



PACE LAW SCHOOL
P A C E U N I V E R S I T Y



A FRESH LOOK AT ONLINE DISPUTE RESOLUTION AND GLOBAL E-COMMERCE

March 29-30, 2010 Vienna, Austria



UNCITRAL, the Pace Institute of International Commercial Law, and Penn State Dickinson School of Law are collaborating to present the colloquium "A Fresh Look at Online Dispute Resolution and Global E-Commerce: Toward a Practical and Fair Redress System for the 21st Century Trader (Consumer and Merchant)" to be held at the UN Vienna International Centre on March 29th and 30th. Leading experts from government, private sector, academia and the non-profit sector will engage in a two-day intensive dialogue to take this "fresh look" at a subject that is growing in importance as the Internet becomes more and more a part of our daily life. They will be analyzing the current cross-border legal framework for e-commerce, existing mechanisms for online dispute resolution, and exploring the practicalities of establishing a future global ODR system for both B2B and B2C disputes. This unique attention to a subject that can be of great benefit to consumers and merchants is scheduled during the same period as the Vis International Arbitration Moot.

MONDAY, MARCH 29, 2010

9:30-10:00 OPENING REMARKS

Renaud Sorieul, *The Secretary*, UNCITRAL

Louis Del Duca, *Professor of Law, Penn State Dickinson School of Law, and Executive Director, Global Consumer Law Forum*

Vikki Rogers, *Director, Institute of International Commercial Law, Pace Law School*

10:00-11:30 TECHNOLOGY AND ITS IMPACT ON B2B AND B2C TRANSACTIONS IN THE GLOBAL MARKET PLACE

- Defining and mapping a global e-commerce transaction
- History of B2B and B2C global e-commerce transactions over the last 10 years – future trends for transactions over the next 10-40 years
- Intrinsic differences between B2B and B2C transactions
- Emergence and future role of m-commerce; regulatory framework for m-commerce.
- What is the current and future role of intermediaries in a global e-commerce transaction (i.e., banks, credit card associations, mobile companies, search engines).
- Interoperability of technologies – current and future trends (including computer v. mobile phone interfaces).
- Implications of the interactive web.
- What do private and government sponsored research studies tell us about global e-commerce – obstacles and future trends.
- Special procedures for high volume/low cost transactions.

Moderator **Timothy Lemay**, *Principal Legal Officer*, UNCITRAL

Jeffrey Aresty, *President*, Internet Bar Institute

Cécile Barayre, *Economic Affairs Officer, ICT Policy Section, Science, Technology and ICT Branch, United Nations Conference on Trade and Development (UNCTAD)*

Ayo Kusamotu, *Partner*, Kusamotu & Kusamotu, Nigeria

Scott Cooper, *Vice-President*, Policy and Government Relations, American National Standards Institute

Claro V. Parlade, *Director for Software Policy*, Asia Pacific, Business Software Alliance





11:30–12:30

LEGAL FRAMEWORK FOR E-COMMERCE TRANSACTIONS: DOMESTIC AND INTERNATIONAL

- What international instruments and payment systems exist to regulate and facilitate e-commerce.
- Have regional norms developed to regulate e-commerce. Do they reflect a consensus of the legal approach amongst the states in the region. What are the main differences in these regional approaches.
- What are the latest inter-governmental developments on Rules/Guidelines for E-Commerce (e.g., revising the OECD Guidelines)

Moderator

John D. Gregory, *General Counsel*, Policy Division, Ministry of the Attorney General, Ontario

Hans Schulte-Nölke, *Professor of Law*, University of Osnabrück, Chair for Civil Law, European Private and Business Law, European Legal History, Germany

Ehab Maher Elsonbaty, *Legal Expert*, H.H. Legal Advisor Office, Amiri Diwan, State of Qatar

Abdoullah Cissé, *Professor of Law and Vice-Chancellor*, Université de Bambe

12:30–14:00

LUNCH

14:00–15:00

LEGAL FRAMEWORK FOR E-COMMERCE TRANSACTIONS: DOMESTIC AND INTERNATIONAL *(continued)*

Moderator

John D. Gregory, *General Counsel*, Policy Division, Ministry of the Attorney General, Ontario

Christine Riefa, *Professor of Law*, Brunel Law School

Brigitte Acoca, *Administrator*, OECD Secretariat's Consumer Policy Unit

Michael Dennis, *Attorney Advisor*, Private International Law, Office of Legal Advisor, US Department of State

15:00–17:00

EXISTING DISPUTE RESOLUTION MECHANISMS FOR CROSS-BORDER B2B AND B2C TRANSACTIONS: SERVING STATE, BUSINESS AND CONSUMER INTERESTS?

