DIGITAL PLATFORMS, COPYRIGHT INFRINGEMENT, AND ODR: RETHINKING INTELLECTUAL PROPERTY ENFORCEMENT IN THE INTERNET AGE

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Abstract

The development of digital platforms has created new challenges for copyright governance. Digital platforms allow for fast creation, distribution, and use of content; however, they also facilitate the mass-scale infringing uses of copyrights. Due to their nature, traditional methods of enforcing copyrights through courts and tribunals are slow, expensive and often be unsuitable for addressing cross-border digital issues. This Article explores the increasing use of Online Dispute Resolution (ODR) to resolve Digital Platform-based Copyright Disputes. Using a combination of both doctrinal analysis and comparisons of platform governance systems, cross-jurisdictional enforcement models, and emerging ODR practices, this study argues that ODR provides a practical and effective method for resolving large-scale digital copyright disputes, however, it is

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presented in the study that efficiency is insufficient to ensure legitimate outcomes. A six-pillar framework of Digital Justice and Procedural Legitimacy is proposed. This framework includes procedural fairness, transparency, independent oversight, cross-border access, equitable treatment for rights-holders and users, and compatibility with formal legal structures as foundational elements necessary to provide enforceable and rights-respectful copyright enforcement in the digital era.

Keywords: Digital Platforms, Copyright Infringement, Online Dispute Resolution, Digital Justice, Intellectual Property.

1. INTRODUCTION

Platforms based on digital technology have radically altered the way that creative works are created, shared and used. Platforms including social networks, online communities, streaming services, and digital marketplaces are increasingly becoming the means through which billions of people find, share and sell creative works. Digital platforms have removed geographical and economic barriers to the flow of creative works, allowing them to be replicated and transmitted instantly around the globe at very low costs. While the emergence of these new platforms has opened up vast possibilities for creation, innovation, and commerce, they also create an environment where copyright infringement could potentially occur in massive quantities and speeds that previous enforcement models could never adequately address.[1]

Copyright infringement in the digital world is characterized by its sheer quantity, but more so than quantity, it is the structure of digital infringement that makes regulating it particularly problematic. Internet

[1] Mallick, N. (2025). Intellectual Property Rights In The Digital Age: Issues And Solutions. International Journal of Advanced Research, 13(5), 1089–1095. https://doi.org/10.21474/ijar01/20997

piracy, unauthorized content sharing, and infringement related to the use of streaming technologies affect almost all categories of protected works including, music, movies and television shows, books and other literary materials, software and images.[2] Because of the ability to easily copy and distribute copyrighted material across multiple countries simultaneously, it undermines the territorial nature on which copyright law relies. Traditional enforcement methods, such as litigation were developed for physical transactions that occurred within a specific jurisdiction.[3] Therefore, because traditional enforcement methods do not account for the rapidity and geographic breadth of digital infringement, there are excessive costs imposed on rights holders who may not have sufficient financial resources.

As a result of these constraints, there is growing interest in using Online Dispute Resolution (ODR) as one possible solution for resolving copyright disputes in digital environments. Compared to traditional litigation methods, ODR provides advantages concerning time efficiency, cost savings, accessibility and cross-border application.[4] The development of ODR as a method for resolving copyright disputes in digital environments represents a larger trend away from state-centered enforcement to private regulation. In this model, technology companies act as regulators controlling what types of content can exist on their platforms, controlling user behavior and enforcing compliance with those rules through their own internal

[2]Urban J, Karaganis J. and B Schofield "Notice and takedown: Online service provider and rightsholder accounts of everyday practice" (2017) 64/2 Journal of the Copyright Society of the USA 371 at 376–380

[3] Singh, A. (2025). Copyright in the Digital World. International Journal of Research Publication and Reviews, 6(5), 519–513. https://doi.org/10.55248/gengpi.6.0525.1617

[4] L., M., Andrea, Paula, H.-A., & Kathryn, G. (2021). An Evaluation and Performance Measure Framework for Online Dispute Resolution Programs: Assessing Improvements in Access to Justice. eYLS (Yale Law School). https://scholarship.law.wm.edu/facpubs/2378

dispute resolution systems, automated detection tools and proprietary enforcement tools.[5] However, this shift towards private regulation creates serious issues concerning legitimacy, due process and access to justice. Private platform-based enforcement lacks external oversight and does not contain procedural protections that characterize judicial processes. Automated systems have high levels of error, producing both lawful contents being removed and creating disproportionate disadvantages for smaller creators/users compared to large institutional rights holders. Finally, when private platforms control regulatory authority, it raises long-standing legitimate questions about whether digital copyright regulation achieves the demands of digital justice.

