

# The Practical Realities of AI in International IP Arbitration

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The hardest questions AI raises in IP arbitration are not about efficiency. They are about what happens to disclosure, due process, and an arbitrator's independence once these tools are inside the proceeding itself. For example, look at the hearing. AI is capable of reshaping cross-examination in real time, ingesting testimony as it is elicited and reshaping the follow-up on the fly. As litigators, we build cases fact by fact to move a human factfinder. What persuades a factfinder with no emotional response to a killer cross? Or how do we hold it to what is fair and equitable, rather than an algorithmic read of years of cold precedent?


The response is not to wait for the technology to settle. It is to govern it now. In practice that means writing AI use-and-disclosure rules directly into

your procedural orders, deciding up front which tools are excluded, and asking your arbitrators plainly whether they will use AI in reaching an award. Those should be standard questions today, not someday.

None of which discounts the upside. AI already compresses document review, evidence synthesis, and strategy-testing in exactly the high-volume, technical, cross-border disputes where IP practitioners live. The point is that efficiency and governance have to move together.

The chapter I came across in GAR's Guide to IP Arbitration is worth the time because it gets concrete where most commentary stays abstract. It works through how unsettled the very definition of "AI" still is across jurisdictions and arbitral institutions, and how national laws, institutional standards, and party- or tribunal-imposed rules collide. It singles out the SVAMC guidelines, built for global technology disputes and so well-suited to IP, down to how tools record and store prompt and output histories and what must be disclosed, along with the recently revised JAMS rules applicable to AI-related disputes. And it takes seriously how AI inside the hearing room could reshape testimony and argument as they happen in real time.

The throughline is straightforward. In IP arbitration, AI should augment human judgment, not replace it. The authority to decide is the one thing that cannot be delegated. The practitioners who shape how these tools are disclosed, bounded, and questioned now are the ones who will keep it that way.



AI arbitrators are already being deployed. None are (yet) capable of handling (or are trusted to handle) complex commercial arbitrations, let alone arbitrations with the complexity of

IP disputes. But AI's case-predictive abilities are already being used and, with the rapid expansion of AI's capabilities, are likely to become standard practice.

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