



AI and Online Dispute Resolution

Colin Rule

Stanford Law School / Santa Clara Law School

February 5, 2026

Online Dispute Resolution is the use of information and communications technology to help parties resolve their disputes.



ODR.COM



NCTDR

The National Center for
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🕒 February 5, 2026

We hope you'll be able to join us for the [2026 ODR Forum](#), happening June 11, 2026 at the [Rubenstein Treehouse conference center at Harvard University!](#)

ODR2026

This year's [ODR Forum](#) will be paired with another gathering, the *AI and Resolutions conference*, happening the next day, June 12, 2026 at [Suffolk Law School](#) (just down the Red Line from Harvard). This Forum, our 26th, is particularly special because it

NCTDR FELLOWS



INTERNATIONAL ODR FORUM

Join us for the 2026 ODR Forum
11th and 12th June
Boston, MA, USA
odr2026.org



THE 2026 ODR FORUM

Join the leading practitioners and researchers at the premiere annual online dispute resolution conference, being held June 11 2026 at Harvard University!

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ABOUT THE FORUM

**D I S P U T E
S Y S T E M
D E S I G N**

PREVENTING, MANAGING,
AND RESOLVING
CONFLICT

LISA BLOMGREN AMSLER

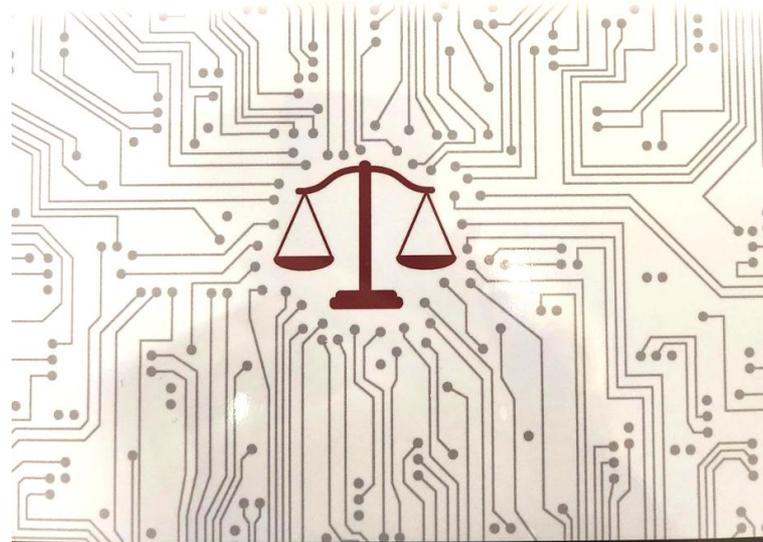
JANET K. MARTINEZ

STEPHANIE E. SMITH

Amy J. Schmitz • Janet Martinez

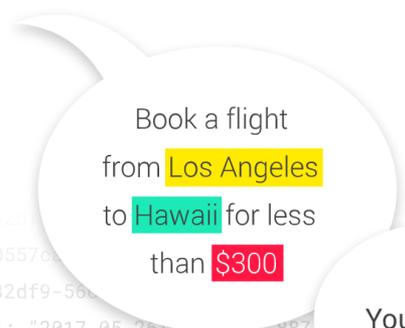
Digital Dispute System Design

Using Technology in Preventing
and Resolving Conflicts

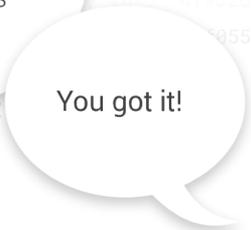


 ASPEN
PUBLISHING





Book a flight
from Los Angeles
to Hawaii for less
than \$300



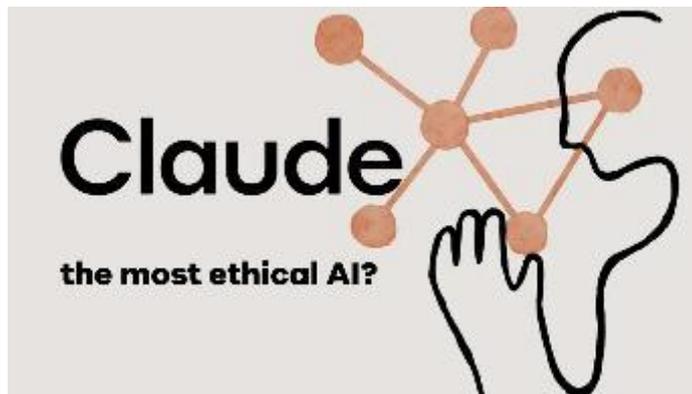
You got it!

```
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    "price": {  
      "amount": 300,  
      "currency": "USD"  
    }  
  },  
  "geo-city": "Los Angeles",
```

Generative AI - LLMs

A large neural network machine learning algorithm that predicts the next word in a series using the rules it has gleaned from analyzing billions of data segments drawn from the internet

Large Learning Models (LLMs) do not require training on structured data sets – they take enormous amounts of unstructured data and find patterns





Mistral 7B is here!