Scholarship concerning copyright enforcement has primarily dealt with intermediary liability, doctrinal aspects of copyright and the design of notice-and-takedown regimes.[6] Conversely, there is relatively little scholarly focus on ODR as a separate and scalable form of copyright enforcement within digital platforms and even less focus on the interrelationship between ODR, platform governance and procedural legitimacy principles needed for effective copyright enforcement. This article addresses that void. Through the application of a doctrinal[7] and analytical method, this study argues that while

[5]Platform governance refers to the exercise of regulatory authority by digital platform operators over user conduct and content through internal rules, automated enforcement systems, and proprietary dispute resolution mechanisms. See N Suzor Lawless: The Secret Rules That Govern Our Digital Lives (2019, Cambridge University Press) at 1–8.

[6]Existing scholarship has focused primarily on intermediary liability, notice-and-takedown regimes and doctrinal copyright questions. Comparative little engages ODR as a platform governance mechanism. See L Bently, B Sherman, D Gangjee and P Johnson Intellectual Property Law (5th ed, 2022, Oxford University Press) at 185–210; World Intellectual Property Organization Guide to WIPO's Alternative Dispute Resolution Options for IP and Technology Disputes (2020, WIPO).

[7] The doctrinal style of research is a research into doctrines and relies heavily on the interpretation and analysis of primary legal sources, including provisions of constitutions, acts and statutes, legal text, judicial decisions and statements, policy

ODR presents a practical, scalable approach to resolve digital copyright disputes, its success will require that the principles of procedural fairness, transparency, independent oversight and digital justice be incorporated into governance structures of digital platforms.

2. DIGITAL PLATFORMS AND THE EVOLUTION OF COPYRIGHT GOVERNANCE

Digital platforms like social media platforms, content-sharing systems, streaming services, and online marketplaces have dramatically changed how creative works are produced, distributed, and consumed throughout the world's digital economy.[8] Today, digital platforms serve as major infrastructure for communication, entertainment, and commercial transactions. With platforms like YouTube, TikTok, Facebook, Instagram, Spotify, Netflix, and Amazon providing massive amounts of digital content across all borders, virtually instantly. These Digital platforms are defining the relationships between creators, consumers, and commercial middlemen.[9] Moreover, the exponential growth of streaming services and digital marketplaces has dramatically increased the commercialization of distributing online content. Music, film, literature, software, images and video recordings can now be distributed around the globe through internet-based systems with minimal geographical limitations. The expansion of digital platforms provides many opportunities for both creators and businesses,

documents, and other relevant international instruments. See Ekpenisi, Collins, Amos Godfrey Atim, Paul Atagamen Aidonojie, Kelechi Uzoho, and Eregbuonye Obieshi. (2026) Constitutional, Legal, and Procedural Perspectives on Witness Protection: A Comparative Study of Nigeria, India, and the United States. International Journal of Constitutional and Administrative Law, 75-92.

[8] Mudakappa, Kumbar, A., & Reddy, H. V. (2026). The Economics of Intellectual Property in the Digital Economy. Zenodo (CERN European Organization for Nuclear Research). https://doi.org/10.5281/zenodo.18737957

[9] Szczepanik, P., Zahrádka, P., Macek, J., & Stepan, P. (2020). Digital Peripheries. In Springer series in media industries. Springer International Publishing. https://doi.org/10.1007/978-3-030-44850-9

however, it also generates many greater opportunities for copyright infringement in digital environments.

As user-generated content evolves, it creates new forms of digital creativity and participation. Users create, edit, share, remix and distribute digital materials using the ecosystems of digital platforms at unprecedented speeds and scales. A collaborative form of digital culture promotes creativity and innovation as well as facilitates global interaction.[10] Nevertheless, it also increases complexities in terms of copyright governance when original copyrights are copied, edited or transmitted by unauthorized third parties. Therefore, there are growing contradictions between the encouragement of digital creativity and freedoms of expression and information availability and the need to protect authors' rights. Additionally, the transnationalization of digital transactions increases the regulatory complexity of copyright governance. Because digital platforms function in multiple jurisdictions simultaneously, uncertainties arise about which laws apply to each situation, where each jurisdiction lies, who has enforcement powers in online environments and how disputes are resolved in those same environments.[11] Thus, copyright governance is functioning today in a technologically based globalization environment that goes beyond traditional territorial legal structures. Copyright enforcement mechanisms generally created to govern physical commercial environments and geographically defined markets face numerous challenges due to the high-speed nature and large-scale environment of the current digital commerce environment.

