

**UNCITRAL,
the Institute of International Commercial Law of Pace Law School
and
Penn State Dickinson School of Law**

Present a Colloquium on

**A FRESH LOOK AT ONLINE DISPUTE RESOLUTION (ODR)
AND GLOBAL E-COMMERCE:
TOWARD A PRACTICAL AND FAIR REDRESS SYSTEM FOR THE
21ST CENTURY TRADER (CONSUMER AND MERCHANT)**

March 29-30, 2010
United Nations Vienna International Centre
Vienna Austria

Program [Speakers subject to change]

Monday, March 29, 2010	
9:30-10:00	<p>Opening Remarks</p> <p>Renaud Sorieul, <i>Secretary General</i>, UNCITRAL</p> <p>Louis Del Duca, <i>Professor of Law</i>, Dickinson Law School, Penn State and <i>Executive Director</i>, Global Consumer Law Forum</p> <p>Vikki Rogers, <i>Director</i>, Institute of International Commercial Law, Pace Law School and the Global Consumer Law Forum</p>
10:00-11:30	<p>Technology and Its Impact on B2B and B2C Transactions in the Global Market Place</p> <p>Topics for consideration:</p> <ul style="list-style-type: none"> - Defining and mapping a global e-commerce transaction. - The history of B2B and B2C global e-commerce transactions over the last 10 years – future trends for these 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

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	<p>companies, search engines).</p> <ul style="list-style-type: none"> - 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.
<p style="text-align: center;">Moderator</p>	<p>Timothy Lemay, <i>Principal Legal Officer</i>, UNCITRAL</p> <p>Jeffrey Aresty, <i>President</i>, Internet Bar Institute</p> <p>Cécile Barayre, <i>Economic Affairs Officer</i>, ICT Policy and Analysis Unit, Science, Technology and ICT Branch, United Nations Conference on Trade and Development (UNCTAD)</p> <p>Ayo Kusamotu, <i>Partner</i>, Kusamotu & Kusamotu, Nigeria</p> <p>Scott Cooper, <i>Vice-President</i>, Policy and Government Relations, American National Standards Institute</p> <p>Claro V. Parlade, <i>Director for Software Policy</i>, Asia Pacific, Business Software Alliance</p>
<p>11:30-12:30</p>	<p>Legal Framework for E-Commerce Transactions: Domestic and International</p> <p>Topics for consideration:</p> <ul style="list-style-type: none"> - 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 principle differences in these regional approaches. - What are the latest inter-governmental developments on Rules/Guidelines for E-Commerce (e.g., revision to the OECD Guidelines).
<p style="text-align: center;">Moderator</p>	<p>John D. Gregory, <i>General Counsel</i>, Policy Division, Ministry of the Attorney General (Ontario)</p> <p>Christine Riefa, <i>Professor of Law</i>, Brunel Law School</p> <p>Ehab Maher Elsonbaty, <i>Legal Expert</i>, H.H. Legal Advisor Office, Amiri Diwan, State of Qatar</p>

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	<p>Brigitte Acoca, <i>Administrator</i>, OECD Secretariat's Consumer Policy Unit</p>
<p>12:30-2:00</p>	<p>Lunch</p>
<p>2:00-3:00</p>	<p>Legal Framework for E-Commerce Transactions: Domestic and International (continued)</p>
<p>Moderator</p>	<p>John D. Gregory, <i>General Counsel</i>, Policy Division, Ministry of the Attorney General (Ontario)</p> <p>Michael Dennis, <i>Attorney Advisor</i>, Private International Law, Office of Legal Advisor, US Department of State</p> <p>Hans Schulte-Nölke, <i>Professor of Law</i>, University of Osnabrück, Chair for Civil Law, European Private and Business Law, European Legal History, Germany</p> <p>Abdoullah Cisse, <i>Professor of Law and Vice-Chancellor</i>, Université de Bambey</p>
<p>3:00-5:00</p>	<p>Existing Dispute Resolution Mechanisms for Cross-Border B2B and B2C Transactions: Serving State, Business and Consumer Interests?</p> <p>Topics for consideration:</p> <ul style="list-style-type: none"> - Current role of the courts in the resolution of 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). - What roles do the intermediaries play 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.