- Current role of the courts in resolving cross-border transactions.
- What formal and informal private and public (by states or inter-governmental bodies) online dispute resolution mechanisms have developed for B2B and B2C transactions?
- Are domestic ODR systems being used for cross-border disputes?
- How is enforcement satisfied (trust seal programs, escrow accounts, bonds, charge-back systems).
- Roles of intermediaries in the resolution of B2B and B2C disputes.
- Use of mediation and evaluation process.
- Role of pre-dispute agreements vs. post-dispute agreements.
- Do the current systems satisfy state, merchant and consumer needs; what gaps exist.
- What impact does the existence, legitimacy and operation of a dispute resolution process have on the psychology of a global e-commerce transaction?

Moderator

Gail Hillebrand, *Financial Services Campaign Manager*, Consumers Union

Charles Underhill, *Senior Consultant – Special Projects*, Council of Better Business Bureaus

Michael McIlwrath, *Senior Counsel Litigation*, General Electric

Xu Junke, *Professor of Law and Associate Dean of International Law*, China Foreign Affairs University

Hugh Stevenson, *Deputy Director for International Consumer Protection*, US Federal Trade Commission

Takashi Enomoto, *Chair*, Global Business Dialog on Electronic Commerce

Colin Rule, *Director of Online Dispute Resolution*, eBay and PayPal

TUESDAY, MARCH 30, 2010

9:30–11:15

**ODR AND THE ADMINISTRATION OF JUSTICE:
BALANCING INDIVIDUAL, STATE AND PRIVATE SECTOR
INTERESTS IN THE DISPUTE RESOLUTION PROCESS**

- Role of the State with regard to the development of an ODR system for B2B and B2C transactions (e.g., model rules for procedure, model rules impacting payment systems, providing consumer support, creation of administrative tribunals, providing clearing house for private ODR providers, licensing and auditing of private ODR providers (via establishment of baseline requirements for ODR system, role in enforcement & recognition of the award).
- Do private ODR systems satisfy state, business and consumer interests; could shortcomings be satisfied by government systems?
- Roles of government, intermediaries and private sector in the development of a dispute resolution system.
- How states diverging perspectives on consumer rights impacts the development of an ODR system.

Moderator

Sieg Eiselen, *Professor of Law*, University of South Africa

Norbert Reich, *Professor of Law Emeritus*, University of Bremen

Mary Hiscock, *Professor of Law*, Bond University

Mark MacCarthy, *Professor of Law*, Communications, Culture & Technology, Georgetown University

Mohamed Salah Abdel Wahab, *Senior Partner*, Zulficar & Partners Law Firm

Thomas Schultz, *Executive Director*, Geneva Master's in International Dispute Settlement





11:15-12:30 PRACTICALITIES OF ESTABLISHING A GLOBAL ODR SYSTEM:

Organization of ODR System:

- Use of negotiation, mediation and arbitration ODR.
- Centralized vs. regional offices. To be established by governments, UN or private sector. Auditing of systems by national governments.
- Role of intermediaries in development and administration.
- Relationship between ODR system and payment systems.
- Accounting for amount in dispute; change in system or rules.
- How to deal with uncooperative merchants. Considerations for differences in language and culture. Advisory Board to oversee ODR system. Formation of an arbitration agreement.
- Appointment of arbitrators; challenges to arbitrators. Maintaining impartiality in a private sector system.
- Final binding or non-binding awards. Publication of awards; transparency of system. How to resolve non-monetary aspects.