[10] Severo, M., & Thuillas, O. (2022). Cultural participation and digital platforms. Hybrid, 8. https://doi.org/10.4000/hybrid.1879

[11] AllahRakha, N. (2024). Rethinking Digital Borders to Address Jurisdiction and Governance in the Global Digital Economy. International Journal of Law and Policy, 2(1). https://doi.org/10.59022/ijlp.124

Traditional enforcement mechanisms are less effective than they once were.[12]

As a result, digital platforms have taken up much of what was once held by public agencies and courts.[13] The most common tool employed in digital copyright governance is the notice and takedown model. In a notice and takedown model, under the U.S. Digital Millennium Copyright Act, copyright holders are able to send notice to a digital platform concerning materials that may be an infringement on their copyrights. If the holder complies with the procedures outlined in the digital platform's copyright policy (for instance, completing the correct form), the digital platform will possibly remove or limit access to the alleged offending material. While this type of system could improve enforcement efficiency, it has raised many issues, including but not limited to misuse, censoring of legitimate speech, absence of due process, and stifling of legitimate speech.[14]

Global and regional frameworks for copyright governance also play a significant role in shaping contemporary digital copyright governance. The Berne Convention represents one of the earliest international agreements establishing fundamental principles for protecting copyrights.[15] The Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS) extended protection of copyrights

[12] Atanasova, I. (2024). Digital Right Management: Safeguarding Copyright In The Cyber Era. Annals of Spiru Haret University Economic Series, 23(4).
[13] Gowder, P. (2023). The Networked Leviathan. In Cambridge University Press eBooks. Cambridge University Press.
[14] Dwiarnanto, A., & Barthos, M. (2025). Video Streaming Platforms' Responsibilities for Repeated Copyright Infringement and Notice and Take Down Mechanisms. Greenation International Journal of Law and Social Sciences, 3(3), 1074–1083. https://doi.org/10.38035/gijlss.v3i3.595
[15] Polishchuk, A. (2024). Consideration of intellectual property law in the context of European Union practice. Law Human Environment, 15(1), 70–84. https://doi.org/10.31548/law/1.2024.70

internationally under international trade law.[16] By establishing minimum standards for enforcing copyrights and making violations subject to World Trade Organization (WTO) dispute resolution processes, TRIPS reinforced international copyright protection for creators. Critics contend that TRIPS does not respond appropriately to rapidly changing digital technologies and Internet based infringement. WIPO Copyright Treaty similarly provided solutions for certain issues arising in digital copyright governance by extending protection for copyrights into digital environments and identifying legal significance for technological protection measures ("TPMs"), and digital rights management ("DRM") systems.[17] In addition to these frameworks, many jurisdictions, including the European Union and the U.S., have implemented national regulations governing digital copyright that include issues of platform liability, online infringement, intermediary responsibilities, and digital content governance.[18]

Notwithstanding these frameworks, considerable fragmentation persists in the area of global digital copyright governance. Differences persist among national regulations, including enforcement standards, rules regulating platform liability, and rights to protect digital content, which complicate effective cross-border enforcement of copyrights in the context of the Internet.

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[16] qizi, F. S. (Fayzullayeva). (2025). An Overview OF the Trips Agreement AND Its Impact on Global Copyright Standards. In Neliti. https://www.neliti.com/publications/679067/an-overview-of-the-trips-agreement-and-its-impact-on-global-copyright-standards

[17] Mimler, M. (2023). Digital trade and intellectual property. In City Research Online (City University London) (pp. 455–473). City, University of London. https://doi.org/10.4337/9781800884953.00038

[18] Mykhailov, M. (2025). Protecting Intellectual Property Rights In Content Published On Digital Resources: International Mechanisms And Challenges. Наукові Перспективи (Naukovì Perspektivi). https://doi.org/10.52058/2708-7530-2025-11(65)-1050-1061

3. COPYRIGHT INFRINGEMENT IN THE INTERNET AGE

The digital revolution has significantly impacted the nature and forms in which copyright violations occur in today's digitally connected world. Online piracy and unauthorized copying of copyrights are probably the most common methods of violation. Copyrighted works can be reproduced, uploaded, and distributed almost immediately, and with no geographic limitations whatsoever, through the Internet. This is an advancement over previous geographically constrained copyright violations.[19] Further, as consumers rely more heavily on streaming services for their entertainment needs and increasingly use peer-to-peer file sharing for information exchange, there will likely be an increase in copyright enforcement challenges. Additionally, social media platforms, video sharing websites, music streaming applications and messaging applications provide consumers a simple means of exchanging (and thus distributing) copyrighted materials across the globe. As such, many user-created content items include copyrighted musical compositions, images, videos or other forms of creative materials created by others but used without their consent, creating complex legal dilemmas relating to creator rights, digital participation and intellectual property rights.

