



**Asia-Pacific
Economic Cooperation**

Advancing Free Trade
for Asia-Pacific **Prosperity**

APEC Workshop on Enhancing Implementation of Online Dispute Resolution (ODR) through the APEC ODR Collaborative Framework and Other Fora Including Courts

APEC Economic Committee

March 2023



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APEC Economic Committee

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This Report consists of two parts: a Summary of the Dialogue and two Appendices, which contain the agenda and biographies of the speakers.

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I. EXECUTIVE SUMMARY

1.1 Overview

A hybrid Workshop on the Implementation of Online Dispute Resolution (ODR) through the APEC ODR Collaborative Framework and other Fora, including Courts, was held on December 7-9, 2022. The hybrid format allowed broad participation by speakers and other attendees from APEC economies.

The goals of the Workshop were to:

- Highlight best practices in developing a user-centric approach to the use of ODR;
- Provide capacity-building advice for economies considering opting into the APEC Collaborative Framework for ODR of Cross-Border B2B Disputes (APEC ODR Collaborative Framework) as well as for economies' use of ODR for domestic dispute resolution, including in the courts;
- Encourage ODR providers to partner with the Economic Committee (EC) (by agreeing to comply with the ODR Collaborative Framework and Model Procedural Rules and get listed as a provider on the APEC EC webpage);
- Advise participating member economies on how to promote the Framework and encourage economy businesses (including Micro, Small and Medium Sized Enterprises (MSMEs) to use ODR and the partnering ODR providers; and
- Further refine and review the implementation of the Framework.

EC Chair James Ding, SELI Convenor Yoshi Hayakawa, and Mike Dennis, ODR adviser to APEC, opened the discussion with an update on the operation of the APEC ODR Collaborative Framework. Under the Framework, APEC partners with ODR providers to offer ODR to APEC businesses, especially MSMEs, to help them resolve their cross-border commercial disputes. ODR providers through their platforms provide online negotiation, mediation, and arbitration. They must comply with the APEC ODR Collaborative Framework and Model Procedural Rules. The APEC EC promotes partnering ODR providers on its website and encourages MSMEs to use them to resolve cross-border commercial disputes.

The APEC ODR Collaborative Framework was launched in May of 2022. Five economies have opted into the Framework, and four providers from some of these economies have partnered with the APEC EC. Other economies are actively considering opting-into the Framework soon. Additionally, lead academics from the five participating economies stand ready to assist in promoting and developing ODR in APEC economies.

During the opening session, Mike Dennis introduced a Study on Best Practices in Using ODR in APEC economies. Best practices in designing ODR platforms should follow a user-centric design and ensure procedural flexibility, efficiency, accessibility, affordability, and usability. Best

practice principles for ODR platform providers and neutrals include accountability, competency, security, confidentiality, equality, fairness and impartiality, legality, and transparency.

Mr. Dennis and Elena Gasol from the World Bank also discussed best practices for using ODR in business-to-consumer (B2C) cases. They noted that from a domestic standpoint, it is essential to implement ODR in both public sector (courts) and private sector dispute resolution mechanisms. They also stressed that as the APEC ODR Collaborative Framework progresses, it will be key to review its application to B2C transactions since consumers are often left without an adequate remedy in cross-border disputes.

Speakers from ten economies —Singapore, Japan, the United States, China, Hong Kong, China, Viet Nam, Indonesia, Malaysia, the Philippines, and Thailand —then explained their progress in implementing ODR. Five of these economies have already opted-in to the Collaborative Framework. The economy speakers observed that the challenges that surfaced during the Pandemic highlighted the need for effective systems to resolve small business disputes, including through ODR. Some economies underscored the need to address B2C disputes under the Collaborative Framework.

The Workshop also heard from speakers from five ODR platform and service providers from those economies that have opted into the APEC ODR Collaborative Framework. All these providers have developed platforms compliant with the APEC ODR Collaborative Framework and Model Procedural Rules. Preliminary results are promising in terms of time and cost savings for users.

The final panel on day one considered the results of a UX Review of two APEC partnering ODR Providers (eBRAM and CIETAC). Singapore Management University conducted the UX Review in its role as a lead academic institution in implementing the Collaborative Framework. The UX Review demonstrated that both eBRAM and CIETAC provided user-centric platforms.

Day two highlighted the seismic shift the Pandemic has caused in how justice is delivered in APEC economies. The first session highlighted other uses of ODR, including for B2C transactions, secured transactions and insolvency, financial transactions, family disputes, and how AI can be used in ODR platforms. During a second session, speakers from nine economies—Japan, the United States, China, Hong Kong, China, Singapore, Viet Nam, Indonesia, Malaysia, and the Philippines—explained that elements of ODR (primarily virtual hearings) had been implemented in their courts. A final session highlighted how APEC might assist economies in implementing ODR in their courts. It included the example of the Civil Resolution Tribunal (CRT) in British Columbia. The CRT has focused on making court proceedings accessible and usable to ensure they are just. As more and more courts implement digital and virtual processes, they must ensure the parties involved can successfully use them. Rigorous usability testing like that implemented by CRT is essential to creating highly usable platforms. A user-friendly system is paramount for parties not represented by lawyers, including MSMEs.

