

# Managing Disputes in the Online Global Marketplace

Reviewing the Progress of UNCITRAL's Working Group III on  
ODR

Stanford Law School ODR  
Conference  
April 19, 2013

Vikki Rogers  
Director  
Institute of International Commercial  
Law  
Pace Law School

[vrogers@law.pace.edu](mailto:vrogers@law.pace.edu)



Institute of International Commercial  
Law

# United Nations Commission on International Trade Law (UNCITRAL)

Examples of UNCITRAL Texts:

- 2012 - Recommendations to assist arbitral institutions and other interested bodies with regard to arbitration under the UNCITRAL Arbitration Rules (as revised in 2010)
- 2010 - UNCITRAL Arbitration Rules (as revised in 2010)
- 2006 - Recommendation regarding the interpretation of article II (2), and article VII (1), of the Convention on the Recognition and Enforcement of Foreign Arbitral Awards (New York, 1958)
- 2002 - UNCITRAL Model Law on International Commercial Conciliation
- 1996 - UNCITRAL Notes on Organizing Arbitral Proceedings
- 1985 - UNCITRAL Model Law on International Commercial Arbitration (amended in 2006)
- 1982 - Recommendations to assist arbitral institutions and other interested bodies with regard to arbitrations under the UNCITRAL Arbitration Rules
- 1980 - UNCITRAL Conciliation Rules
- 1976 - UNCITRAL Arbitration Rules
- 1958 - Convention on the Recognition and Enforcement of Foreign Arbitral Awards - the "New York" Convention

❖ UNCITRAL Texts can be found at  
[http://www.uncitral.org/uncitral/en/uncitral\\_texts.html](http://www.uncitral.org/uncitral/en/uncitral_texts.html)

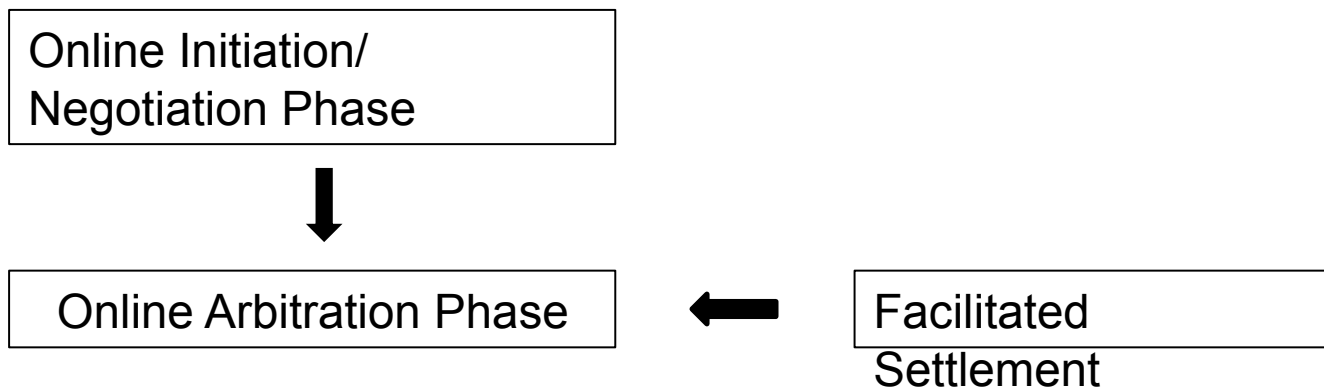


Institute of International Commercial Law

# Organization of American States (OAS) SEVENTH INTER-AMERICAN SPECIALIZED CONFERENCE ON PRIVATE INTERNATIONAL LAW (CIDIP-VII)

Consumer Protection  
Framework for Electronic Resolution of Cross-border E-commerce  
Consumer Disputes

Two Phase Dispute Resolution Process



- ❖ See US Proposal: [http://www.oas.org/dil/CIDIP-VII\\_consumer\\_protection\\_united\\_states.htm](http://www.oas.org/dil/CIDIP-VII_consumer_protection_united_states.htm)  
Brazilian Proposal: [http://www.oas.org/dil/CIDIP-VII\\_consumer\\_protection\\_brazil\\_joint\\_proposal.htm](http://www.oas.org/dil/CIDIP-VII_consumer_protection_brazil_joint_proposal.htm)