Mistral-7B-v0.1 is a small, yet powerful model adaptable to many use-cases. Mistral 7B is better than Llama 2 13B on all benchmarks, has natural coding abilities, and 8k sequence length. It's released under Apache 2.0 licence, and we made it easy to deploy on any cloud.

[Learn more](#)



405B

Meet Llama 3.1

70

8B



EleutherAI



Falcon 180B



Smaug-72B Tops Hugging Face Open LLM Leaderboard

TECHMEME RIDE HOME PODCAST

a BigScience initiative



176B params · 59 languages · Open-access



Ways Negotiators Can Use AI Today

- Visualization (Next Level Mediation)
- Assistant (Clearbrief)
- Evaluation (AAA AI, FourthParty.ai)
- Vibe Coding (ClaudeCode)
- RAG LLMS (NotebookLM)
- Deep Research (Gemini)
- Co-Authoring (ChatGPT Canvas)

Mediatordojo.com

Arbitratordojo.com

Negotiatordojo.com



NegotiatorDojo

Master Your Negotiation Skills

Choose a Negotiation Scenario

Select a scenario below to begin your negotiation session.

Career

Salary Negotiation - New Job Offer

You've received a job offer and need to negotiate your starting salary.

Difficulty: **Easy**

Business

Vendor Contract Renewal

Your company's software vendor contract is up for renewal with a proposed price increase.

Difficulty: **Medium**

Consumer

Used Car Purchase

You're negotiating to buy a used car from a private seller.

Difficulty: **Easy**

Workplace

Project Deadline Extension

You need to negotiate additional time for a project that's behind schedule.

Difficulty: **Medium**

Housing

Apartment Lease Renewal

Your landlord wants to increase rent significantly at lease renewal.

Difficulty: **Easy**

Career

Freelance Rate Negotiation

A client wants to hire you for a big project but is pushing back on your rate.

Business

Business Partnership Terms

You're negotiating terms to become a partner in an established consulting firm.

Real Estate

Home Purchase Offer

You're making an offer on a house in a competitive market.

Difficulty: **Hard**

← Back to Scenarios

Vendor Contract Renewal

End Negotiation & Get Feedback

Your Role

You - Operations Director

You manage operations for a 200-person company. You're responsible for vendor relationships and have authority to negotiate contracts up to \$200,000. You've been using DataFlow for 4 years and your team knows the system well.

Your Counterpart

Marcus Chen

Marcus has managed your account for 2 years. He's under pressure to maintain revenue growth and has quarterly targets to hit. He knows your company is a reference customer they feature in case studies.

Situation

You're the Operations Director at a mid-size company. Your CRM software

Welcome to the negotiation. You are Operations Director. Your counterpart is Marcus Chen. Review your goals in the sidebar and begin the negotiation when ready.

You

I'm not going to pay full price for this platform. It hasn't met our needs very well.

Marcus Chen

I appreciate your honesty, and I understand your concerns. The new features we've introduced are designed to enhance your experience, but I know that if they're not living up to your expectations, that can be frustrating. Let's discuss what specific areas you feel have fallen short. It's important to me that we work together to find a solution that reflects the value you receive from DataFlow. How about we explore a price that aligns more closely with your expectations while also considering the long-term commitment we both desire?

|Type your message...

Send

Negotiation Evaluation



Score Breakdown

Preparation & Opening 10/15



The opening was direct but lacked a positive tone. Establishing rapport could have been improved by acknowledging the vendor's contributions before expressing concerns.

Information Gathering 15/20



The student did not ask questions to gather information about the new features or Marcus's perspective. This missed opportunity could have revealed potential areas for negotiation.

Value Creation 10/20



The student did not explore mutual gains or creative solutions. They could have proposed a longer-term commitment in exchange for a lower price.

Persuasion & Advocacy 10/15



The argument presented was somewhat compelling but lacked supporting evidence or examples of specific shortcomings, which could have strengthened their position.