Another area of copyright infringement in the digital environment is software piracy and digital duplication.[20] According to Zhang, the loss of revenue due to unauthorized copying, modifying and distributing software still represents a significant financial burden for creators and

[19] Rogalev, K. A., & Dalinin, A. V. (2026). Criminal law protection of copyright and related rights in the digital environment. Sociology and Law, 17(4), 590–599. https://doi.org/10.35854/2219-6242-2025-4-590-599

[20] Putra, M. R. A. (2023). Criminal Law Enforcement of Book Copyright Infringement in Digital Market Places in The Ecosystem E-Commerce Through Restorative Justice. Ius Poenale, 4(2), 139–154. https://doi.org/10.25041/ip.v4i2.3133

tech companies alike. Further, the increasing use of artificial intelligence (AI), machine learning (ML) and algorithmic reproduction systems creates new types of copyright problems.[21] For example, questions arise about who owns AI generated content? Or how do we determine whether there was an original author for AI created work? Do machine learning technologies violate copyrights when they reproduce original material? These issues create numerous challenges for our current understanding of authorship, originality, ownership and infringement under existing intellectual property laws.

Because of differences in legal systems, regulations and enforcement methods between various countries, cross-border copyright disputes are often challenging, especially where parties are located in different parts of the world.[22] Identifying what jurisdiction applies to an infringement and determining whose laws apply to a claimant's request for remedies, and who will take responsibility for enforcing those remedies, are all becoming increasingly problematic in cases of online infringement. Copyright law traditionally has been based on a territorial model of enforcement.[23] That means that typically, copyright enforcement occurs at the country level. Nevertheless, because online infringements occur across borders at incredible speeds, and because copyright laws differ widely between countries, and because global digital platforms provide vast amounts of user generated content each day, this results in wide disparities between the

[21] Zhang, F. (2023). Copyright Issues in Artificial Intelligence: A Comprehensive Examination from the Perspectives of Subject and Object. Communications in Humanities Research, 15(1), 172–182. https://doi.org/10.54254/2753-7064/15/20230664

[22] Prasad, R. (2023). Cyber Borderlines: Exploring the Interplay Between E-Commerce and International Trade Law. Studies in Law and Justice, 2(4), 1–9. https://doi.org/10.56397/slj.2023.12.01

[23] Lundstedt, L. (2021). Jurisdiction and choice of law in online copyright cases (pp. 396–412). https://doi.org/10.4324/9781003156277-25

capabilities of national enforcement systems to deal with transnational digital infringements.

Digital platforms play an increasingly important role in governing digital copyright enforcement. Questions surrounding the liability of platforms for copyright violations committed by their users are therefore among the most contentious in the realm of intellectual property law. While platforms assert that they act merely as intermediaries rather than as the direct publishers of infringing content, critics say that large technology companies have considerable control over the distribution, visibility, monetization and moderation of content throughout their digital ecosystems.[24] Private sector regulation of digital platforms increasingly takes place through internal rules, algorithms, automated enforcement systems, and content moderation technologies. Through notice and takedown systems, automated filtering tools, and AI powered copyright detection tools, major digital platforms now regulate copyright enforcement practice through automation. While these systems may enhance enforcement speed, they also generate concerns about transparency, accountability, procedural fairness, and potential biases within automated enforcement systems.[25]

There is also a profound disparity in power between large technology companies or platforms, and individual creators or users. Compared to individual creators or users, large technology companies possess

[24] Gillespie, T., Aufderheide, P., Carmi, E., Gerrard, Y., Gorwa, R., Matamoros-Fernández, A., Roberts, S., Sinnreich, A., & West, S. M. (2020). Expanding the debate about content moderation: Scholarly research agendas for the coming policy debates. Internet Policy Review, 9(4).

[25] Lu, C.-C. (2025). From safe harbours to over-enforcement: the rise of AI and copyright monitoring. Journal of Intellectual Property Law & Practice, 20(9), 617–632.

immense wealth, technological capability, and regulatory influence.[26] Therefore, digital copyright regulation increasingly raises broader questions about free speech, procedural justice, and protecting digital rights within digitally governed online environments.

