

Julia Hörnle

# Cross-border Internet Dispute Resolution



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# Cross Border Internet Dispute Resolution Cross Border Internet Dispute Resolution

**Sabine Zange**



## **Cross Border Internet Dispute Resolution Cross Border Internet Dispute Resolution:**

*Cross-border Internet Dispute Resolution* Julia Hörnle, 2009 Julia Hörnle examines how existing arbitration procedures can be adapted to cope with disputes stemming from internet transactions

**Online Dispute Resolution for Consumers in the European Union** Pablo Cortés, 2010-09-13 A PDF version of this book is available for free in open access via [www.tandfebooks.com](http://www.tandfebooks.com) as well as the OAPEN Library platform [www.oapen.org](http://www.oapen.org) It has been made available under a Creative Commons Attribution Non Commercial No Derivatives 3.0 license and is part of the OAPEN UK research project E-commerce offers immense challenges to traditional dispute resolution methods as it entails parties often located in different parts of the world making contracts with each other at the click of a mouse The use of traditional litigation for disputes arising in this forum is often inconvenient impractical time consuming and expensive due to the low value of the transactions and the physical distance between the parties Thus modern legal systems face a crucial choice either to adopt traditional dispute resolution methods that have served the legal systems well for hundreds of years or to find new methods which are better suited to a world not anchored in territorial borders Online Dispute Resolution ODR originally an offshoot of Alternative Dispute Resolution ADR takes advantage of the speed and convenience of the Internet becoming the best and often the only option for enhancing consumer redress and strengthening their trust in e-commerce This book provides an in-depth account of the potential of ODR for European consumers offering a comprehensive and up-to-date analysis of the development of ODR It considers the current expansion of ODR and evaluates the challenges posed in its growth The book proposes the creation of legal standards to close the gap between the potential of ODR services and their actual use arguing that ODR if it is to realise its full potential in the resolution of e-commerce disputes and in the enforcement of consumer rights must be grounded firmly on a European regulatory model

**Online Resolution of E-commerce Disputes** Jie Zheng, 2020-10-03 This book discusses how technological innovations have affected the resolution of disputes arising from electronic commerce in the European Union UK and China Online dispute resolution ODR is a form of alternative dispute resolution in which information technology is used to establish a process that is more effective and conducive to resolving the specific types of dispute for which it was created This book focuses on out-of-court ODR and the resolution of disputes in the field of electronic commerce It explores the potential of ODR in this specific e-commerce context and investigates whether the current use of ODR is in line with the principles of access to justice and procedural fairness Moreover it examines the major concerns surrounding the development of ODR e.g. the extent to which electronic ADR agreements are recognized by national courts in cross-border e-commerce transactions how procedural justice is ensured in ODR proceedings and whether ODR outcomes can be effectively enforced To this end the book assesses the current and potential role of ODR in resolving e-commerce disputes identifies the legal framework for and legal barriers to the development of ODR and makes recommendations as to the direction in which practice and the current legal framework should evolve In closing the book draws on the latest

legislation in the field of e commerce law and dispute resolution in order to make recommendations for future ODR design such as the EU Platform to Business Regulation on Promoting Fairness and Transparency for Business Users of Online Intermediation Services 2019 and the United Nations Convention on International Settlement Agreements Resulting from Mediation 2018 which provide the legal basis for ODR s future development      **Cross-border Internet Dispute**

**Resolution** Julia Hornle,2009 Julia Hr nle examines how existing arbitration procedures can be adapted to cope with disputes stemming from internet transactions      The Internet and Dispute Resolution Norman Solovay,Cynthia K. Reed,2003 The Internet and Dispute Resolution Untangling the Web shows you how ODR works and how it s already transforming dispute resolution in both business to business and business to consumer transactions      *Online Dispute Resolution in China* Wei Gao,2025-02-18 This book provides an up to date and comprehensive institutional analysis of online dispute resolution ODR with a focus on the developments in China as well as their doctrinal and practical implications globally In the book a wide range of ODR mechanisms including online arbitration online litigation online mediation crowdsourced ODR and blockchain escrow services and more are thoroughly examined and compared through an original analytical framework that highlights the evolutionary trajectories of dispute resolution in the digital era The author leverages several empirical studies and her experience working with the Supreme People s Court on formulating the rules for online courts She presents an insightful panoramic overview of ODR practices across Chinese courts arbitration commissions and online businesses including detailed case studies and critical analyses of major digital platforms such as Taobao and the internet courts which informs not only a new conception of justice adapted to the internet society but also different developmental paths for both established and emerging methods of ODR This book will appeal to scholars practitioners and policymakers with an interest in online dispute resolution online courts law and technology as well as digital platforms and the internet economy      *Research Handbook on the Ombudsman* Marc Hertogh,Richard Kirkham,2018-11-30 The public sector ombudsman has become one of the most important administrative justice institutions in many countries around the world This international and interdisciplinary Research Handbook brings together leading scholars and practitioners to discuss the state of the art of ombudsman research It uses new empirical studies and competing theoretical explanations to critically examine important aspects of the ombudsman s work This comprehensive Handbook is of value to academics designing future ombudsman studies and practitioners and policymakers in understanding the future challenges of the ombudsman      **The Law of Consumer Redress in an Evolving Digital Market** Cortés, Pablo,      The Law of Consumer Redress in an Evolving Digital Market Pablo Cortés,2017-10-05 This book analyses the most recent processes laws and best practices for consumer dispute resolution and the law related to consumer redress      **Brussels I Bis** Requejo Isidro, Marta,2022-03-08 Offering a comprehensive commentary on the Brussels I bis Regulation chapters outline the origins and evolution of each article before delving into their interpretation in view of the case law of the European Court of Justice Its

