



UNCITRAL, Ministry of Justice of Japan and JIDRC

cordially invite you to a workshop on

**Dispute Resolution in the Digital Economy**

UNCITRAL · MOJ · KCAB INTERNATIONAL · ICC · Seoul IDRC  
**The 7th Asia Pacific  
ADR Conference**

5 - 6 November 2018 | Sono Felice, Seoul



UNCITRAL · MOJ · KCAB INTERNATIONAL · ICC · Seoul IDRC  
The 7th Asia Pacific ADR Conference  
**Innovating the Future of  
Dispute Resolution**



The protocol is broken down into nine articles:

- Article 1 – Witness Examination Generally
- Article 2 – Video Conferencing Venue
- Article 3 – Observers
- Article 4 – Documents
- Article 5 – Technical Requirements
- Article 6 – Test Conferencing and Audio-Conferencing Backup
- Article 7 – Interpretation
- Article 8 – Recordings
- Article 9 – Preparatory Arrangements



## OFFERS PRACTICAL GUIDANCE

The protocol offers practical guidance, including such recommendations as “The Witness shall give his/her evidence sitting at an empty desk or standing at a lectern, and the Witness’s face shall be clearly visible” and “No recordings of the video conference shall be taken without leave of the Tribunal.” As such, it can serve the same role as the much-used UNCITRAL Notes on Organizing Arbitral Proceedings, raising points for those new to the process—in this case, online arbitration—and suggesting a reliable way for them to be addressed.

## CONSIDERS DUE PROCESS CONCERNS

Article 5.1 provides that the parties and the Tribunal can agree on mutual technical requirements for videoconferencing, which will reduce the risk of unfairness against parties with witnesses that have access to lesser technical capabilities and know-how.

Article 2.1c ensures equal chance for parties to present their case during witness examination as it provides that the videoconferencing venue be in a neutral location that gives fair, equal and reasonable right of access to all involved. Additional guidance is also provided to ensure that the integrity of the proceedings is not compromised.

## PROVIDES TECHNICAL SPECIFICATIONS

The protocol does not stop at providing the parties assistance regarding how a virtual hearing should be conducted—but explicitly provides them with the specifications of technology required to conduct a virtual hearing in an efficient manner, from the kind of video required to how encryption can be ensured in Annex 1.

Even parties that are new to arbitration or do not have the technical equipment required inhouse can rely on Annex-1, which can be provided to the technical operators who are unfamiliar with conducting virtual hearings ensuring that virtual hearings can be widely used.

