

March 29 2022

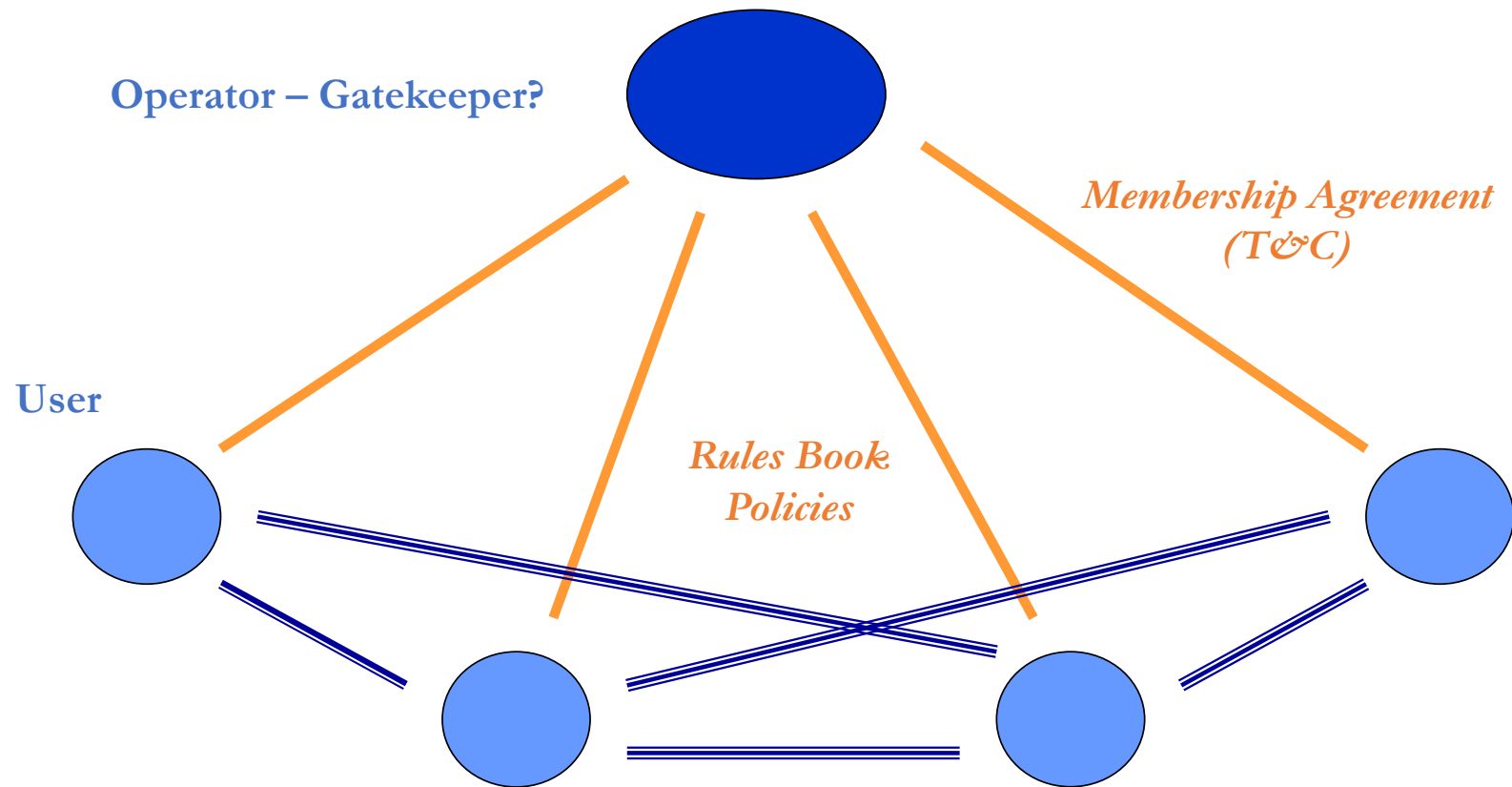
Platform-based Models for International Trade and Dispute Resolution

