Dispute Resolution in the Digital Economy
Japan’s proposal on stocktaking of dispute resolution in the modern context
March 30-31, 2021

Dispute Resolution in the Platform Economy: Legal Anatomy, Recent Trends, and Regulatory Challenges

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Legal Anatomy of Platforms

Operator – Gatekeeper?

Membership Agreement (T&C)

Rules Book Policies

User
1.- Centralized Regulation and Supervision Models

Community policies
Infringements and penalties policies

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2.- Decentralized supervision models
3.- Outsourced Models (TTP)
Internal ODR: SquareTrade de eBay
Platforms Ecosystem – Recent Trends

1). P2B Relations

2). Data access/Data sharing

3). Ex-ante rules

4). Liability – ‘safe harbour’
   + Sector-specific obligations
   + Voluntary monitoring

5). Content moderation – statement of reasons

6). Redress: Complaint-handling
   + Dispute resolution

ECOSYSTEM
Regulatory / Legal Challenges

ODR Models

Delimitation of Dispute Resolution in the Digital Economy
Dispute Prevention

Online Dispute Resolution

Content moderation

Report systems

Disputes

Complaint-handling mechanisms

Opportunities

a). Self-enforced remedies

b). Automation: risk or opportunity?

c). Modulated remedies

U2U /P2U

P2U
**Regulatory / Legal Challenges**

**A). Impartiality:**
- internal ODR v. ODR platform
- existing institutions v. TTP

**B). Internal policies: procedural rules?**

**C). Valid consent (clause) / Mandatory for Platforms?**

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

**E). Applicable Law: internal rules?**

**F). Redress and appeal**
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