exhaustive evaluation of the corresponding case law demonstrates key precedents which can be applied to practical problems in the field related to jurisdiction recognition and enforcement of decisions      **Law and the Internet** Lilian

Edwards, Charlotte Waelde, 2009-09-10 This is the third edition of a successful book which offers students and practitioners an up to date overview of developments in Internet law and practice The editors have once again assembled a team of specialist authors to write about those aspects of Internet law which are of special importance in the global regulation of the Internet and focussed around three principal themes e commerce intellectual property and privacy data protection and cyber crime with in addition a major contribution on Internet Governance This edition incorporates for the first time areas such as data protection privacy and electronic surveillance cyber crime and cyber security jurisdiction and dispute resolution online The section on IP contains clear and comprehensive analysis of the many and varied ways in which IP and the internet intersect including open source licenses and the IP problems around search engines The new edition also takes account of all current cases and legislation including the draft revised EC Telecoms Package and the Audio Visual Media Services Directive This book will be essential reading for students teachers and practitioners interested in Internet law and practice as well as technologists and social scientists The book is easy to read and has been well edited and flows smoothly through the various topics the book provides a worthwhile overview of this developing area of law throughout the world Peter Walsh

International Trade Law Annual a thorough and stimulating survey a good introduction for lawyers and students approaching Internet and e commerce law for the first time and a useful course text Brian Hutchinson The Irish Jurist      *ADR,*

*Arbitration, and Mediation* CI Arb, 2014 The various developments and changes in the field of arbitration coupled with the large sums and important issues which are so often at stake in them mean that a new book providing a comprehensive overview on the topic from an authoritative source is not merely very welcome it is positively needed by professionals involved in arbitration and their clients It is hard to think of an organisation better qualified to sponsor such a book than the Chartered Institute of Arbitrators with its enormous experience and authority in the field It is also hard to conceive of a more impressive and well qualified group of contributors to such a book than the list of people who Julio Cesar Betancourt and Jason A Crook have included in this volume Lord Neuberger of Abbotsbury President of the Supreme Court of the United Kingdom The Chartered Institute of Arbitrators is a learned society that works in the public interest to promote and facilitate the use of alternative dispute resolution ADR mechanisms Founded in 1915 and with a Royal Charter granted in 1979 it is a UK based institution that has gained international presence in more than 100 countries and has more than 13 000 professionally qualified members around the world Chartered Institute of Arbitrators 12 Bloomsbury Square London United Kingdom WC1A 2LP T 44 0 20 7421 7444 www ciarb org Registered Charity 803725 International Commercial Arbitration is the fastest growing dispute settlement discipline The complexities surrounding its regulatory framework combined with an ever increasing and constantly evolving set of acts rules guidelines protocols regulations national legislation international

treaties and so on may appear daunting at first glance This collection of documents or supplementary material is designed to provide the essential reading for all those who are eager to pursue a career in international arbitration It will also appeal to arbitration practitioners wishing to have easy access to over 700 pages of arbitration related resources Arbitration in the Digital Age Maud Piers,Christian Aschauer,2018-01-25 Arbitration in the Digital Age analyses how technology can be efficiently and legitimately used to further sound arbitration proceedings The contributions from a variety of arbitration scholars report on current developments predict future trends and assesses their impact from a practical legal and technical point of view The book also discusses the relationship between arbitration and the Internet and analyses how social media can affect arbitrators and counsel s behaviour Furthermore it analyses the validity of electronic arbitration and awards as well as Online Arbitration OArb The volume establishes on a very practical level how technology could be used by arbitration institutions arbitrators parties to an arbitration and counsel This book will be of special interest to arbitrators and lawyers involved in international commercial arbitration **Law of Electronic Commercial Transactions** Faye Fangfei

Wang,2014-01-10 The development of new technologies places new challenges to the interpretation and implementation of legislation in the information society The recent deployment of service oriented computing and cloud computing for online commercial activities has urged countries to amend existing legislation and launch new regulations With the exponential growth of international electronic commercial transactions a consistent global standard of regulating the legal effects of electronic communications the protection of data privacy security and the effectiveness of Internet related dispute resolution are motivating factors to build users trust and confidence in conducting cross border business and their sharing information online The second edition of this book continues taking a solutions to obstacles approach and analyses the main legal obstacles to the establishment of trust and confidence in undertaking business online In comparing the legislative frameworks of e commerce in the EU US China and International Organisations the book sets out solutions to modernise and harmonise laws at the national regional and international levels in response to current technological developments It specifically provides information on the key legal challenges caused by the increasing popularity of service oriented computing and cloud computing as well as the growing number of cross border transactions and its relation to data privacy protection Internet jurisdiction choice of law and online dispute resolution It considers how greater legal certainty can be achieved in cloud computing service contracts and other agreements resulted in service oriented computing The second edition of Law of Electronic Commercial Transactions is a clear and up to date account of a fast moving area of study It will be of great value to legislators politicians practitioners scholars businesses individuals postgraduate and undergraduate students It provides in depth research into finding solutions to remove eight generic legal obstacles in electronic commercial transactions and offers insights into policy making law reforms regulatory developments and self protection awareness

