



**Global Online Dispute Resolution “Smart Dispute Resolution”
Opportunities & Challenges**

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Agenda

- Introduction
- ADR / ODR for Dispute Resolution
- Initiatives in ODR
 - *India*
 - *Government run initiatives (Other than India)*
 - *Private*
 - *Regional*
- Features, Benefits & Challenges of Global ODR
- Towards Global ODR
- Recommendations & Conclusions

Introduction- ODR

- Sharp increase in online cross-border transactions all over world.
- Increase in complaints about online E-commerce transactions thereby shaking trust in E-commerce business.
- Need for simple, speedy, inexpensive dispute resolution.
- E-justice for E-commerce disputes.
- Emergence of Online Dispute Resolution mechanism at the National and Regional level.
- Prospects of Global Online Dispute Resolution for strengthening trust in E-commerce business.

Challenges and Considerations for Global ODR

- Legal Framework
- Cross-border Jurisdiction
- Privacy and Data Protection
- Technological Infrastructure
- Cultural and Language Barriers
- Funding

ADR / ODR for Dispute Resolution

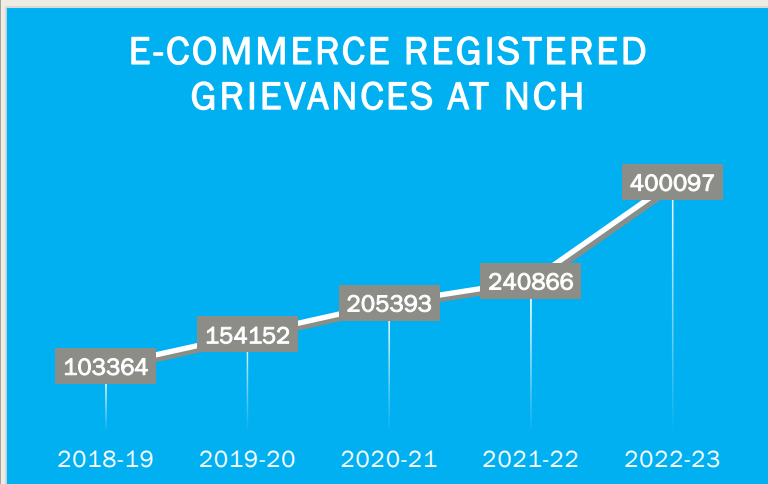
- Problems with dispute resolution through regular courts
 - *Complicated Procedures*
 - *Technicalities of Law*
 - *Judicial delays*
 - *Long litigation journeys*
 - *Appeals after appeals*
 - *Exorbitant costs*
- ADR adopted by different governments to address the above problems
- ADR transformation to ODR

Government-run ODR Initiatives (Outside India)

- Brazil Consumidor
- European Union
- Mexico Concilianet
- South Korea E-commerce Mediation Centre (ECMC)
- United Kingdom Financial Ombudsman

ODR Initiative in India

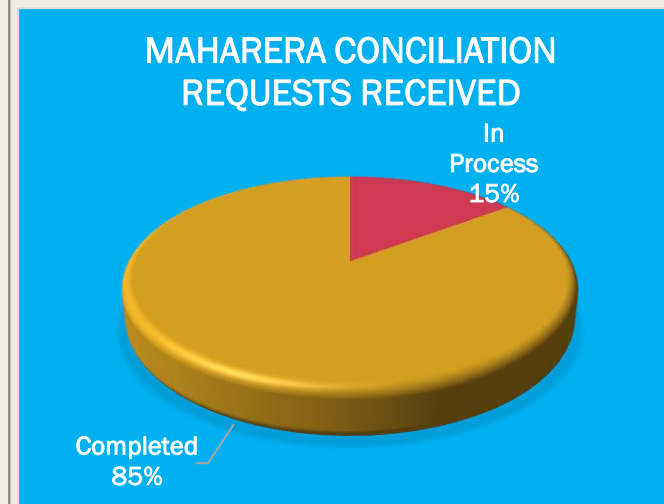
National Consumer Helpline (NCH)



Central Consumer Protection Authority

- Created under CPA, 2019.
- Handles Complaints as a class action for violation of consumer rights.
- CCPA conducts virtual hearings.

MahaRERA Online Conciliation



Private ODR Platforms

■ Australia

- *Australian disputes centre is a non-profit platform that caters to commercial entities and other individuals. The Centre offers efficient dispute resolution through mediation, arbitration and conciliation*

■ Canada

- *The Platform encourages consumers to settle disputes with merchants on their own through negotiations. If no settlement is reached within 20 days from the start of a negotiation then the Mediator is automatically appointed to intervene in the dispute resolution process.*

Regional Frameworks for ODR

- Association of South East Asian Nations (ASEAN)
- Asia Pacific Economic Co-operation (APEC)
- Organization for Economic Co-operation and Development (OECD)

ODR More Than ADR Online

- ODR is not merely using internet technology and conducting ADR online.
- ODR includes the use of AI, Blockchain technology to make it a smart ODR system.
- ODR to efficiently and fairly resolve smart contract disputes.