Colloquium on possible future work on dispute settlement

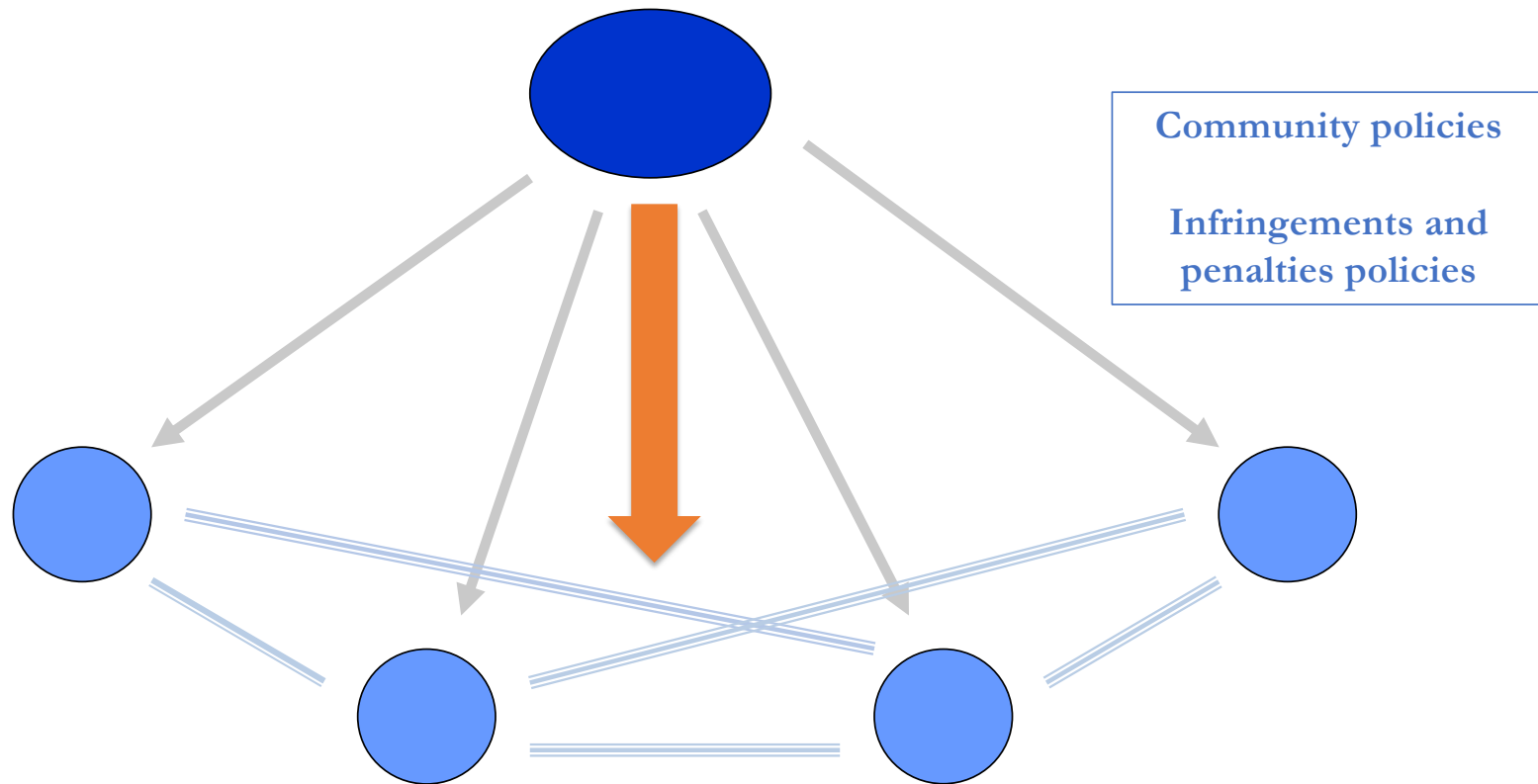
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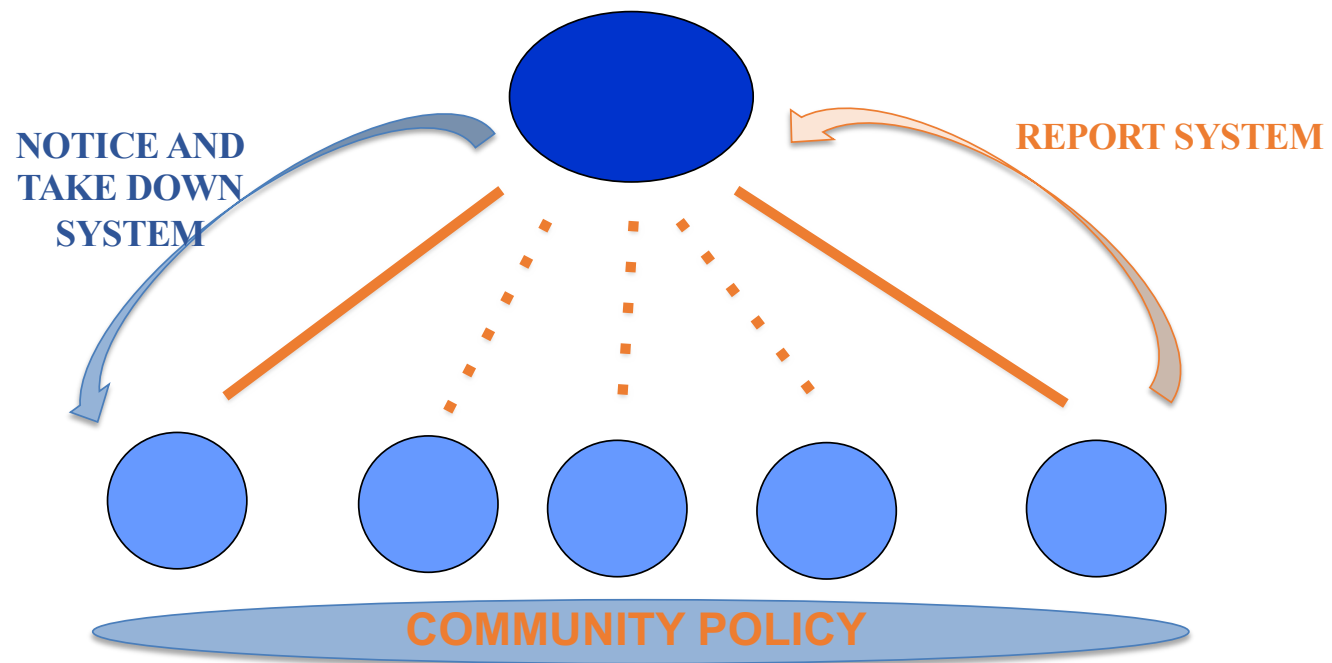
Legal Anatomy of Platforms