The final sessions on day three allowed economies to comment on the Collaborative Framework and make recommendations concerning the way forward. Several economies recommended that the APEC EC consider extending the Collaborative Framework to B2C disputes.

1.2 Event Details ¹

The event followed this format:

- Session One: Progress on Implementation of ODR in APEC
 - Opening Remarks
 - Progress on Implementation of APEC ODR Collaborative Framework
 - Study on Best Practices on the Use of ODR in APEC
 - Progress of APEC Member Economies in Implementing ODR
- Session Two: Progress of ODR Providers in APEC under the Collaborative Framework
 - How Do I Use Services of APEC ODR Providers
 - How can APEC Assist in the Improvement of ODR Services
- Session Three: Advanced Use of ODR
 - Business-to-Consumer Transactions
 - Secured Transactions/Insolvency
 - Financial Disputes
 - Family Disputes
 - Artificial Intelligence (AI) in ODR
- Session Four: Use of ODR in APEC Courts
- Session Five: Enhancing Implementation of Online Dispute Resolution (ODR) through the APEC ODR Collaborative Framework– including Best Practices in the Use of ODR, ISO Project on ODR and other significant issues
- Workshop Conclusions and Recommendations

Over 80 participants across APEC economies attended the workshop over the three-day event, with 31 moderators and speakers from APEC economies including Canada, China, Hong Kong, China, Indonesia, Japan, Malaysia, the Philippines, Singapore, Thailand, the United States, and Viet Nam as well as from Colombia and the World Bank.² The speakers were:

- Mr. Masanori TACHIBANA, Director, Information Policy Planning, Commerce and Information Policy Bureau, METI, Japan
- Dr. James Ding, APEC Economic Committee (EC) Chair
- Prof. Yoshihisa Hayakawa, SELI Convenor
- Mike Dennis, International ODR APEC Consultant, United States
- Ms. Elena Gasol RAMOS, Global Knowledge Lead, Digital Regulations, World Bank
- Prof. Nadja ALEXANDER, Singapore Management University, Singapore
- Prof. Mayu WATANABE, Rikkyo University, Japan

¹ Appendix I is the agenda for the Workshop.

² Appendix II provides brief biographies of the speakers.

- Prof. Angie RAYMOND, Indiana University, United States
- Prof. Yongmin BIAN, University of International Business and Economics, China
- Ms. Queenie WU, Acting Assistant Principal Government Counsel, Department of Justice, Hong Kong, China
- Mr. Anh Duong NGUYEN, Department for General Economic Issues and Integration Studies, Viet Nam
- Ms. Netty MUHARNI, Assistant Deputy Minister for Regional and Sub-Regional Economic Cooperation, Indonesia
- Mr. Nor Shahida MOHD SAHIMI, Legal Affairs Division, Prime Minister’s Department, Malaysia
- Ms. Irene D.T. ALOGOC, Office for Alternative Dispute Resolution, Department of Justice, The Philippines
- Ms. Petchlada PHUNGPRASERT, Thai Arbitration Center, Thailand
- Prof. Kazushige OGAWA, Rikkyo University, Japan
- Mr. Nicolas LOZADA, REDEK, Colombia
- Ms. Pui-Ki Emmanuelle TA, CEO, eBram, Hong Kong, China
- Dr. Fan YANG, General Secretary of the Online Dispute Resolution Center, CIETAC, China
- Dr. Chen CHEN, Supervisor of Research Project, GZAC, China
- Mr. Satoshi TSUKAMOTO, U&I Advisory, Japan
- Mr. Shunsuke MORI, Deloitte Tohmatsu Financial Advisory, Japan
- Mr. Colin RULE, ODR.COM, United States
- Mr. Ben EDWARDS, Singapore Management University, Singapore
- Mr. Itay LIMOEY, Singapore Management University, Singapore
- Prof. Jean-François ROBERGE, Judge, Cour du Québec (Canada)
- Ms. Diana Lucia Talero CASTRO, International ODR Expert, Colombia
- Prof. Yun ZHAO, University of Hong Kong, Hong Kong, China
- Mr. Shinji KUSAKABE, Anderson Mori & Tomotsune, Japan
- Mr. Irfan Adhitya PERMADI, Coordinator for APEC and Sub-Regional Economic Cooperation, Indonesia
- Ms. Simmi SANDHU, Chair, Civil Resolution Tribunal, Canada

II. BACKGROUND

Under the APEC ODR Collaborative Framework for Cross-Border B2B disputes and Model Procedural Rules, endorsed at EC 2 in 2019, (the APEC ODR Collaborative Framework and Model Procedural Rules), APEC partners with ODR providers to offer ODR to APEC businesses, especially MSMEs, to help them resolve their commercial cross-border disputes.