4. ONLINE DISPUTE RESOLUTION AS A COPYRIGHT ENFORCEMENT MECHANISM: POTENTIAL AND LIMITATIONS

The development of Online Dispute Resolution (ODR), as an Alternative Dispute Resolution (ADR) mechanism, is rapidly changing the way in which we resolve disputes concerning intellectual property rights. Prior to the advent of ODR, arbitration and mediation were employed primarily for the resolution of physical, commercial transactions.[27] These transactions typically and usually, involve a pre-existing legal relationship among the disputing parties. The rise of new digital technologies and digital-based platforms has produced both new opportunities for online transactions and copyright disputes. It has showcased limitations in the traditional forms of dispute resolutions. As a result, there has been significant development in the area of ODR. ODR uses internet-based communication, digital platforms, automation and online negotiation systems to assist the parties in reaching a mutually acceptable agreement regarding their conflict. ODR is gaining importance in the resolution of disputes arising under online copyright protection, online piracy, online platform liability for

[26] Quintais, J. P., Gregorio, G. D., & Magalhães, J. C. (2023). How platforms govern users' copyright-protected content: Exploring the power of private ordering and its implications. Computer Law & Security Review, 48, 105792–105792. https://doi.org/10.1016/j.clsr.2023.105792

[27] Ekpenisi, Collins, Amos Godfrey Atim, Paul Atagamen Aidonojie, Eregbuonye Obieshi, and Micheal Inagbor (2026). Artificial Intelligence-Driven Mediation in Nigeria: Insights from Emerging Global Practices. Malaqbi Law Review 1, no. 1 : 56-78.

user generated content, and many other areas of intellectual property law.[28]

There are several advantages to using ODR for enforcing copyrights. First and foremost, ODR offers greater speed and efficiency of process than litigation. Whether domestic or international in nature, litigation can be lengthy, costly and often involves a number of different jurisdictions. As such, this creates inefficiencies in terms of time.[29] Utilizing automation, online communication tools, and technology assisted case management, ODR allows parties to achieve a resolution faster than through litigation. In addition to providing greater speed and efficiency, ODR makes access to dispute resolution available to all stakeholders in e-commerce, including creators, users/consumers and businesses. Many online copyright disputes involve small value claims that would require litigants to incur great expense in order to pursue them in court. [30]Thus, by offering alternative dispute resolution mechanisms through ODR, it is possible for parties to settle their disputes without having to appear before a judge at a physical location for trial or having to comply with extensive procedural requirements.

A further advantage of ODR systems relates to the facilitation of cross-border dispute resolutions. According to Bomprezzi, cross border copyright disputes often present difficulties due to the fact that

[28]Bo, S. (2025). Envisioning the Future of Online Dispute Resolution From the Case of China (pp. 166–186).
[29] Anggraeni, H. Y., Listiawati, E., Dewi, A. A. S. L., Ragylia, R. T., & Utami, F. W. (2025). Decomposition of Legal Constructions in Cross-Border E-Commerce Dispute Resolution from an International Civil Law Perspective. Jurnal Ius Constituendum, 10(3), 515–528.
[30] Spaulding, N. W. (2023). Online Dispute Resolution and the End of Adversarial Justice? In Cambridge University Press eBooks (pp. 251–285). Cambridge University Press.

parties to the dispute are typically located in separate countries.[31] Therefore, determining which country has jurisdiction and establishing coordination procedures amongst each jurisdiction's procedural requirements can become quite problematic. By contrast, ODR systems provide increased flexibility to facilitate cross-border disputes through online processes that can be utilized notwithstanding a country's territorial boundaries. Moreover, the enhanced flexibility and accessibility provided by ODR enhance its suitability to govern intellectual property rights via the Internet. Parties can communicate with each other electronically, exchange electronic versions of evidence, and have access to dispute resolution services through online platforms. Therefore, ODR mirrors the procedural realities of modern digital commerce and platform-related activities.

ODR as an emerging area of intellectual property (IP) governance, has grown in significance. However, it continues to face several challenges related to its regulatory and institutional frameworks. One major challenge facing ODR's effectiveness is the poor enforceability of ODR decisions, particularly in cross-border cases. Most ODR systems are based upon voluntary compliance from disputing parties, cooperation amongst platform providers, or reliance on contractually-based enforcement mechanisms rather than robust institutionalized enforcement mechanisms.[32] Additionally, the issue of juridical uncertainty and procedural fragmentation creates additional barriers for achieving effective global digital copyright enforcement. For instance, countries have different copyright laws and varying

[31] Bomprezzi, C. (2021). Implications of Blockchain-Based Smart Contracts on Contract Law. In Nomos Verlagsgesellschaft mbH & Co. KG eBooks. Nomos.
[32] Zhao, Y., & Xiao, Z. (2026). The Regulatory Framework for Crowdsourced Online Dispute Resolution: Revisiting the Dispute Resolution Triangle. Pepperdine Digital Commons (Pepperdine University). https://digitalcommons.pepperdine.edu/drlj/vol26/iss1/2

regulatory approaches to enforcing copyrights, as well as differing views of platform liability.