Concession Strategy 10/15

The Rise of AI Agents

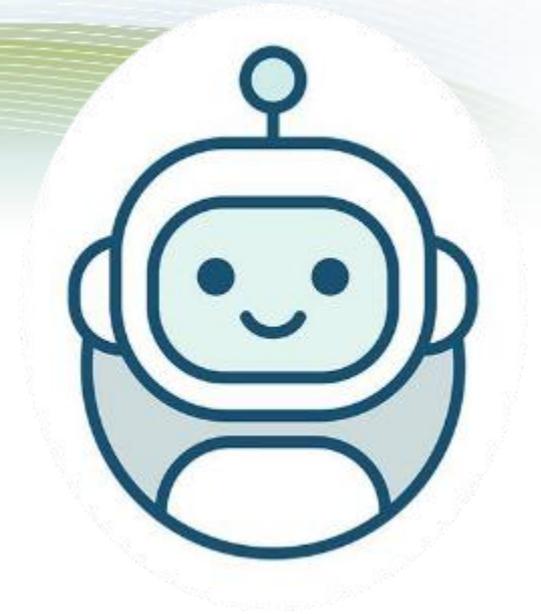




Moltbot

Meet the Fourth Party

- A partner in resolutions
- Lightens administrative loads
- Saves money
- Builds credibility
- Becoming more capable all the time
- Always in the parties' pockets
- Able to do things humans can't (or shouldn't) do



What can the fourth party do today?

- Intake / Diagnosis
- Processing Payments
- Case administration
- Notifications
- Document management
- Calendars / Scheduling
- Assisted negotiation

What will the fourth party do tomorrow?

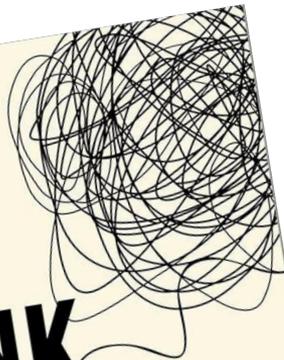
- Research
- Case evaluation / ZOPA
- Coaching
- Reframing / BATNA
- Enforcement
- Document drafting & submission
- Automated negotiation

Is AI going to replace humans in resolving disputes?