The Strengthening Economic and Legal Infrastructure (SELI) Administrative Implementation Work Plan for the Collaborative Framework (SELI Administrative Implementation Work Plan), endorsed at EC 1 in 2021, provides the structure for the implementation of the Collaborative Framework, including collaboration between academic institutions and the EC. An APEC ODR Satellite Website proposal, endorsed at EC 1 in 2021, provides for the establishment of a centralized website

known as the “APEC ODR Satellite Website” or “APEC ODR Website,” which is dedicated to the implementation of the Framework and is available at <https://www.apec.org/SELI> (also accessible through the webpage of the APEC EC at <https://www.apec.org/groups/economic-committee>). The website hosts in-depth information on the Framework to enable the APEC EC to partner with and oversee ODR providers, help MSMEs use ODR, and collaborate with the international community—including the public and private sectors and the academic community.

The Workshop builds on the earlier APEC workshops, webinars on developing the Collaborative Framework, and Policy Dialogues on ODR held at EC 2 in 2018, EC 1 in 2019, EC 1 in 2020, EC 1 in 2021 and EC 1 and 2 in 2022. Japan sponsored four webinars on the Collaborative Framework between August and October 2021 to provide economies with information on its operation, opting in, and discuss outstanding issues relating to the Work Plan and the Website. In February 2022, Japan sponsored a virtual Workshop on Implementing the Collaborative Framework³ and in May, the U.S. sponsored a hybrid workshop in Tokyo that considered dispute resolution including under the Collaborative Framework.⁴ Two studies on ODR were also published in 2022: in April Russia published a Stocktake of APEC Online Dispute Resolution Technologies;⁵ and in May the U.S. published a Study on The Effect of the Covid-19 Pandemic in APEC Economies which included a discussion of the effects on ODR.⁶

The Workshop took forward the outcome of the Structural Reform Ministerial Statement (June 16, 2021), recognizing the importance of the Collaborative Framework (para. 13) “which encourages the use of digital technology to resolve cross border business-to-business disputes” and the APEC SME Ministerial statement (September 2019) supporting (para. 14) “the development, ... of the APEC Collaborative Framework for Online Dispute Resolution of Cross-Border Business-to-Business Disputes, which will provide a cost-effective and efficient platform to resolve low-value cross-border disputes.”

The Strengthening Economic and Legal Infrastructure Friends of the Chair (SELI FoTC) Work Plan under the Enhanced APEC Agenda for Structural Reform (EAASR), endorsed by the Economic Committee (EC) in December 2021, recognizes that “[l]ack of access to commercial justice is one of the reasons that MSMEs constitute some 97% of APEC businesses domestically, but account for only a fraction of APEC exports. The fact that they lack cost effective and timely commercial

³ The Workshop on Implementing the APEC ODR Collaborative Framework is available at

<https://www.apec.org/publications/2022/03/workshop-on-implementing-the-apec-odr-collaborative-framework>.

⁴ The Workshop on Modernizing Secured Transactions Legal Regimes in APEC Economies through International Instruments and Effective Dispute Resolution Mechanisms is available at <https://www.apec.org/publications/2022/09/workshop-on-modernizing-secured-transactions-legal-regimes-in-apec-economies-through-international-instruments-and-effective-dispute-resolution-mechanisms>

⁵ The Stocktake of APEC ODR Technologies is available at <https://www.apec.org/publications/2022/04/stocktake-of-apec-online-dispute-resolution-technologies>.

⁶ The Study on the Effect of the COVID-19 Pandemic on Secured Lending Reform and Access to Credit in APEC Economies is available at https://www.apec.org/docs/default-source/publications/2022/9/workshop-on-modernizing-secured-transactions-legal-regimes-in-apec-economies/study-on-the-effect-of-the-covid-19-pandemic-on-secured-lending-reform-and-access-to-credit-in-apec-economies.pdf?sfvrsn=3ce2d2d2_2.

justice for cross-border transactions means that many avoid that risk by not trading across borders.”⁷

An APEC Business Advisory Council (ABAC) survey of APEC businesses similarly found the lack of effective dispute resolution to be one of the greatest challenges faced by MSMEs in the digital economy when they trade across borders. Fifty-eight percent of respondents cited it as a major or severe problem; in emerging economies, that number rose to 74%.⁸

Cross-border ODR under the Collaborative Framework provides MSMEs with a much-needed means to recover debts and settle disputes for speedy business recovery.

III. EVENT SUMMARY

3.1 Day 1 Sessions

3.1.1 Session One: Opening and Progress on Implementing ODR in APEC

The first session included panels providing opening remarks, reviewing progress on the implementation of the APEC ODR Collaborative Framework, introducing the Study on Best Practices on Using ODR in APEC, and updates on the implementation of ODR in APEC economies.

Part 1: Opening Remarks

Mr. Masanori TACHIBANA, Director, Information Policy Planning, Commerce and Information Policy Bureau, METI, Japan, Dr. James DING, EC Chair, and Prof. Yoshihisa HAYAKAWA, SELI Convenor, delivered opening remarks providing the background to the Collaborative Framework.