Additionally, concerns regarding cybersecurity and data privacy affect trust in ODR systems.[33] Cybersecurity threats including breaches, cyber attacks and unauthorized access to collected data, represent a significant threat. Moreover, concerns regarding potential biases in algorithms used for automatic dispute resolution and automated decision making in content moderation also present a barrier. If automated dispute resolution systems are programmed to make determinations based on decision-making criteria which are not transparent, then decisions may reflect a bias, potentially resulting in either incorrect or unfair outcomes. Consequently, it is essential to establish measures which foster transparency, accountability and procedural legitimacy in order to achieve legitimacy within technology-driven IP enforcement systems.

5. COPYRIGHT ENFORCEMENT, PLATFORM GOVERNANCE AND THE LEGITIMACY DEFICIT

Digital platforms are changing how we resolve copyright claims on-line. Currently, digital intermediary platforms such as YouTube, Meta, Tik-Tok, and other digital platforms are increasingly performing regulatory functions through content moderation policies, notice-and-take down procedures, automated detection technologies and internal complaint mechanisms.[34] This represents an expanding trend from state-centric regulation to platform-based governance. Copyright enforcement now typically occurs within privately-controlled digital

[33] Wahid, S. H. (2023). Formulation of a Risk-Based Online Dispute Resolution Model for E-Commerce in Indonesia: Legal Framework and its Application. International Journal of Arts and Humanities Studies, 3(2), 9–23.

[34] Kim, H. (2026). Reshaping the Regulatory Response to the Use of Algorithmic Content Moderation - A Technical and Normative Assessment. The Justice, 212, 207–253.

environments where platforms determine whether content should remain available on-line, be removed, be demonitized, or be restored. Often, these decisions are supported by automated technologies capable of processing large volumes of claims more efficiently than traditional legal institutions. As earlier indicated, while algorithmic enforcement has improved speed and scalability, it has also raised significant concerns regarding accountability, transparency, and procedural fairness.[35] Often, users receive limited opportunity for meaningful review of decisions made through opaque algorithms. In addition, the limitations of litigation mechanism, such as cost, delay, and territorial constraints, have reinforced reliance upon platform-based solutions. Nevertheless, the increasing concentration of regulatory authority in private platforms raises important access-to-justice concerns and increases debate about the legitimacy of digital copyright governance.

Generally, platform-governance development has been influenced by different regulatory paradigms. In the USA, the Digital Millennium Copyright Act (DMCA) established a notice-and-takedown model under which platforms have safe harbor protection if they respond promptly to infringement claims.[36] This model has encouraged the development of platform-based dispute resolution mechanisms and remains highly influential in global copyright governance. While the DMCA model may offer efficiency benefits, it has been criticized for facilitating over-removal of content and encouraging private

[35] Karki, A. (2026). Automated Digital Copyright Enforcement: Functional Balance on Transition from Safe Harbours towards Algorithmic Copyright Filtering System. Journal of Intellectual Property Rights, 31(2). https://doi.org/10.56042/jipr.v31i2.17530

[36] Tang, X. (2023). Privatizing Copyright. Michigan Law Review, 753–753. https://doi.org/10.36644/mlr.121.5.privatizing

enforcement practices that may not adequately protect user rights.[37] Additionally, there have been concerns expressed regarding lack of transparency and potential misuse of takedown procedures.

The EU took a more interventionist approach with the introduction of Article 17 in its Directive on Copyright in the Digital Market (Article 17). Article 17 places more liability on online content sharing platforms to ensure they do not allow access to content that infringes copyrights. Proponents of Article 17 will tell you it increases protections for copyrights. Opponents claim the increased liability will encourage platforms to rely on automated filtering technology and potentially chill lawful expression.[38] While the U.S. and E.U. models represent differing paradigms concerning the role of platforms in enforcing copyrights, they share the same trend toward an increased expectation that platforms will be involved in some manner in enforcing copyrights. Both models demonstrate the need for finding a balance between copyright enforcement (efficiency) and legitimate procedure (due process), and protecting users.