**HOW
TO
THINK
ABOUT
AI**

*A Guide for
the Perplexed*

**RICHARD
SUSKIND**



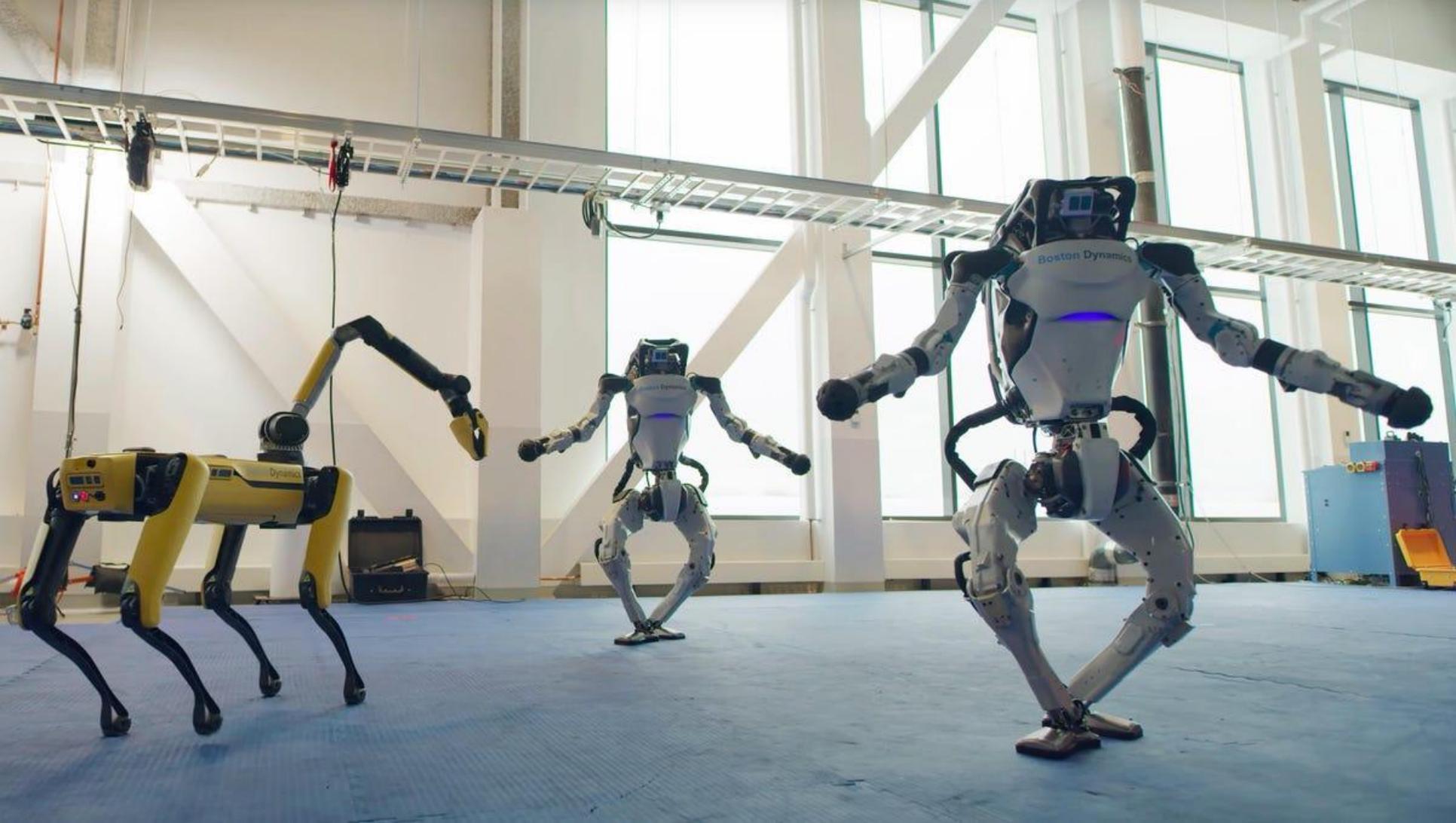


Is a submarine good
at swimming?



Is Michael Phelps a bad submarine?







JUDGE
LINDA J. JENNINGS

TV
14



“It’s not the genie that’s dangerous,
it’s the unskilled wisher.”

- Cassie Kozyrkov, Chief Decision Scientist, Google



Online Mediator Ethical Standards

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ICODR is an international nonprofit, incorporated in the United States, that drives the development, convergence, and adoption of open standards for the global effort to resolve disputes and conflicts using information and communications technology.

ICODR promotes worldwide standards for all forms of technology-assisted dispute resolution, including diagnosis, negotiation, mediation, arbitration and courts. ICODR's open standards offer the potential to lower cost, stimulate innovation, protect consumers and citizens, and protect the right of free access to justice. [Learn more...](#)