Part 2: Progress on Implementation of the APEC ODR Collaborative Framework

James Ding, EC Chair, and Professor Yoshi Hayakawa, the SELI Convenor, moderated the panel discussion.

Mike Dennis, an international ODR expert and ODR adviser to APEC EC, provided an update on the Collaborative Framework, which was launched in May of 2022.

Mr. Dennis explained that under the Collaborative Framework, APEC partners with ODR providers in APEC economies that opt-in to the Framework. The APEC EC promotes partnering ODR

⁷ Strengthening Economic and Legal Infrastructure (SELI) Friends of the Chair (FoTC), Workplan on Structural Reform under APEC Agenda for Structural Reform (EAASR), endorsed by the Economic Committee (EC) in December 2021, http://mddb.apec.org/Documents/2022/EC/EC1/22_ec1_016.pdf.

⁸ ABAC & USC Marshall School of Business, Realizing the Untapped Potential of MSMEs in APEC -- Practical Recommendations for Enhancing Cross-Border Trade (November 2018) at 40 https://www2.abaconline.org/assets/2018/ABAC_Research/ABAC_IV_Marshall_School_Final_Report_MSMEs_trade_11132018_compressed.pdf.

providers on its website and encourages MSMEs to use them to resolve cross-border commercial disputes.

He noted that five economies have already opted-in to the Collaborative Framework:

- China
- Hong Kong, China
- Japan
- Singapore
- United States⁹

Mr. Dennis emphasized that opting into the Framework does not impose binding legal obligations but allows the economy's ODR providers to participate in the Framework and be listed as partnering ODR providers.¹⁰

He observed that four ODR Providers have partnered with APEC thus far under the APEC ODR Collaborative Framework:

- eBRAM International Online Dispute Resolution Centre Limited (eBram), Hong Kong China
- Guangzhou Arbitration Commission (Online GZAC), China
- China International Economic and Trade Arbitration Commission (CIETAC), China
- U&I Advisory Service, Japan.¹¹

Partnering APEC ODR providers self-certify their compliance with the APEC ODR Collaborative Framework and the Model Procedural Rules. Compliance involves:

- (a) keeping all information confidential; maintaining secure databases and websites
- (b) charging reasonable fees proportionate to the amount in dispute
- (c) providing their own platform to offer online negotiation, mediation, and arbitration
- (d) providing data on the pilot's success to the APEC EC and other providers.¹²

Mr. Dennis reported that preliminary results are promising. For example, the average time it took GZAC to resolve domestic and cross-border commercial disputes using the Collaborative Framework was 37 days. Sixty-two percent of disputes were resolved during the negotiation and mediation stage.

⁹ The Economies that have opted-in to the Collaborative Framework are listed on the APEC ODR website at <https://www.apec.org/SELI/Economies>.

¹⁰ See the Website at <https://www.apec.org/SELI/Economies>.

¹¹ The Providers are listed on the APEC ODR website at <https://www.apec.org/SELI/ODR-Providers>.

¹² A Self-Certification form is provided on the APEC ODR website at <https://www.apec.org/SELI/Self-Certification>.

By comparison, APEC's Work on EoDB Enforcing Contracts showed that in 2020 the average time to resolve a contract dispute involving an MSME in an APEC court was 440 days.

By significantly reducing the length of the resolution process and eliminating travel and lawyer costs, APEC MSMEs are set to achieve considerable savings. (The Workshop also heard from GZAC and the other providers later in day 1.)

Five lead academic institutions have agreed to coordinate with other academic institutions in the implementation of the Collaborative Framework,

- University of Hong Kong (Dr. Yun Zhao)
- Indiana University (Dr. Angie Raymond)
- Rikkyo University (Dr. Mayu Watanabe)
- Singapore International Dispute Resolution Academy (Academic Director Nadja Alexander)
- University of International Business and Economics, School of Law (Beijing, China) (Dr. Yongmin Bian)

Part 3: Study on Best Practices in the Use of ODR

Mr. Dennis provided an overview of a Study on Best Practices in Using ODR in APEC that the Economic Committee has subsequently endorsed. Ms. Elena Gasol Ramos from the World Bank offered comments on the Study.

Mr. Dennis noted that APEC commissioned the Study to document what works or does not and develop best practices to guide existing and new players so that all can get ODR right. In addition, the post-Pandemic technological shift creates an opportunity for more extensive use of ODR, including for domestic and commercial disputes involving MSMEs and consumers.

He explained that the Study considers the design of ODR platforms, basic principles relating to ODR providers and neutrals, special considerations regarding the use of ODR in courts, and the use of ODR in consumer cases.

Section I of the Study considered best practices in designing ODR platforms.

Mr. Dennis observed that Pandemic-related travel restrictions and social distancing measures had forced an unprecedented adoption of technology by APEC courts. In most APEC economies, this has meant chiefly virtual hearings. ADR providers have also shifted to virtual hearings. However, adding Zoom to ADR mechanisms or the current court system does not equate to ODR because ODR has much more to offer than online communication. Advanced technologies like artificial intelligence (AI) and machine learning, which are an integral component of ODR, remain largely untapped by ADR providers and the justice system.