Moderator

Tim Cummins, President, International Association for Commercial and Contract Management

Frank Fowlie, ICANN Ombudsman, Internet Corporation for Assigned Names and Numbers

Colin Rule, Director of Online Dispute Resolution, eBay and PayPal

Miréze Philippe, Special Counsel, International Chamber of Commerce

12:30-14:00 LUNCH

14:00-17:00 PRACTICALITIES OF ESTABLISHING A GLOBAL ODR SYSTEM (continued)

Moderator

Tim Cummins, President, International Association for Commercial and Contract Management

Organization of ODR System (continued):

Ricardo Sandoval Lopez, Professor of Law, University of Concepcion, Chile

Julia Hörnle, Senior Lecturer in Internet Law, Queen Mary School of Law, University of London

Eric A. Caprioli, Partner, Caprioli & Associés

Enforcement:

- Realities/obstacles of enforcement of ODR awards in domestic courts.
- What law applies in domestic court for the review of ODR awards, e.g., New York Convention or other domestic laws.
- Alternatives to judicial enforcement of an ODR award.
- Use of intermediaries (payment systems) for enforcement.
- Relevance of a non-binding v. binding award for high volume, low value disputes.
- Right to appeal. Creation of an international appellate review body

Moderator

Tim Cummins, President, International Association for Commercial and Contract Management

Hans Micklitz, Professor of Law, European University Institute

Tamas Molnar, Head of Unit, Enforcement and European Consumer Centres, Directorate-General for Health & Consumers

Ramon M. Mullerat, President, Association for the Promotion of Arbitration, Barcelona

CONFERENCE ORGANIZERS



Renaud Sorieul

Mr. Renaud Sorieul is the Director, International Trade Law Division, Office of Legal Affairs (UN/OLA/ITLD). The International Trade Law Division is the substantive secretariat of the United Nations Commission on International Trade Law (UNCITRAL). Mr. Sorieul is the eighth Secretary of UNCITRAL since the Commission was established by the General Assembly in 1966. He took up his duties on 1 October 2008. He joined the UNCITRAL Secretariat in 1989.



Louis Del Duca

The senior member of the Penn State Law faculty, Professor Del Duca is internationally recognized as a leading scholar in the fields of commercial and comparative law and as a leader in the internationalization of American legal education. A member of the American Law Institute and the U.S. Secretary of State's Committee on International Trade Law, Professor Del Duca has served as president of the International Academy of Commercial and Consumer Law and has been The United States' collaborator to the Rome International Institute for the Unification of Private Law (UNIDROIT).



Vikki Rogers

Vikki Rogers is the Director of the Institute of International Commercial Law at Pace Law School. She teaches as an adjunct professor at Pace and Fordham Law School on international commercial law and international arbitration. Prior to that, she worked at leading domestic and international law firms on construction law and international arbitration. Additionally, she was a case manager at the ICDR at the AAA. She has published in the areas of international sales law and international arbitration. Her current work focuses on international sales law, international consumer law, online dispute resolution (for domestic and cross-border disputes), and electronic and mobile commerce. She is the Director of the Global Consumer Law Forum, Vice-President Elect of the Internet Bar Organization and an Editor of the UNCITRAL CISG Digest (2011 Edition).

Conference attendance is free of charge but registration is required.

To register, please go to:
<http://nathan.law.pace.edu/cfdocs/new/iicl/globalforum.cfm>

For more information contact Vikki Rogers,
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VISITING THE UN IN VIENNA

The impressive modern setting of the Vienna International Centre (VIC) has been home to numerous international organizations since August 23, 1979. At the VIC, you can count the flags of the more than 190 Member States in the Rotunda, see a variety of temporary exhibitions on the work of the United Nations and perhaps even observe a meeting being held in one of the impressive conference rooms.

Take the underground line U1 in the direction of Leopoldau until you reach Kaisermühlen/Vienna International Centre and then follow the signs to Gate 1 of the VIC, the main entrance. The VIC is also easy to reach by car via the A22 motorway or from the city centre via the Reichsbrücke. Buses may park in the side street off Wagramer Strasse and in the car park beside Gate 2. The VIC is accessible to people with disabilities.

Please remember to bring a valid photo ID.