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Moderator	<p>Gail Hillebrand, <i>Financial Services Campaign Manager</i>, Consumers Union</p> <p>Charlie Underhill, <i>Senior Consultant – Special Projects</i>, Council of Better Business Bureaus</p> <p>Michael McIlwrath, <i>Senior Counsel Litigation</i>, General Electric</p> <p>XU Junke, <i>Professor of Law and Associate Dean of International Law</i>, China Foreign Affairs University</p> <p>Hugh Stevenson, Deputy Director for International Consumer Protection, US Federal Trade Commission</p> <p>Takashi Enomoto, <i>Chair</i>, Global Business Dialog on Electronic Commerce</p> <p>Colin Rule, Director of Online Dispute Resolution, eBay and PayPal</p>
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Tuesday, March 30, 2010	
9:30-11:15	<p>ODR and the Administration of Justice: Balancing Individual, State and Private Sector Interests in the Dispute Resolution Process</p> <p>Topics for consideration:</p> <ul style="list-style-type: none">- 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	<p>Sieg Eiselen, <i>Professor of Law</i>, University of South Africa</p> <p>Norbert Reich, <i>Professor of Law Emeritus</i>, University of Bremen</p>

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	<p>Mary Hiscock, <i>Professor of Law</i>, Bond University</p> <p>Mark MacCarthy, <i>Professor of Law</i>, Communications, Culture & Technology, Georgetown University</p> <p>Mohamed Salah Abdel Wahab, <i>Senior Partner</i>, Zulficar & Partners Law Firm</p> <p>Thomas Schultz, <i>Executive Director</i>, Geneva Master in International Dispute Settlement</p>
11:15-12:30	<p>Practicalities of Establishing a Global ODR System</p> <p>Topics for consideration:</p> <ul style="list-style-type: none">- Use of negotiation, mediation and arbitration ODR. Other ODR evaluation options.- Centralized office or 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 bidding or non-binding awards.- Publication of awards; transparency of system.- Length of average proceeding.- How to resolve non-monetary aspects of dispute.
Moderator	<p>Tim Cummins, <i>President</i>, International Association for Commercial and Contract Management</p> <p>Frank Fowlie, <i>ICANN Ombudsman</i>, Internet Corporation for Assigned Names and Numbers</p> <p>Colin Rule, <i>Director of Online Dispute Resolution</i>, eBay and PayPal</p> <p>Miréze Philippe, <i>Special Counsel</i>, International Chamber of Commerce</p>
12:30-2:00	Lunch

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<p>2:00-5:00</p>	<p>Practicalities of Establishing a Global ODR System (continued) Topics for consideration:</p> <p>Organization of ODR system (continued)</p> <p>Enforcement:</p> <ul style="list-style-type: none">- 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.
<p>Moderator</p>	<p>Tim Cummins, <i>President</i>, International Association for Commercial and Contract Management</p> <p>Organization of ODR System:</p> <p>Ricardo Sandoval Lopez, <i>Professor of Law</i>, University of Concepcion, Chile</p> <p>Julia Hörnle, <i>Senior Lecturer in Internet Law</i>, Queen Mary School of Law, University of London</p> <p>Eric A. Caprioli, <i>Partner</i>, Caprioli & Associés</p> <p>Enforcement:</p> <p>Hans Micklitz, <i>Professor of Law</i>, European University Institute</p> <p>Tamas Molnar, <i>Head of Unit</i>, Enforcement and European Consumer Centres, Directorate-General</p> <p>Ramon M. Mullerat, <i>President</i>, Association for the Promotion of Arbitration, Barcelona</p>