Features of Global ODR



- Online Accessibility
- Neutrality and Impartiality
- Multilingual Support
- Technological Infrastructure
- Expertise

Benefits of Global ODR Mechanism



- Cost and Time saving
- Accessibility and Convenience
- Simple and informal process
- Creative and out-of-box solution
- Global reach
- Appropriate Neutrals
- Preserving relationships
- No Appeals
- Settlements are binding and enforceable
- The greater degree of compliance
- Enhances trust in E-commerce business
- A win-win situation for parties

Towards Global ODR



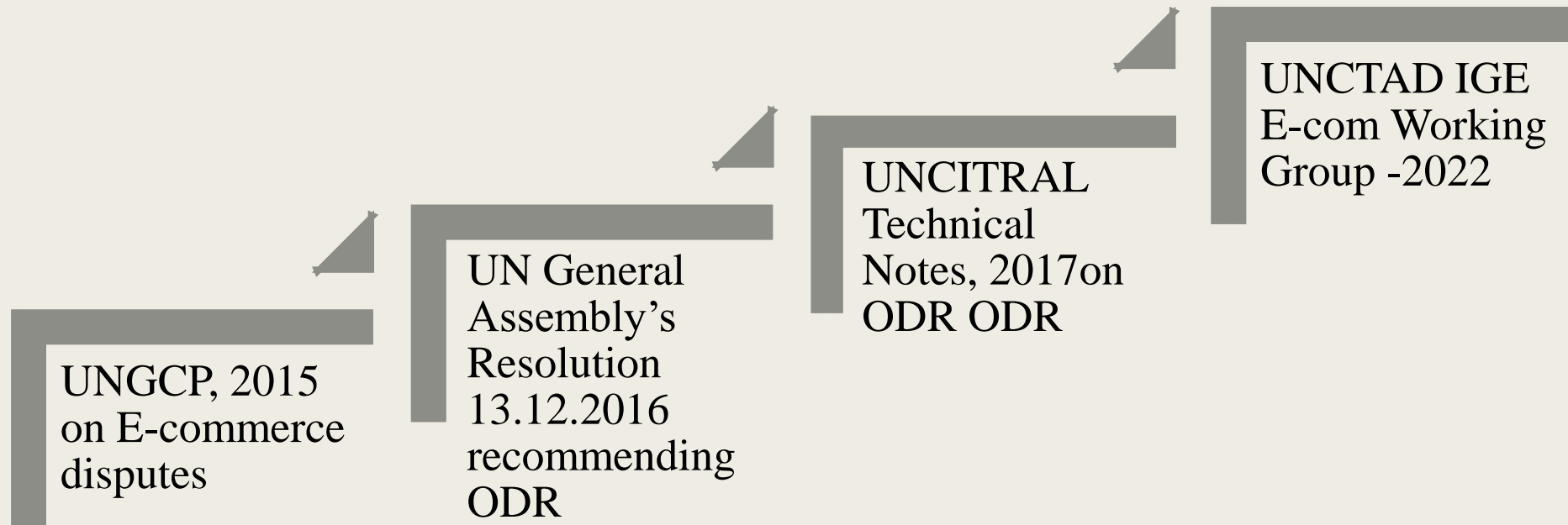
- United Nations Guidelines for Consumer Protection (UNGCP, 2015)
- United Nations Commission on International Trade Law (UNCITRAL)
- The United Nations General Assembly's Resolution
- Smart Dispute Resolution

Recommendations

- International Collaboration
- Capacity Building
- Technological innovation
- Public awareness and education
- UNCTAD to play important role



United Nations Progressive Steps Towards Global ODR



Conclusions

- Several countries in the different parts of the world to handle E-commerce consumer disputes through ODR mechanism backed by latest technology tools and recently modified National Laws.
- UN Guidelines On Consumer Protection (UNGCP), UN General Assembly's resolution dated 13.12.2016 and UNCITRAL Technical Notes of 2017 on ODR conclusively establish that UNCTAD is mandated to initiate necessary steps to create Global ODR mechanism for handling the growing volume of E-commerce Complaints.
- UNCTAD, with its Intergovernmental Group of Experts (IGE) for Consumer Protection, has a Working Group on E-commerce.
- By embracing technology, neutrality and accessibility Global ODR mechanism has the potential to revolutionise dispute resolution into Smart Dispute Resolution.



THANK YOU

