal Framework of Online Dispute Resolution (ODR)

The rise of Online Dispute Resolution (ODR) as a significant mechanism for resolving disputes reflects the broader transformation of legal systems driven by technological advancements. Across jurisdictions, legislatures have begun integrating digital dispute resolution mechanisms into their legal frameworks. In India, the Mediation Act, 2023 marks an important development by formally recognizing online mediation as a valid and enforceable mode of dispute resolution. However, notwithstanding this progressive step, the existing legal framework continues to exhibit several structural deficiencies that warrant critical examination.

A primary concern is the absence of a comprehensive, **ODR - Specific Regulatory Framework**. Although the Mediation Act acknowledges online mediation, it does so within the broader structure of traditional mediation without prescribing detailed procedural standards tailored to digital environments. This lack of specificity may result in inconsistencies in implementation and uncertainty in procedural application. In contrast, international instruments such as the UNCITRAL Technical Notes on Online Dispute Resolution provide detailed guidance on digital processes, including platform management, procedural design, and operational protocols, highlighting the relative inadequacy of the Indian approach.

Another critical gap relates to **Data Protection and Cybersecurity Safeguards**. While the Act incorporates provisions on confidentiality, it does not establish robust mechanisms to ensure data security during online proceedings. The absence of clear standards relating to encryption, data storage, breach notification, and liability of third-party platforms raises serious concerns, particularly given the sensitive nature of information exchanged in ODR processes¹⁸. Furthermore, the lack of alignment with global data protection standards, such as the General Data Protection Regulation, and domestic frameworks such as the Digital Personal Data Protection Act, 2023, undermines trust and reliability in the system¹⁹.

The framework also suffers from the **lack of standardized criteria for accreditation and training of online mediators**. Although regulatory authority is vested in the Mediation Council of India, the legislation does not mandate specific qualifications or technological competencies

¹⁸ Kuner, C. (2021, November 20). *The path to recognition of data protection in India: The role of the GDPR and international standards*. SSRN. For detailed article <https://doi.org/10.2139/ssrn.3964672>, last accessed on 14/04/26.

¹⁹ Patel, A. (2025). *Data protection and privacy laws*. SSRN. For detailed article <https://doi.org/10.2139/ssrn.5159813>, last accessed on 14/04/26.

for practitioners conducting online mediation. Given that ODR requires not only legal expertise but also proficiency in digital tools, communication platforms, and cybersecurity practices, this gap may adversely affect the quality and consistency of dispute resolution outcomes.

A further limitation arises in the context of **cross-border dispute resolution**, where issues of jurisdiction, applicable law, and procedural autonomy remain inadequately addressed. The current framework does not provide clear guidance on matters such as the choice of platform, language barriers, or enforcement of foreign online mediation settlements. The absence of alignment with international frameworks further restricts the effectiveness of India's ODR regime in global commercial disputes.

Additionally, **limited awareness and accessibility** present significant barriers to the effective implementation of ODR. Despite its advantages, the adoption of online mediation remains constrained by uneven digital litigation literacy, lack of awareness, particularly in specific corporate industries. The legislative framework does not sufficiently address these challenges through provisions for legal education, multilingual platforms or accessibility standards for differently-abled users. As a result, the promise of ODR in enhancing access to justice risks being undermined by the persistence of the digital divide²⁰.

Institutionally, India's ODR ecosystem is still in a developing stage, with limited institutional infrastructure, accreditation mechanisms and regulatory oversight for ODR service providers. Unlike established arbitration institutions, many ODR platforms function without standardized accreditation or quality control mechanisms, raising concerns about credibility, neutrality and professionalism.

While the recognition of ODR within the Indian legal framework represents a progressive shift towards modernizing dispute resolution, the current legislative approach remains fragmented and incomplete. The absence of a specialized regulatory framework, coupled with deficiencies in data protection, procedural clarity, institutional capacity and accessibility, limits the full realization of ODR's potential. Addressing these gaps through comprehensive regulation, technological safeguards, and inclusive policies is essential to ensure that ODR evolves as a credible, efficient, and equitable mechanism within India's legal system.

²⁰ Yadav, P. (2024, May 22). *Digitizing justice: The case for dedicated online dispute resolution legislation in India*. SSRN. For detailed article <https://doi.org/10.2139/ssrn.4840167>, last accessed on 14/04/26.

Addressing these challenges requires the development of clear guidelines, institutional strengthening and integration of technological safeguards to ensure that ODR evolves as a reliable, equitable and efficient mechanism for dispute resolution, particularly in technologically intensive IT - Corporate sectors²¹.

Conclusion

To strengthen Online Dispute Resolution (ODR) as an effective mechanism in the corporate sector, a multi-dimensional approach is essential. Foremost, there is a need for a comprehensive and dedicated legal framework that specifically addresses the procedural and technological complexities of ODR, rather than relying solely on existing arbitration and IT laws.

Alongside this, robust data protection and cybersecurity safeguards must be institutionalized to ensure confidentiality, trust, and integrity in digital proceedings. Equally important is the development of standardized procedures and infrastructure, including a distinct framework for online arbitration and well-regulated digital platforms. The establishment of specialized institutions for training, research and policy development will further strengthen ODR ecosystem.

At the same time, the growth of ODR must be guided by principles of fairness, transparency, accountability and inclusivity. A hybrid dispute resolution model, can help bridge the digital divide and ensure equitable access. Rather than excessive regulation, a flexible and innovation-amicable approach, supported by voluntary standards and ethical guidelines, is more conducive to long-term development²².

In conclusion, ODR holds significant potential to transform the corporate dispute resolution landscape by offering cost-effective, accessible and efficient solutions. However, its success depends on balancing technological advancement with regulatory safeguards and inclusivity, ensuring that the pursuit of efficiency does not compromise justice, equity, and procedural integrity²³.

²¹ Sharma, S., Mishra, Y. R., Sharma, R., Kumar, R., Ranjan, R. C., & Kumari, S. (2025). Artificial intelligence and online dispute resolution in consumer tribunals. *Advances in Consumer Research*, 2, 4561–4567. last accessed on 14/04/26.

²² Chilumuri, R., Jalan, M., & Agarwal, P. (2022). Online dispute resolution in India: Current position and the way ahead. *NUJS Journal on Dispute Resolution*, 2, 37.

²³ Susskind, R. (2019). *Online courts and the future of justice*. Oxford University Press. For detailed article <https://global.oup.com/academic/product/online-courts-and-the-future-of-justice-9780192849304>, last accessed on 14/04/26.

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