Mr. Dennis stressed that the ODR design process uses enhanced facilitative and adjudicative technologies, which give ODR functionalities that go well beyond what e-ADR can deliver. Under the Collaborative Framework during the first phase of the ODR procedure, algorithmic tools enable the parties to structure their negotiations, exchange information and proposals, and negotiate a binding dispute settlement without a neutral person's assistance ("Negotiation Stage"). If the parties cannot reach a binding agreement by amicable negotiations, the relevant ODR provider will appoint a qualified ODR neutral to mediate the dispute (and, if possible, reach a binding settlement agreement) ("Mediation Stage") or to arbitrate the dispute (and issue a binding award) ("Arbitration Stage"). Modern technologies such as artificial intelligence should be integrated within the design of ODR platforms wherever possible.

Mr. Dennis emphasized that for ODR to assist in reducing the access to justice gap, it must be user-centric, including through:

- **Procedural flexibility.** ODR must not place users in a technological straight jacket. Under the APEC ODR Collaborative Framework, partnering ODR providers are allowed flexibility to create and manage while still expected to be compliant with the framework.
- **Efficiency.** ODR services must be timely and use participant time efficiently. The ODR process must also reach decisions promptly, or it will quickly lose credibility. As mentioned above, GZAC resolves its disputes within 37 days.
- **Accessibility.** In an online world, accessibility includes not just geographical accessibility or financial accessibility but also digital literacy, digital accessibility, and linguistic accessibility. ODR systems should also be available 24 hours a day, seven days a week.
- **Affordability.** Platforms must balance the value of procedural protections with their costs to offer an affordable process commensurate with the amount in dispute. The APEC ODR Collaborative Framework stresses that fees must be reasonable and proportionate to the disputed amount.
- **Usability.** Assessing how easy it is to navigate user interfaces (usability) is paramount for ODR to deliver justice to parties effectively. This is particularly true for judicial tribunals where parties have no alternative option. Making court proceedings accessible and usable is closely tied to making them just.
- **Capacity Building.** ODR has been hindered by a lack of user familiarity and associated psychological barriers, including data privacy concerns surrounding APEC partnering ODR providers. ODR providers have a crucial role to play in promoting ODR.

Section II of the Study considered best practices (principles) applying to ODR providers and neutrals.

Mr. Dennis explained that the best practices applying to ODR providers and neutrals were drawn from the UNCITRAL Technical Notes on ODR, the APEC ODR Collaborative Framework, and the NCTDR/ICODR Standards.¹³ These best practices include:

- **Accountability.** ODR platforms should be auditable, and the audit made available to users.
- **Competency.** ODR providers should ensure neutrals have the skills to mediate and arbitrate a dispute and manage the technology.
- **Security / Confidentiality.** ODR Systems should be created securely with built-in encryption and security for communications. ODR providers should maintain appropriate cybersecurity and data protection protocols. Users must be informed about unintended breaches of security promptly.
- **Equality.** ODR providers must treat all parties equally, and each party must be given a full opportunity to present its case.
- **Fairness and Impartiality.** The ODR Administrator should adopt a code of ethics for its neutrals to guide neutrals regarding conflicts of interest and other rules of conduct and adopt policies dealing with identifying and handling conflicts of interest.
- **Legality.** ODR providers must abide by, uphold, and disclose to the parties the relevant laws and regulations under which the process falls.
- **Transparency.** ODR platforms should (1) publish anonymized data and statistics on outcomes in ODR processes to enable parties to assess its overall record, consistent with applicable principles of confidentiality, and (2) provide all relevant information on its website in a user-friendly and accessible manner.

Section III of the Study considered best practices in the use of ODR for B2C transactions

Mr. Dennis explained that best practices in ODR for B2C Transactions include:

- Enhancing e-Platforms and e-Stores with ODR. eBay (resolving some 60 million disputes annually, with 90 percent of those disputes resolved with software only) and Alibaba (resolving 80 percent of complaints facilitated by AI only) provide excellent examples.
- Enhancing Domestic Dispute Resolution With ODR. In some economies, ODR has been successfully implemented in small claims tribunals (e.g., in China, the U.S., and the Civil Resolution Tribunal in British Columbia) and through government or private sector ODR platforms for B2C disputes (e.g., in Chile and Quebec). (These examples were further discussed on day two of the Workshop.)

¹³ The National Center for Technology and Dispute Resolution and the International Council for Online Dispute Resolution ODR Standards (NCTDR/ICODR ODR Standards), https://odr.info/wp-content/uploads/2022/05/NCTDR_and_ICODR_ODR_Standards_2022.pdf.