Online
Mediator
**Ethical
Standards**

Accessible

Accountable

Competent

Confidential

Equal

Fair/Impartial/Neutral

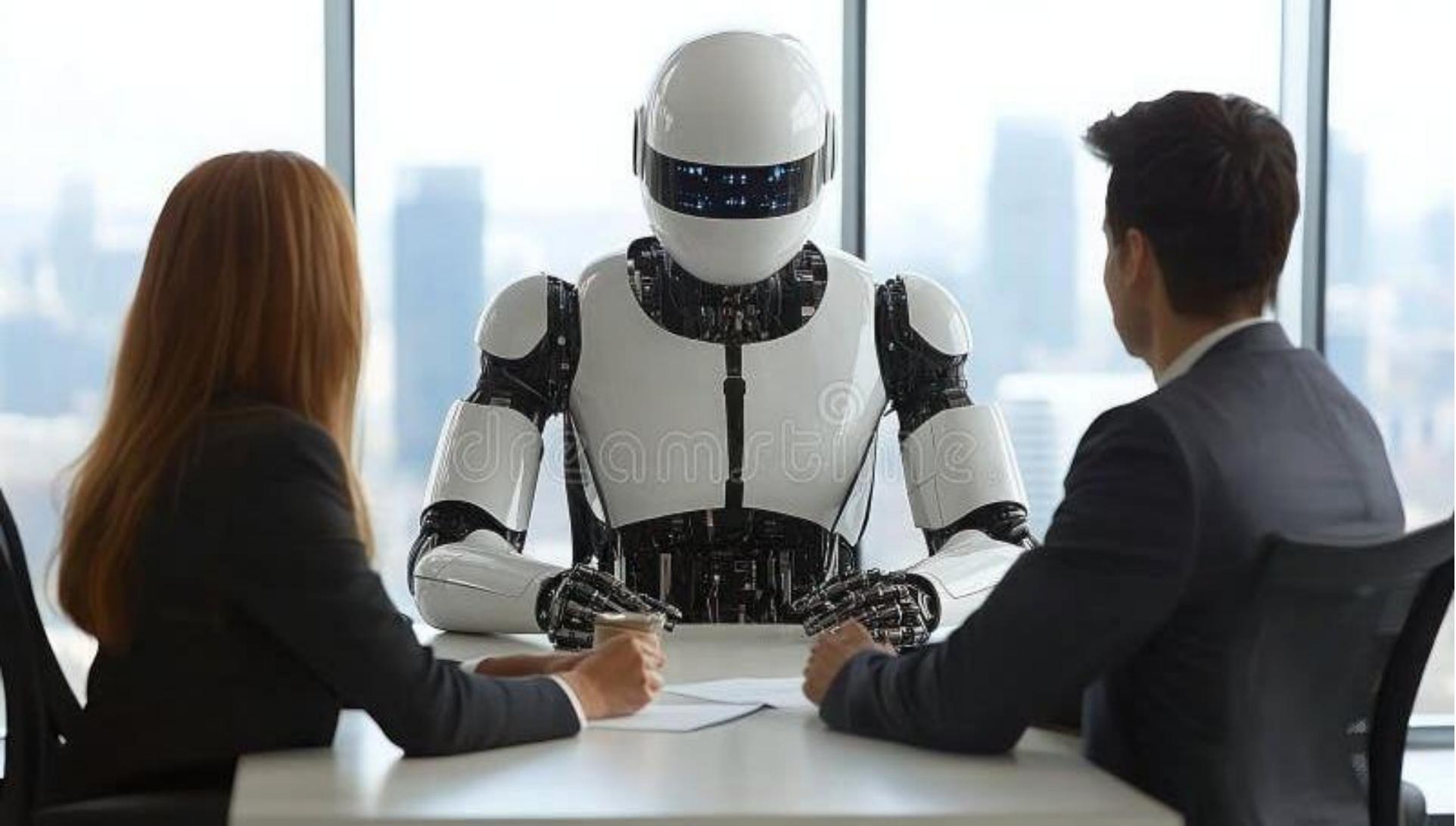
Legal

Secure

Transparent

Ethics for Platform Designers

- Potential for Abuse
 - (it's easy to build an online kangaroo court)
- Certifying and auditing ODR systems
- Monitoring for ongoing compliance
- Processing complaints
- Following the money / perverse incentives
- Ethics for the use of algorithmic resolution tools



**Artificial Intelligence
is going to play a
huge role in how we
resolve disputes.**

**AI will make human
attention more
valuable, not less.**



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AI Prototype

+ New

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Telecom Dispute

File a dispute related to telecom services

Upload billing statements and service records. AI will help extract service issues, billing discrepancies, and contract terms.

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IP Rights Dispute

File an intellectual property dispute

Upload trademark registrations, patents, or licensing agreements. AI extracts registration details, infringement evidence, and legal frameworks.

[Start IP Dispute](#)

What are the benefits of online case review?

It's free and you can do it at your convenience from home, work, school on your phone, tablet or computer.

← IP Rights Dispute - AI-Assisted Intake

Upload your trademark registrations, patents, licensing agreements, and correspondence. Our AI will extract key information including registration details, jurisdictions, infringement evidence, and applicable legal frameworks to streamline your IP dispute filing.

Upload Documents

Upload trademark certificates, patent documents, licensing agreements, cease & desist letters, evidence of infringement, court filings, or any relevant IP documentation. Our AI will analyze these documents to extract registration numbers, priority dates, jurisdictions, and infringement details.



Drag and drop files here, or click to browse

Choose Files No file chosen

Case Information

Review AI-extracted information and fill in any missing mandatory fields marked with *

Party Information

Claimant Name *

e.g., Spin Master Ltd.

Claimant Email

legal@spinmaster.com



Respondent Name *

e.g., Verdes Innovations SA

Intellectual Property Details

IP Type *

Select IP type



Registration Number *

e.g., EU-TM-123456

Registration Date

mm/dd/yyyy



Priority Date

mm/dd/yyyy



Jurisdictions

e.g., EU, UK, US

Dispute Details

Dispute Category *

Select category



Claim Basis

Select basis



← IP Rights Dispute - AI-Assisted Intake

Upload your trademark registrations, patents, licensing agreements, and correspondence. Our AI will extract key information including registration details, jurisdictions, infringement evidence, and applicable legal frameworks to streamline your IP dispute filing.