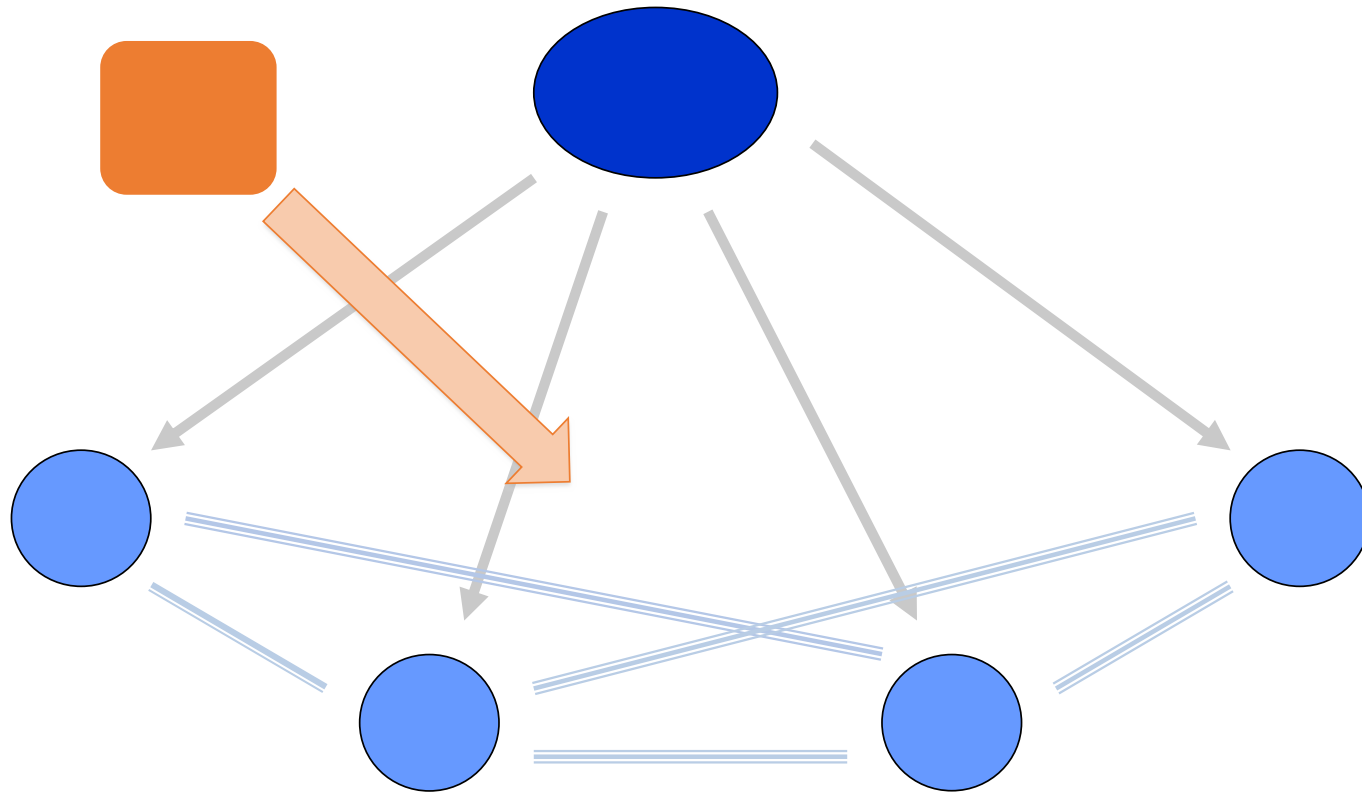
1.- Centralized Regulation and Supervision Models



