

## The Online-ADR as one way of resolving disputes

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**Abstract:** In the article - the introduction of the Online-ADR. Regardless of on-line and off-line disputes, if through online promoting, disputes will be able to resolve quickly and economically.

**Keywords:** Online-ADR, ODR, Offline-ADR, Arbitration, WIPO.

In these days, Commercial disputes are expanding all over the world. How to solve? Of course, the national court may request.

However, because of time and economic problems many disputes are turning to ADR. Typical and representative solution of the ADR is arbitration and mediation in offline. According to PWC arbitration study report "International Arbitration: Corporate Attitudes and Practices 2008". [1]

Cross Border Litigation 41%, International Arbitration 44%, Mediation and other ADR 15%, Litigation 10%.

The ratio of ADR as a dispute resolution is increasing and recently dispute resolution through Online also, the area is being enlarged.

Online Dispute Resolution, this is briefly expressed in ODR. It means that in order to proceed with the dispute resolution procedures other method than legal action that is to use the information networks such as the Internet.

And Online ADR is to use means of settling disputes online to settle disputes happened on-line

or off-line. It gave important opportunity for engaging in a commercial transaction to small group or individual. If it uses judiciary proceeding, it will cost too much, complicate and take considerable time. Due to these reasons, OECD (The Organization for Economic Cooperation and Development) also is being encouraged.

The universal dispute resolution system, after filling out the form, submit by post or visit, and then make it progress in the offline.

On the other hand, Online dispute resolution system make it progress in the online by means such as the Internet or e-mail, telephone, etc.

Using the dispute resolution agency's website or fax, etc, at the time the application is received for the settlement of disputes, by means such as e-mail or phone, proceed with action such as checking fact, such as acknowledgement of my application and the data request.

However, for hearing still much of that is done offline and in parallel with some video conferencing have emerged. Recently, several services technologies are being developed in order to enable the online dispute resolution system. For example, Video conferencing system for video conferencing, Internet chatting room and Automated negotiation system, and so on.

These days, many types of information via the Internet transmitted and been done, also resolution of disputes move to a way through the Internet.

In the past, the field of the disputes was limited, but in recent years, occurs in all fields, especially Hi-Tech (such as Internet, Mobile, Electronic Commerce, etc.).

WIPO (World Intellectual Property Organization), the world organization Intellectual property rights related to Intellectual property rights, spoke as follows.

The emergence of new technologies and applications has begun to influence significantly the

way companies do business. Bearing this in mind, the WIPO Arbitration and Mediation Center is developing an online, Internet-based system for administering disputes. This online dispute resolution facility and all related information will be accessible through these Online Dispute Resolution pages of the Center's web site.

Digital communication tools will allow the parties to file requests by completing electronic forms and to submit documents and exchange correspondence online through secure channels. The parties, the neutrals and the Center will thus communicate electronically (in addition to using any available audio and video facilities), reducing the need for other potentially time-consuming and expensive means of communication and in-person meetings and hearings. The WIPO facility will generate automatic notifications, as well as databases to support the logging and archiving of documents. Financial transactions in the course of the proceedings, including online credit card payment, are to be supported by special financial databases.

The rapid expansion of electronic commerce puts a premium on the time- and cost-effective resolution of disputes arising out of such transactions. It may be expected that parties conducting business online will want to settle their disputes in the same manner. The WIPO Arbitration and Mediation Center believes that its online dispute resolution facility will also prove to be an effective model for the settlement of other commercial disputes. [2]

Until now briefly studied about the settlement of the dispute through online.

However, the most important thing of all, there is need for an institutional mechanism for settling Online ADR as an effective means.

First, it is necessary to establish the legal and institutional aspects on Online ADR.

Second, in order to settle numerous disputes effectively, Online ADR cases should be analyzed systematically and cases should be classified by type so that similar disputes may be settled automatically.

Third, government-led research projects should be promoted to establish Online ADR model

and these projects should be supported by comprehensive researches on mediation, arbitration and Online ADR.

Fourth, what is most important in the continuous development and expansion of Online ADR is to secure confidence in Online ADR and advertise Online ADR to users. [3]  
Arbitration system, which was the most advanced in the United States, but even the United States, recently building On-line ADR system began.

Online ADR rapidly expand, those areas will be extended.

Therefore, as soon as possible, there is a need to set up the organization for that.

***References:***

1. PWC (PricewaterhouseCoopers):  
[http://www.pwc.co.uk/en\\_UK/uk/assets/pdf/pwc-international-arbitration-2008.pdf](http://www.pwc.co.uk/en_UK/uk/assets/pdf/pwc-international-arbitration-2008.pdf)
2. WIPO (World Intellectual Property Organization):  
<http://www.wipo.int/amc/en/arbitration/online/>
3. Magazine "Arbitration Study" of Korea, Vol. 15 No. 2 (August 2005).

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