Mr. Dennis concluded by observing that ODR Frameworks such as the APEC ODR Collaborative Framework offer the best potential for successfully resolving cross-border disputes involving B2C transactions. B2C transactions were initially excluded from the APEC ODR Collaborative Framework partly because the value of the dispute in B2C cases is typically small, and most e-commerce disputes involve B2B. That situation is changing. In June 2022, seven out of the top 10 economies for retail e-commerce sales growth were APEC economies, with an average growth rate projected at over 20 percent.¹⁴

Additionally, the APEC ODR Model Procedural Rules can accommodate differences in consumer protection laws (e.g., concerning pre-dispute binding arbitration). Article 1(2) of the Model Procedural Rules expressly provides that: “These Rules shall govern the ODR proceedings... except that where any of these Rules conflict with a provision of the law applicable to the ODR proceedings from which the parties cannot derogate, that provision shall prevail.”¹⁵ Thus, the Model Procedural Rules bind the parties to the extent that domestic law allows and cannot override applicable mandatory law at the domestic level (which could include applicable consumer protection laws concerning pre-dispute binding arbitration).

Elena Gasol from the World Bank offered additional comments on the Study which she deemed to be an excellent summary of good practices in the use of ODR in APEC.

First, Ms. Gasol stressed that it is important to clarify that virtual hearings are not the same thing as ODR. The use of communications technology to hold hearings remotely affords individuals an opportunity to meet online rather than in person. ODR, however, consists in using information and communication technology to negotiate, mediate, arbitrate, conduct proceedings, and settle disputes through a dedicated online platform.

Second, she noted that while ePlatforms offer MSMEs the potential to effectively market their products across borders, the use of these platforms may lead to unfair practices between platforms and online sellers. Unfair practices include anticompetitive agreements and abuse of economic power such as:

- Exclusionary and unfair contract terms taking advantage of dependency on one or few platforms as the main sales channel
- Direct anticompetitive behavior of platforms, e.g., preventing MSMEs on digital platforms from offering products and services elsewhere under better conditions
- Self-preferencing the platform's own products, e.g., delisting suppliers' products or accounts without prior notice and justification.

¹⁴ According to eMarketer: Singapore ranked first in the world in 2022 with 36% retail e-commerce growth; Indonesia second with 34% growth; the Philippines third with 25.9% growth; Australia sixth with 20% growth; Malaysia seventh with 18.3% growth; Thailand eighth with 18% growth; and Mexico ninth with 18% growth. eMarketer, Top 10 economies ranked by retail sales growth, June 2022, <https://www.insiderintelligence.com/content/top-10-countries-retail-e-commerce-growth>.

¹⁵ APEC ODR Model Procedural Rules, Art. 1(2).

For that reason, several economies have taken actions to level the playing field between the platform and traders and foster competitiveness and fair practices. For example, China has issued Anti-monopoly Guidelines on Platform Economy Sectors.¹⁶ Other economies have undertaken enforcement actions against e-platform providers such as Korea (against Goldwin Korea for restricting competition) and Mexico (against Walmart-Cornershop concerning data management).

Third, Ms. Gasol noted that in some jurisdictions such as the United States, predispute binding arbitration is permitted, including in B2C, in order to bypass the barrier and costs of litigation for low value high volume dispute. However, businesses can abuse their stronger position vis a vis consumers by imposing unfair terms to such arbitration, including high costs, or imposing the choice of forum. In other jurisdictions such as the European Union pre-dispute binding arbitration is not permitted in order to preserve consumers' traditional right to go to court. However, for cross-border B2C disputes that right is harder to exercise since courts are not a realistic option for resolution of low value cross border B2C disputes. They are too tied to geography, jurisdiction and in-person enforcement. Additionally, it may be difficult to secure the agreement of a business to use ADR or ODR post dispute in a cross-border setting. Under the EU ODR platform for B2C disputes, less than 1 per cent of traders agree to formal ADR or ODR post dispute.¹⁷

She concluded by observing that the APEC ODR Collaborative Framework would be a good tool to apply to cross-border B2C transactions, if it were adapted to account for the differences in B2B versus B2C. The Framework provides an excellent example of how governments and the private sector can collaborate in offering ODR. The private sector is much better situated to build ODR platforms than government entities or regional organizations like APEC. Moreover, the Framework and Model Procedural Rules ensure that the parties are accorded the same standards of due process and procedural protections regardless of where they are located. Additionally, the oversight provided by the APEC EC helps ensure that providers offer their services in a fair, impartial, and transparent manner.

Challenges to be addressed in extending the Collaborative Framework to B2C transactions include:

- Lack of awareness. Most consumers and traders have not heard of ODR
- Vulnerability of consumers via a via businesses
- Cross-border challenges concerning
 - Languages
 - Differing consumer protection laws in APEC economies
 - Costs
 - Enforcement

¹⁶ See China Unveils Antitrust Guidelines on Platform Economy (February 2021), http://english.www.gov.cn/policies/latestreleases/202102/07/content_WS601ffe31c6d0f72576945498.html.

¹⁷ EU, Functioning of the EU ODR Platform, December 2021, <https://ec.europa.eu/info/sites/default/files/2021-report-final.pdf>.