2.- Decentralized supervision models



3.- Outsourced Models (TTP)

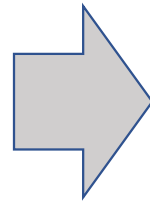


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Internal ODR: SquareTrade de eBay



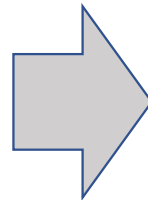
**Concept and scope
of ODR in the
context of ADR**



**ODR Platform
Governance**

**Principles and
Rules: Access to
Effective Justice**

Automation / AI



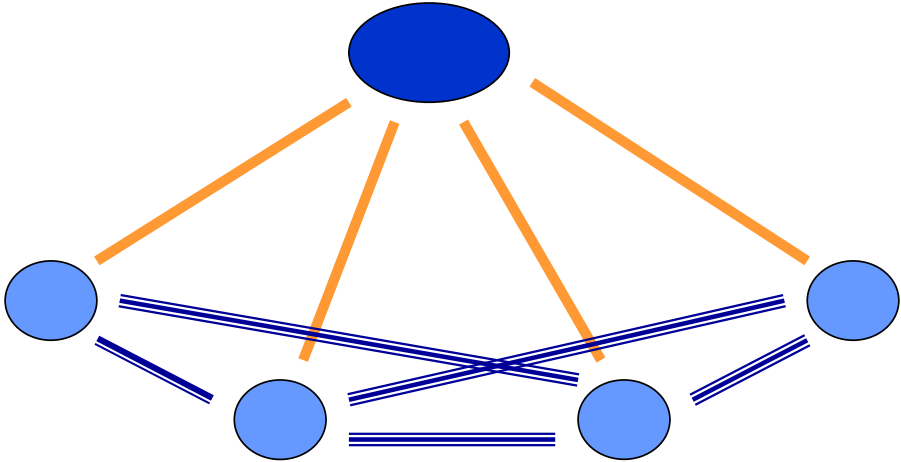
Enforceability

I.- Concept of ODR

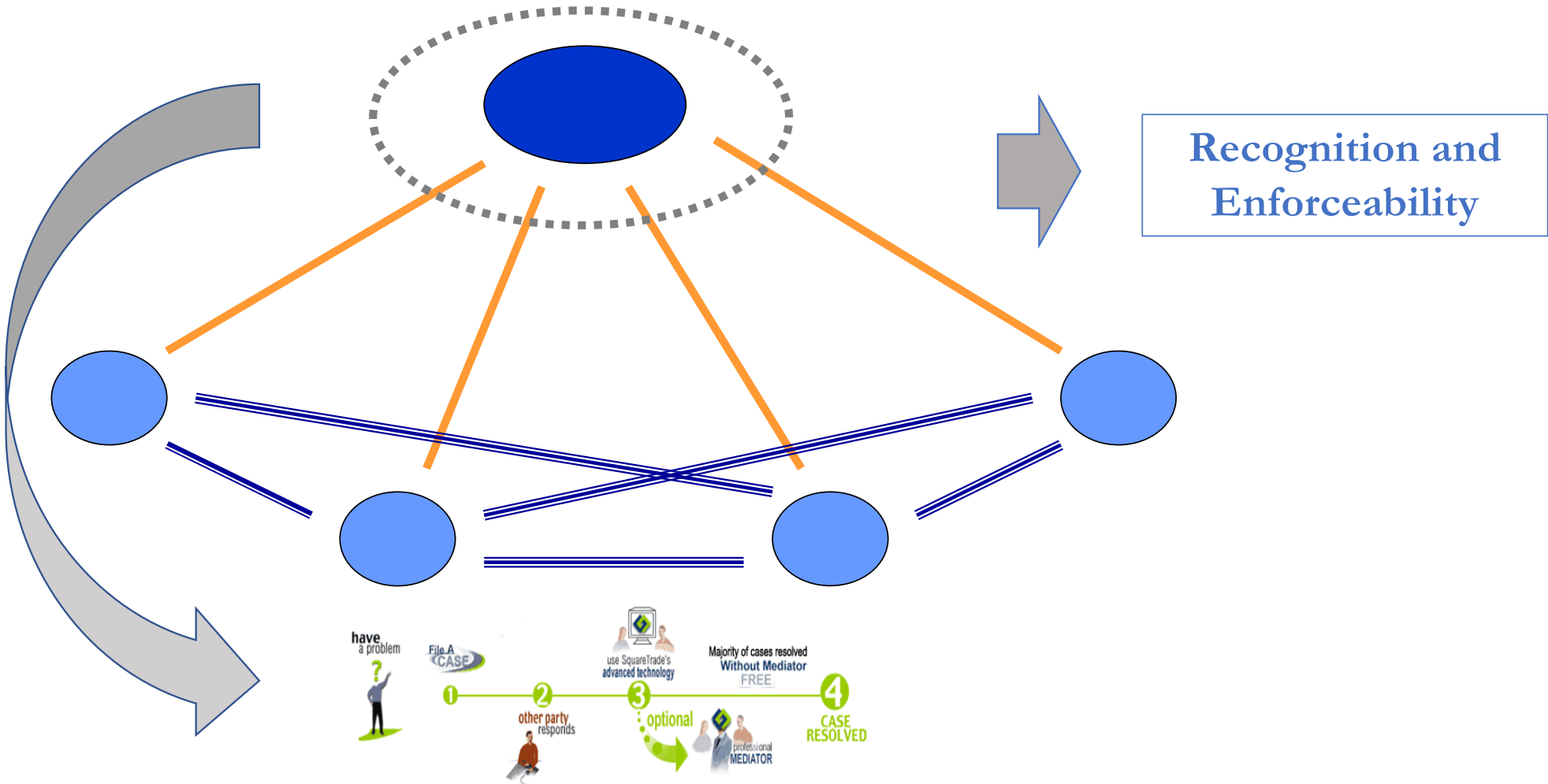
ODR Models



- Content moderation
- Complaint-handling mechanisms
- Ad hoc* dispute resolution systems
- Online ADR



II.- ODR Platform Governance



III.- Principles and Rules

Challenges

A). Internal policies: procedural rules?

B). Valid consent (clause)

C). Recognition and enforceability:
within the platform? Outside? Any jurisdiction?

D). Applicable Law: internal rules?

E). Redress and appeal

III.- Principles and Rules

Principles

- 1). Accessibility
- 2). Equality of arms
- 3). Confidentiality
- 4). Explainability
- 5). Right to a reasoned decisions
- 6). Judicial review

Challenges

- A). Internal policies: procedural rules?