Existing systems of copyright enforcement and online dispute resolution (ODR) provide valuable insights into both the possibilities and the limits of digital governance. Among platform-based systems, YouTube's Content ID provides rights holders with tools to identify, track, monetize or remove content incorporating protected materials. Similarly, Meta uses copyright reporting and dispute-resolution mechanisms designed to manage infringement claims across all of its

[37] Shmatkov, D., & Cabrera, A. (2022). Notice-and-takedown procedures in Ukraine, Spain, China, and the US. Law and Innovative Society, 22–33. https://doi.org/10.37772/2309-9275-2022-1(18)-2

[38] Geiger, C., & Jütte, B. J. (2021). Platform liability under Article 17 of the Copyright in the Digital Single Market Directive, Automated Filtering and Fundamental Rights: An Impossible Match. eYLS (Yale Law School). https://doi.org/10.1093/grurint/ikab037

platforms. Institutional ODR Systems provide additional lessons. WIPO has made available on-line mediation and arbitration services relating to intellectual property disputes.[39] The ICANN's Uniform Domain Name Dispute Resolution Policy (UDRP), is another example of an institutional on-line dispute resolution system that has successfully resolved cross-border digital disputes. The two have had numerous benefits. Institutional On-Line Dispute Resolution Systems have decreased cost, improved accessibility, allowed parties to manage cross-border disputes more easily, and resolved a greater volume of cases in a shorter period of time than their traditional court counterparts. This demonstrates that institutional ODR Systems have practical application in resolving disputes within digital environments.

While institutional ODR Systems offer various advantages, they also present several disadvantages. Many institutional ODR Systems lack transparency, this is particularly true when algorithmic processes play a part in determining decisions. Issues concerning due process exist with respect to notice, and the opportunity to contest adverse determinations. Algorithms may also create biases in determination and unequal bargaining power often places advantage in favor of large right holders/Operators of platforms versus smaller creators/users. Finally, institutional ODR Systems are typically subject to limited external oversight which raises questions regarding accountability and legitimacy. A major lesson learned from institutional ODR Systems is that while it may be possible to demonstrate that an institutional ODR System is efficient, it does not provide evidence that it is effectively enforcing copyrights. Institutional ODR Systems provide practical answers to on-line disputes, however, they should address issues of fairness, transparency, accountability, and access to justice. These

[39] Padilla, J., & Tuffin, A. (2023). The Geopolitical Implications of Patent Holdout and the Ensuing Race to the Home Court. In Cambridge University Press eBooks (pp. 195–214). Cambridge University Press. https://doi.org/10.1017/9781009274289.016

areas of concern indicate that a comprehensive governance framework will need to be developed to ensure that copyright enforcement is both effective and legitimate.

6. TOWARDS A DIGITAL JUSTICE FRAMEWORK FOR PLATFORM-BASED COPYRIGHT ENFORCEMENT

Copyright enforcement on digital platforms has undergone a major transformation due to the increasing number of disputes being resolved through Online Dispute Resolution (ODR). Most of the current literature focuses on three main aspects of ODR: efficiency, speed, scalability, cost. While the above-mentioned factors are indeed very important, they do not constitute a sufficient basis for the development of legitimate copyright enforcement. If dispute resolution processes are quick but unfair, lack transparency, are unaccountable and limit user participation, the public will lose faith in digital enforcement.[40] In addition, the increase in automation and decision-making technology has raised serious questions regarding legitimacy. It is common place for users to have no idea what criteria were used to make a copyright enforcement decision nor how they could possibly challenge such a decision. Therefore, in order for copyright governance to be effective, there needs to be a framework that combines technological innovations with procedure-based protections and access to justice.

An appropriate foundation for a framework that will enable copyright governance to be effective and legitimate in digital environments is provided by digital justice. In the case of copyright ODR, digital justice would require systems that not only resolve disputes efficiently but also protect the rights and interest of all parties involved in the dispute.

[40] Shamov, O. A. (2025). From ethical principles to certified practice: a tiered regulatory model for artificial intelligence in online dispute resolution. Legal Position, 10–14.

The digital justice and procedural legitimacy framework proposed by this study consists of Six interconnected pillars. The first pillar is procedural fairness. All individuals who are impacted by copyright enforcement decisions should be given proper notice of the action taken against them, the opportunity to present evidence to oppose the claim made against them, and access to independent review or appeal mechanisms. The second pillar is transparency and explainability. Users need to know about the rules applicable to copyright enforcement and why a particular platform chose a particular course of action. Users should also be able to understand decisions made by algorithms and artificial intelligence. The third pillar is independent oversight. Independent review mechanisms and accountable structures are needed to help prevent arbitrary decision making and/or excessive concentration of private regulatory power. The fourth pillar is cross border accessibility. ODR systems must remain affordable, accessible, and must allow for the possibility of resolving disputes that involve parties from multiple jurisdictions. The fifth pillar is rights holder/user equity. Copyright enforcement must find a way to balance the interests of rights holders with the rights of users, including lawful uses such as criticism, education, research, parody, and fair use or fair dealing. The sixth pillar is integration with formal legal systems. ODR must supplement traditional legal institutions, and not replace them. Decisions made by platforms must still be subject to suitable judicial oversight and review. Together, these pillars form a framework that enables copyright enforcement to be both effective and legitimate in digital environments.