✓ AI-Generated Case Summary

Review the extracted information before submitting your IP Rights dispute

[Edit Information](#)

Party Information

Claimant:

Spin Master

Respondent:

Verdes Innovations

Claimant Email:

Not specified

Intellectual Property Details

IP Type:

Patent

Registration Number:

EU-TM-127364

Registration Date:

Not specified

Priority Date:

Not specified

Jurisdictions:

Not specified

Dispute Information

Dispute Category:

Cancellation

Claim Basis:

Not specified

+ New

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List of Cases

Airline Disputes

Telecom Disputes

IP Rights Disputes

IP Rights Dispute Cases

 Export

ID	Dispute Details	Status	Case Number	Filing Date	Issue Type	Actions
ipr-001	Spin Master vs Verdes Innovations SA (Case ID ipr-001)	Legal Review	2025-IP-000445-TM-01	2025-08-10	Trademark Shape Validity	
ipr-002	TechCorp vs InnovateLabs (Case ID ipr-002)	Evidence Collection	2025-IP-000442-PT-02	2025-08-08	Patent Infringement	
ipr-003	DesignStudio vs CopyCat Inc (Case ID ipr-003)	Settlement Discussion	2025-IP-000439-DS-03	2025-08-05	Design Rights Infringement	

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← Spin Master vs Verdes Innovations SA (Case ID ipr-001)

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Online Review Submitted: Court Clerk

Trademark validity challenge under review. Analyzing functional shape exclusion arguments per EU Trade Mark Regulation.

Case Info

Complainant:	Spin Master Ltd.	Respondent:	Verdes Innovations SA
Dispute Type:	IP Rights - Trademark	Case ID:	ipr-001
Filed Date:	January 15, 2025	Status:	Legal Review Phase

+ New

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← Spin Master vs Verdes Innovations SA (Case ID ipr-001)

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Switch Discussion Room

Joint Discussion ▾

A Arbitrator Mitchell
I understand your frustration, Ms. Johnson. Let's focus on the facts and work toward a fair resolution. Please provide details about your expenses so we can properly evaluate your claim.
01-Sep-25 14:02

Sarah Johnson
This is absolutely ridiculous! Delta's terrible service has completely ruined my family vacation. Obviously they don't understand the impact of their incompetent decisions. I demand immediate action!
01-Sep-25 13:55

Robert Delta-Rep
Anyone can see that passengers these days expect too much. We will not tolerate unreasonable demands. This waste of time could have been avoided if you had read the fine print.
01-Sep-25 14:15 •  Inappropriate tone flagged

+ New

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File Name	Category	Uploaded By	Date Uploaded	Download
summary (1).pdf	Attachments	Spin Master Ltd.	09-01-2025	



Document Summary - IP Rights Dispute Case #ipr-001

AI-generated comprehensive analysis of all submitted documents • Designed to accelerate arbitrator review process

AI Document Analysis: This summary extracts key facts, identifies relevant legal provisions, and highlights IP law compliance issues to help arbitrators quickly understand the dispute's merits. All references include specific document pages and sections for verification.

Case Summary Overview

IP Rights - Trademark

12 Documents Analyzed

AI Generated

⚠ Critical Legal Issues Identified

Functional shape exclusion under EU Trade Mark Regulation Article 7(1)(e)(ii) • Technical necessity doctrine application • Lack of acquired distinctiveness

Dispute Type

Trademark Shape Validity Challenge

Registration Number

EUTM No. 000207033

Mark Type

3D Shape Mark

Legal Jurisdiction

EU / EUIPO

Key Findings & Legal Analysis

Extracted from trademark registration certificates, legal briefs, expert technical reports, and EUIPO correspondence

- **Shape Registration:** The contested EU trademark (No. 000207033) covers the three-dimensional shape of the Rubik's Cube: a 3x3x3 grid structure with black internal lines dividing the cube into 27 smaller cubes, nine visible on each face (Doc: TM-Certificate.pdf, p. 1-3)

Key Findings & Legal Analysis

Extracted from trademark registration certificates, legal briefs, expert technical reports, and EUIPO correspondence

- **Shape Registration:** The contested EU trademark (No. 000207033) covers the three-dimensional shape of the Rubik's Cube: a 3×3×3 grid structure with black internal lines dividing the cube into 27 smaller cubes, nine visible on each face (Doc: TM-Certificate.pdf, p. 1-3)
- **Functional Necessity Argument:** Respondent's technical expert report establishes that the cube's rotating mechanism, the 3×3×3 grid configuration, and the internal structure are essential to achieving the puzzle's technical result - allowing face rotation while maintaining structural integrity (Doc: Expert-Technical-Report.pdf, p. 12-28, Section 4.2)