- B). Valid consent (clause)
- C). Recognition and enforceability:
within the platform? Outside? Any jurisdiction?
- D). Applicable Law: internal rules?
- E). Redress and appeal

IV.- Purely automated decisions

Principles

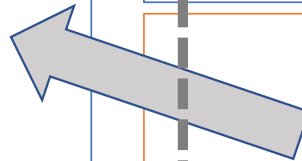
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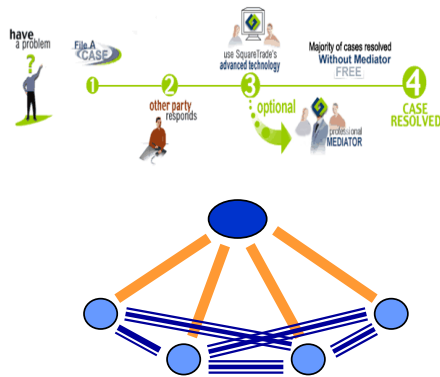
Opportunities

- a). Self-enforced remedies
- b). Automation:
risk or opportunity?



Dispute Resolution in Platforms and Dispute Resolution Platforms

ODR Models



Opportunities

- a). Self-enforced remedies
- b). Automation:
risk or opportunity?
- c). Personalization

Challenges

- A). Impartiality:
 - *internal ODR v. ODR platform*
 - *existing institutions v. TTP*
- B). Internal policies: procedural rules?
- C). Valid consent (clause)
- D). Recognition and enforceability:
within the platform? Outside? Any jurisdiction?
- E). Applicable Law: internal rules?
- F). Multiple-tier models: complaint – ODR
- G). Redress and appeal

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Colloquium on possible future work on dispute settlement

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