To increase the effectiveness of the six-pillar framework, all six pillars need to work together so each pillar does not act alone. In order for fairness and oversight to exist, there needs to be transparency, and for accessibility to be present with equity, then there will be an increase in accountability when an ODR system continues to operate with formal

legal institutions. Hence, targeted reforms will most likely fail to resolve legitimacy issues at large. For instance, a platform may allow for appeals, but continue to be opaque, or it may enhance accessibility but fail to sufficiently protect user rights. Therefore, sustainability of legitimacy can only be achieved through a collaborative (integrated) effort of fairness, transparency, oversight, accessibility, equity, and legal integration working simultaneously to create mutual support among themselves. As such, the Framework rejects the idea that technological efficiency alone can fix the problems associated with digital copyright governance.

The Framework provides particular importance for Nigeria and those developing countries around the world whose digital creative industries are rapidly expanding. For example, Nigeria's growing Nollywood film industry, music streaming market, digital publishing system, and emerging community of online content creators depend heavily on digital platforms to produce, distribute, and monetize their products. Rapid expansions are also evident in multiple other African Jurisdictions.[41] However, creators in developing country settings encounter many obstacles when attempting to enforce their copyrights. Traditionally associated litigation costs and time-consuming nature of copyright enforcement are unworkable for resolving cross-border disputes.[42] Furthermore, significant technological disparities between Global North Platforms and Global South Users, and both resource constraints available, and lack of access to justice further complicate the challenges faced by Creators when attempting to enforce their copyrights. A digitally just ODR Framework represents a viable means of promoting copyright enforcement, reducing procedural and

[41] Ọláyọ́kù, P. A. (2023). TecHedonism as metaverse in the future of Nigerian netizens' sociopolitics. Digital Policy Studies, 1(2), 65–75. https://doi.org/10.36615/dps.v1i2.2277

[42] Joseph, C. (2023). Alternate Dispute Resolution and Copyright Litigation. DME Journal of Law., 4(1), 27–35. https://doi.org/10.53361/dmejl.v4i01.04

financial barriers thereto, while increasing fairness, transparency, accessibility, and accountability to promote innovation and build trust in digital copyright governance in developing country settings.

7. CONCLUSION AND RECOMMENDATIONS

Copyright enforcement in the internet era is experiencing unprecedented transformation as digital platforms expand opportunities for creativity, innovation and global content distribution. At the same time, this new landscape increases the frequency and complexity of copyright infringement. As such, traditional methods of enforcing copyrights, which were developed for territorially defined and physically mediated transactions, are rapidly becoming obsolete in an environment characterized by rapid transaction speeds, large volumes and international jurisdictional considerations. This study argues that Online Dispute Resolution (ODR), provides a practical and cost-effective method of dealing with some of the complexities related to digital copyright enforcement. ODR will help increase access, lower costs, enable cross border dispute resolution, and create alternative, more efficient processes than traditional litigation. Although efficiency is essential to creating a legitimate process, it is insufficient to create legitimacy. Current systems of platform based enforcement continue to be plagued by concerns related to transparency, accountability, procedural fairness, and bias resulting from algorithms used in decision making, along with the imbalance of bargaining power among platforms, rightsholders and users.

In response to these concerns, this study has proposed a Digital Justice and Procedural Legitimacy Framework which consists of six interconnected elements including: procedural fairness, transparency and explainability, independent oversight, cross border accessibility, equal rights for rightsholders and users, and connection to existing formal legal systems. This framework illustrates that effective

copyright enforcement will depend on both technical efficiency and procedural legitimacy. Additionally, this paper also explores how the issues discussed here can be applied to developing countries such as Nigeria, which often face additional challenges of resource limitation, technological disparity and access to justice when attempting to enforce copyrights. Digital platforms using ODR therefore have an obligation to create systems that are fair, transparent and accountable. In addition, governments have a responsibility to establish minimum standards for platform-based copyright dispute resolutions; and digital platforms must provide consumers with reasonable opportunities for appeal and review. The use of ODR to resolve disputes must also include some form of protection from biased decisions (such as those based solely on algorithmic decision making), and from procedural inequalities. Ultimately, the role of the court system in the governance of copyrights will likely shift from one where it enforces the law to one where it provides a foundation upon which to build digitally-just and procedurally-legitimate systems that will protect the rights of both users and creators.