Developing Effective Online Dispute Resolution in Latvia OECD,2024-01-11 This report assesses the use of online dispute

resolution ODR in Latvia It looks at the country's efforts to modernise its justice system and develop dispute resolution mechanisms identifies areas for improvement in line with the OECD ODR Framework and provides examples of the application of ODR in other countries      *The Role of Internet Intermediaries in Advancing Public Policy Objectives* OECD,2011-09-14 This book presents a comprehensive view of Internet intermediaries their economic and social function development and prospects benefits and costs and roles and responsibilities      Procedure and Evidence in International Arbitration Jeffrey Waincymer,2012-05-23 Central to the book's purpose is the procedural challenge facing arbitrators at each and every stage of the arbitral process when fairness arguments conflict with efficiency concerns and trade offs must be determined Some key themes include how can a tribunal be fair and in particular be neutral if parties are so diverse How can arbitration be made efficient and cost effective without undue inroads into fairness and accuracy How does a tribunal do what is best if the parties are choosing a suboptimal process When can or must an arbitrator ignore procedural choices made by the parties The author thoroughly evaluates competing arguments and adds his own practical tips expertly synthesizing and engaging with the conference literature and differing authors views He identifies criteria that offer a harmonized approach to each stage of the arbitral process with particular attention to such aspects of international arbitration as appropriate trade offs between flexibility and certainty the rights duties and powers of arbitrators appointment and challenge of arbitrators responses to guerilla tactics drafting of arbitration agreements including specialty clauses drafting of required commencement notices and response documents set off fast track arbitration and other efficiency options strategic use of preliminary conferences and timetabling online arbitration multi party multi contract class arbitration amicus and third party funders pre arbitral referees and interim relief witness evidence both factual and expert documentary evidence production obligations and challenges to production identifying applicable law and remedies and costs      Boundaries of European Private International Law Jean-Sylvestre Bergé,Stéphanie Francq,Miguel Gardenes Santiago,2015-04-22 European private international law is by now based mainly on a large body of uniform rules such as the Regulations Rome I Rome II Brussels I Brussels I bis This significant legislative output however does not take place in a vacuum Rules of private international law have been earlier and still are adopted at national international and even European level in scattered regulations and directives The recent plethora of private international law rules gives rise to issues of delineation and calls for some sort of ordering as gaps overlaps and contradictions become flagrant At the same time the resulting interactions can offer new insight ideas and even opportunities at a more theoretical level This book gathers a collection of essays resulting out of a series of international seminars held in Lyon Barcelona and Louvain la Neuve During those seminars young researchers selected in an open call for papers had the opportunity to discuss their views among themselves as well as with various specialists of the field such as more senior academics EU civil servants national experts and representatives of other international organisations The book offers the fresh views of those who will in the future shape the dialectic between the

various sources of private international law and attempts to launch a discussion on the living together of legal sources Two ranges of topics are addressed in the book firstly the relationship between EU private international law and national law substantial and procedural and or international law international instruments of private international law or of uniform substantive law and secondly the relationship between EU private international law and other aspects of EU law internal market rules of primary law harmonisation through secondary law and other pieces of legislation enacted in the realm of the area of freedom security and justice

**The New Regulatory Framework for Consumer Dispute Resolution** Pablo Cortés, 2016 This book examines the impact of the new EU law in the field of consumer redress It explores the new European legal framework and the main methods of consumer redress analyses the implementation of the ADR Directive in various Member States and evaluates new trends in consumer ADR

**Online Family Dispute Resolution** Elisabeth Wilson-Evered, John Zeleznikow, 2021-01-12 This book brings together the expertise of two authors involved in initiating the development of Online Family Dispute Resolution OFDR while also examining the unique Australian system The family arena generally comprises property or child related disputes arising between parents whether married or not and whether the parties have lived together or not A special feature of Australia s OFDR system is that it deals with children s issues rather than focusing on property distribution The book first discusses how technological innovations have transformed dispute resolution services to families It explores the need for OFDR and how such systems can potentially be implemented In turn the coverage shifts to screening tools used prior to a Family Dispute Resolution session to ensure that online systems are appropriate for the case under dispute and the people involved Readers will then learn about the necessary training required for administrators practitioners and clients alike for OFDR to be successful In addition the book offers a comprehensive evaluation of the system and reflects on the lessons learned to date In closing it suggests ways in which OFDR could be further developed and applied to family disputes around the world



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