- **Article 7(1)(e)(ii) Application:** EU Trade Mark Regulation explicitly excludes shapes "necessary to obtain a technical result." Case law (Philips v Remington, C-299/99) establishes that even partial functional characteristics can invalidate registration if essential to the product's purpose (Doc: Legal-Brief-Respondent.pdf, p. 45-52, paras. 78-95)
- **Prior Art & Alternative Designs:** Evidence submitted shows that alternative cube mechanisms exist (V-CUBE's patented system, Eastsheen mechanisms), but these still require the fundamental 3×3×3 structure for the puzzle to function as intended (Doc: Prior-Art-Analysis.pdf, p. 8-15)
- **Claimant's Distinctiveness Arguments:** Spin Master argues the cube shape has acquired distinctiveness through 40+ years of market presence and consumer recognition. However, CJEU precedent clarifies that fame alone cannot override functional exclusions (Doc: Claimant-Response-Brief.pdf, p. 67-82)
- **General Court Preliminary Ruling:** The General Court's initial finding (T-601/22) noted that "essential characteristics of the shape correspond to the technical function" and cannot be separated from the product's operational requirements (Doc: GC-Preliminary-Ruling.pdf, p. 23, para. 58)

Applicable Legal Framework & Regulations

Primary legal provisions governing this IP rights dispute

EU Trade Mark Regulation (EUTMR) - Regulation (EU) 2017/1001



Article 7(1)(e)(ii): "Signs which consist exclusively of the shape which is necessary to obtain a technical result" shall not be registered. This public policy exclusion prevents monopolization of functional features through trademark protection.

Referenced in: Respondent's Cancellation Application (p. 3-8), Expert Technical Report (p. 30-33), Legal Brief (Section III)

CJEU Case Law: Philips v Remington (C-299/99)



Landmark ruling establishing that functional shape exclusion applies even when alternative shapes exist. The test is whether essential characteristics serve a technical function, not whether alternatives theoretically exist.

Referenced in: Both parties' legal briefs, EUIPO Board of Appeal decision, General Court preliminary ruling (para. 45-52)

EUIPO Guidelines - Part B, Section 4



Examination guidelines for absolute grounds of refusal. Provides framework for assessing functional necessity and technical result exclusions in 3D shape marks.

Referenced in: EUIPO Opposition Division decision (p. 15-18), Claimant's procedural objections

Document References & Evidence Chain

Document References & Evidence Chain

Comprehensive list of analyzed documents with key excerpts

 **TM-Certificate.pdf** Pages 1-3

Key Excerpt: EUTM Registration No. 000207033 for 3D shape mark

Relevance: Primary contested trademark registration



 **Expert-Technical-Report.pdf** Pages 12-28

Key Excerpt: Section 4.2: Technical necessity analysis of cube mechanism

Relevance: Core evidence of functional nature



 **Legal-Brief-Respondent.pdf** Pages 45-52

Key Excerpt: Paras 78-95: Article 7(1)(e)(ii) application and case law

Relevance: Legal arguments for cancellation



 **Prior-Art-Analysis.pdf** Pages 8-15

Key Excerpt: Comparative analysis of alternative cube mechanisms

Relevance: Alternative designs examination



 **Claimant-Response-Brief.pdf** Pages 67-82

Key Excerpt: Acquired distinctiveness arguments and market evidence

Relevance: Claimant's defense position



 **GC-Preliminary-Ruling.pdf** Pages 23, para 58

Key Excerpt: Essential characteristics correspond to technical function

Relevance: Court's initial finding



 **EUIPO-Board-Appeal-Decision.pdf** Pages 10-17

Key Excerpt: Board's analysis of functionality vs distinctiveness



 **Verdes-V-CUBE-Patents.pdf** Pages 3-18



Key Excerpt: Respondent's alternative mechanism patents

Relevance: Competitive products analysis

 **Financial-Impact-Assessment.pdf** Pages 7-9



Key Excerpt: Market value and licensing impact projections

Relevance: Commercial implications

AI Analysis Confidence Metrics

Confidence scores for different aspects of the document analysis



⚠ Important: While AI analysis provides comprehensive document review, all legal interpretations and technical assessments should be verified by qualified professionals. Page references enable arbitrators to validate extracted information directly from source documents.

← **Arbitral Award - IP Rights Dispute Case #ipr-001**

AI-generated draft award based on case evidence and applicable IP law • Customize before publishing final decision

 **Edit Award**

 **AI Award Assistant:** This draft award analyzes case documents, applies relevant IP law provisions and case precedents, and suggests appropriate remedies. Review all sections carefully, edit as needed, and ensure compliance with jurisdiction-specific requirements before publishing the final award.