Part 4: Progress of APEC Economies in Implementing ODR

Prof. Yun ZHAO, University of Hong Kong, Hong Kong, China and Ms. Diana Lucia Talero CASTRO, International ODR Expert, Colombia served as moderators. The Workshop heard from ten speakers: five from economies that have opted into the Collaborative Framework; and five from economies that are considering opting into the Framework. The primary focus of the speakers was on the general use of ODR in economies in the private sector and government agencies. A panel on the second day focused on the use of ODR in courts in APEC economies.

Ms. Queenie WU, Acting Assistant Principal Government Counsel, Department of Justice, Hong Kong, China, explained that Hong Kong, China opted into the APEC ODR Collaborative Framework to encourage the use of digital technology to resolve cross-border B2B disputes, especially involving MSMEs. Hong Kong, China believes that the Collaborative Framework will strengthen APEC economies' economic and legal infrastructure, enhance collaboration among APEC economies, and create strong, balanced, inclusive, innovative, and sustainable growth. A Hong Kong, China ODR provider (eBRAM) has partnered with APEC under the Collaborative Framework.

Ms. Wu also pointed out that in 2020, the Department of Justice established the COVID-19 ODR Scheme, under which ODR services were made available for a nominal fee under the eBRAM platform for B2B and B2C transactions to facilitate quick and cost-effective resolution of Pandemic-related disputes. Other bodies, such as the Hong Kong International Arbitration Centre (HKIAC), offer virtual hearing services (using third-party service providers) for arbitration disputes administered by HKIAC. For details, see <https://www.hkiac.org/our-services/facilities/virtual-hearings>.

Prof. Angie RAYMOND, Indiana University (United States), explained that the United States opted-in to the Collaborative Framework because it imposed no legal obligations on economies and would allow U.S. ODR providers to partner with APEC. Several U.S. ODR providers have expressed an interest in partnering with APEC under the Framework. The U.S. has seen significant growth in the use of technology in the justice environment during the Pandemic, including ODR in both courts and the private sector. All the large ADR providers in the U.S. and many U.S. courts have implemented virtual hearings.

Prof. Yongmin Bian, the Deputy Dean of the School of Law, University of Business and Economics (Beijing, China), explained that China opted into the Collaborative Framework because the widespread implementation of the Framework will provide certainty and predictability to Chinese small businesses engaged in cross-border trade. In China, 38.6% of the GDP came from online commerce in 2020. For many MSMEs, ODR is more than an alternative; it is the only viable way to settle disputes, especially for small transboundary commercial transactions. Two Chinese ODR providers, GZAC and CIETAC, have partnered with APEC under the Collaborative Framework.

Professor Bian observed that ODR was also widely implemented in the private sector and Chinese courts during the Pandemic. The restrictions on travel and in-person meetings made offline dispute settlement particularly difficult, especially in international travel cases. Since the Pandemic, it has been easier to persuade parties in China to use ODR to resolve disputes. With the lifting of the Pandemic-related restrictions, China is planning several more workshops promoting the use of ODR.

Prof. Nadja ALEXANDER, Singapore Management University, School of Law (SMU), provided an overview of the results of the International Dispute Resolution Survey conducted in 2022 by SIDRA, a research center at SMU.¹⁸ Prof. Alexander reported that the SIDRA survey found that for most respondents, technology such as automated negotiation was most useful for conducting virtual/online mediation. The top factors respondents considered when deciding whether to use a wholly online platform for arbitration were travel restrictions, lower costs, low dispute value, and low complexity of issues.

Follow-up interviews with mainly Singapore users found businesses primarily used communications platforms such as Zoom rather than dedicated ODR platforms. The interviews revealed a familiarity with Zoom and a need for more awareness of the existence of ODR platforms and the benefits they provide, such as extra security, case management, document signing, and storage. Prof. Alexander concluded that work needs to be done to educate the public about the availability and benefits of dedicated ODR platforms provided under the APEC ODR Collaborative Framework.

As to the private sector, Prof. Alexander pointed out that the Singapore International Mediation Center COVID-19 Protocol to provide virtual mediation is still ongoing. It is a joint protocol with the Japan International Mediation Center to offer expedited online mediation and hybrid processes.¹⁹ Maxwell Chambers and other mediation and arbitration centers in Singapore have invested in state-of-the-art technology for virtual and hybrid hearing rooms.

Prof. Mayu WATANABE, Rikkyo University (Japan), commented on the implementation of ODR in Japan. Japan opted into the Collaborative Framework to further promote the implementation of ODR in Japan. Beyond a mere solution for disputes, ODR provides expanded access to justice, and the Collaborative Framework supports the delivery of timely legal services that benefit businesses and economies across APEC. From a Japanese perspective moving to ODR requires developing trust from users. Japan is actively reviewing its policies concerning ODR and has established two related committees: the Japanese ODR Revitalization Committee (established by the Cabinet Secretariat in 2019) and the ODR Promotion Committee (established by the Japanese Ministry of Justice in 2020).