- ❖ UNCITRAL Procedural Rules Provide for an Identical Process



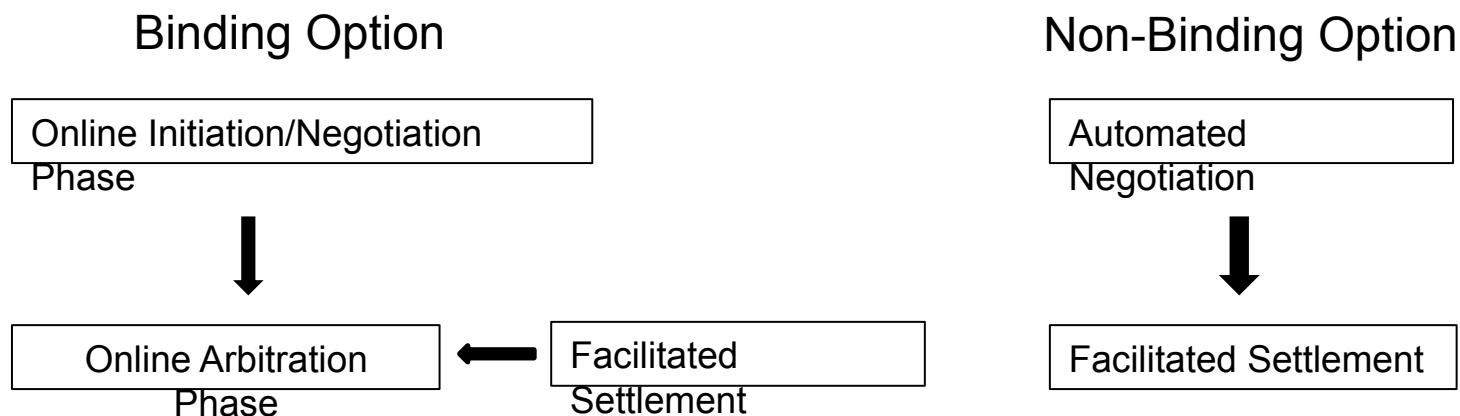
## Questions on Current Working Group Proposal

- ❖ Will a significant mass of merchants sign up to use the system?
- ❖ Will buyers feel they are going to a neutral forum to resolve their dispute?
- ❖ Who pays, and how much relative to the value of the dispute?
- ❖ Is this sort of process scalable for millions of disputes?
- ❖ How do you enforce?



# UNCITRAL Online Dispute Resolution for Cross-Border Electronic Commerce Transactions: Draft Procedural Rules

## THE TWO-TRACK PROPOSAL



- ❖ Annotated Provisional Agenda: [http://www.uncitral.org/pdf/english/workinggroups/wg\\_3/27th\\_WG\\_III/wp\\_118\\_e.pdf](http://www.uncitral.org/pdf/english/workinggroups/wg_3/27th_WG_III/wp_118_e.pdf)
- ❖ Online Dispute Resolution for Cross-Border Electronic Commerce Transactions: Draft Procedural Rules: [http://www.uncitral.org/pdf/english/workinggroups/wg\\_3/27th\\_WG\\_III/wp\\_119\\_e.pdf](http://www.uncitral.org/pdf/english/workinggroups/wg_3/27th_WG_III/wp_119_e.pdf)
- ❖ Online Dispute Resolution for Cross-Border Electronic Commerce Transactions: Draft Procedural Rules Addendum: [http://www.uncitral.org/pdf/english/workinggroups/wg\\_3/27th\\_WG\\_III/wp\\_119\\_add1\\_e.pdf](http://www.uncitral.org/pdf/english/workinggroups/wg_3/27th_WG_III/wp_119_add1_e.pdf)
- ❖ Online Dispute Resolution for Cross-Border Electronic Commerce Transactions: Timelines: [http://www.uncitral.org/pdf/english/workinggroups/wg\\_3/27th\\_WG\\_III/wp\\_120\\_e.pdf](http://www.uncitral.org/pdf/english/workinggroups/wg_3/27th_WG_III/wp_120_e.pdf)



# Thank You

[vrogers@law.pace.edu](mailto:vrogers@law.pace.edu)



Institute of International Commercial  
Law