 **Award Status**

IP Rights - Trademark

Draft

Findings of Fact

Factual determinations based on evidence presented

Based on the comprehensive evidence, expert technical reports, comparative jurisdictional analysis, and applicable EU trademark law, the following findings of fact and law are established: 

1. The contested EU trademark (EUTM No. 000207033) covers the three-dimensional shape of the Rubik's Cube, specifically a 3×3×3 grid structure with black internal lines dividing the cube into 27 smaller cubes, originally registered in 1999 by Seven Towns Ltd., now owned by Spin Master.
2. Expert technical analysis conclusively demonstrates that the cube's rotating mechanism, the 3×3×3 grid configuration, and internal structure are essential to achieving the puzzle's technical result—enabling face rotation while maintaining structural integrity (Expert-Technical-Report.pdf, pp. 12-28).
3. Under Article 7(1)(e)(ii) of EU Trade Mark Regulation (EU) 2017/1001, shapes "necessary to obtain a technical result" are excluded from trademark protection as a matter of public policy. This functionality exclusion is absolute in the EU and cannot be overcome by acquired distinctiveness.

Decision and Reasoning

Legal analysis and reasoning behind the award

This tribunal finds that the contested shape trademark EUTM No. 000207033 falls squarely within the exclusion of Article 7(1)(e)(ii) of the EU Trade Mark Regulation and must be invalidated. The evidence establishes that: 

- The cube's 3×3×3 grid structure, rotating mechanism, and internal configuration are dictated by technical necessity
- These functional elements are essential to the product's operation as a mechanical puzzle
- The shape's characteristics serve primarily technical rather than source-identifying functions
- Public policy considerations require keeping functional features in the public domain for competitive innovation
- Both EU and U.S. legal frameworks recognize that functionality constitutes a fatal bar to trademark protection for product configurations

FUNCTIONALITY DOCTRINE APPLICATION:

The functionality exclusion under EU law is absolute—it cannot be overcome by acquired distinctiveness or market fame. This principle aligns with international trademark policy across jurisdictions. The U.S. approach under *TraFFix Devices* demonstrates parallel reasoning: features essential to product use or affecting cost/quality cannot receive perpetual trademark monopolies, as such protection would harm competition and innovation.

The shape lacks inherent distinctiveness, and fame or widespread recognition of the Rubik's Cube cannot override the functionality exclusion under EU trade mark law. While Spin Master presented evidence of commercial success spanning decades and consumer recognition worldwide, this cannot circumvent the mandatory functional exclusion established in *Philips v Remington*.

Spin Master failed to demonstrate that the functional aspects of the cube could serve as an indicator of commercial origin distinct from the puzzle's operational design. The technical features are perceived by consumers as integral to the puzzle's function, not as source identifiers. The grid lines correspond directly to the rotating mechanism—

Award

Final determination and remedy

IT IS HEREBY ORDERED AND AWARDED:



1. TRADEMARK ANNULMENT: The EU trade mark(s) covering the 3D shape of the Rubik's Cube (EUTM No. 000207033) held by Spin Master are hereby ANNULLED and declared INVALID ab initio (from the beginning) pursuant to Article 7(1)(e)(ii) of EU Trade Mark Regulation (EU) 2017/1001.
2. REGISTRATION REMOVAL: The European Union Intellectual Property Office (EUIPO) is directed to remove the subject mark from the EU trademark register and publish notice of cancellation in the Official Journal.
3. LEGAL CONSEQUENCES: Spin Master may no longer enforce trademark rights over the functional aspects of the cube's shape in the European Union. Any ongoing or future infringement proceedings based on this registration must be discontinued.
4. COSTS: Claimant Spin Master Ltd. shall bear its own legal costs and expenses. Respondent Verdes Innovations SA is awarded reasonable costs in the amount of €45,000 for legal representation, expert witness fees, and administrative expenses.
5. SCOPE OF DECISION: This cancellation applies to all Nice Classification classes under which the shape mark was registered. The ruling does not affect:
 - Word marks or logos separately registered by Spin Master
 - Copyright protection in original artistic works
 - Patent protection for specific mechanical innovations (if any remain valid)
 - Trade dress claims based on non-functional decorative elements
6. RIGHT TO APPEAL: Spin Master retains the right to appeal this decision on points of EU law to the Court of Justice of the European Union (CJEU) within the timeframes specified under applicable EUIPO regulations.

←  **Arbitral Award - IP Rights Dispute Case #ipr-001**

AI-generated draft award based on case evidence and applicable IP law • Customize before publishing final decision

Cancel

 Save as Draft

 Publish Award

 **AI Award Assistant:** This draft award analyzes case documents, applies relevant IP law provisions and case precedents, and suggests appropriate remedies. Review all sections carefully, edit as needed, and ensure compliance with jurisdiction-specific requirements before publishing the final award.

 **Award Status**

IP Rights - Trademark

Draft

Findings of Fact

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Decision and Reasoning

Legal analysis and reasoning behind the award