The Japanese Ministry of Justice has recently issued an “Action Plan for Making ODR More Accessible to the Public.” Under the Action Plan, the first step is to establish a foundation for

¹⁸ Singapore International Dispute Resolution Academy (SIDRA) International Dispute Resolution Survey 2022, <https://sidra.smu.edu.sg/sites/sidra.smu.edu.sg/files/survey-2022/index.html?1>.

¹⁹ For the protocol between the SIMC and the JIMC see <https://simc.com.sg/jimc-simc-joint-protocol/>.

promoting ODR and having as many people as possible learn about ODR and use and experience the convenience while supporting the entry of private companies into the ODR market. The second mid-term stage is to implement the world's highest-quality ODR in terms of functionality and design. A user-centric design for ODR is essential for people to receive effective dispute resolution anytime, anywhere, from a single device such as a smartphone. The Action Plan further recognizes that as it moves forward with the implementation of ODR, it will be crucial to have the involvement of the public, private and academic sectors.

Mr. Anh Duong NGUYEN, the Viet Nam EC representative, explained that Viet Nam hopes to opt into the Collaborative Framework soon. First, however, Viet Nam is waiting for approval from its Supreme Court. During the Pandemic, the Vietnamese Supreme Court authorized virtual hearings in court cases.

Mr. Nguyen explained that in Viet Nam, MSMEs play a crucial role in job creation and economic growth and that effective dispute resolution is vital. However, there is very little understanding of how ODR operates. Mr. Nguyen was the leader of a Vietnamese initiative to promote ODR capacity building and implementation for MSMEs. Under the initiative, Viet Nam held training sessions and an ODR pilot for Vietnamese MSME business leaders. The ODR pilot used online negotiation, mediation, and arbitration processes to resolve sample disputes involving late delivery, payment, and quality issues. Training funds were provided by the Australian Department of Foreign Affairs and Trade. ODR use during the pilot was facilitated by Resolve Dispute Online (Australia) and the Vietnam International Arbitration Centre (VIAC). Before the training, Vietnamese MSMEs surveyed favored negotiation to resolve disputes. The use of arbitration and the courts were unpopular because they were too costly for MSMEs. Only a third of the participants believed ODR would help resolve their disputes. After the training, there was a complete shift. The vast majority of the MSMEs thought ODR would be essential to resolve their disputes.

Mrs. Netty Muharni, the Indonesian Representative to the EC, gave an overview of the role of MSMEs and the importance of ODR in Indonesia. Indonesia has one of the fastest-growing Internet economies in the region. Indonesia also has the world's fourth largest number of internet users, with 73.7% of its population connected to the internet as of January 2021. According to Mrs. Muharni, MSMEs in Indonesia represent over 99% of firms, 60.5% of GDP, and 96.9% of the workforce. Indonesia's goal is to have 30 million MSMEs engaged in digital transactions by 2024. She noted that the increasing trend of digital and non-digital cross-border transactions would correspondingly result in increased disputes between business actors. Therefore, it is important to provide ODR for resolving both B2B and B2C disputes.

Mrs. Muharni observed that the Pandemic led to the digitization of dispute settlement in Indonesia in both the private and public sectors. For example, the Badan Arbitrase Nasional Indonesia (BANI) reported increased use of online platforms for virtual hearings. During the Pandemic, the Indonesian Supreme Court also increased the use of communication technology, including digital hearings in its court processes, to keep courts open.

Mrs. Muharni noted that since the Collaborative Framework was adopted, Indonesia has held public engagements on ODR. Indonesia received strong support for ODR from its stakeholders—

policymakers, academicians, law practitioners, and business entities, including MSMEs. Stakeholders universally believe that ODR will bring substantial advantages for all parties, especially for MSMEs.

Indonesia is assessing its readiness to implement ODR and opt into the ODR Collaborative Framework. The assessment includes analyzing the regulatory and institutional framework, developing a plan of action to implement the Framework, and building stakeholder awareness (ODR providers and MSMEs). In addition, Indonesia will host an APEC Workshop on ODR in 2023.

Mrs. Muharni also stressed the importance to Indonesia of considering how to include B2C transactions within the scope of the APEC ODR Collaborative Framework, given the growth of retail e-commerce. She concluded by saying that Indonesia is looking forward to collaborating in capacity building with other economies so that Indonesian MSMEs and ODR providers can use ODR in cross-border disputes.

Mr. Nor Shahida MOHD SAHIMI, Legal Affairs Division, Prime Minister's Department, Malaysia, observed that ODR has much potential in Malaysia. He noted that there are no restrictions under Malaysian laws for virtual hearings. The Asian International Arbitration Center (AIAC) has introduced Virtual Hearing Solutions as an alternative to physical meetings and hearings and has conducted some 30 virtual hearings since 2021. Malaysia is a signatory to the Singapore Mediation Convention, which provides for the enforcement of settlement agreements across borders.

Mr. Mohd Sahimi explained that several ADR providers in Malaysia could offer ODR platforms under the APEC ODR Collaborative Framework. For example, in addition to the AIAC, the Malaysian Institute of Arbitrators (MIArb), the Chartered Institute of Arbitrators (CIArb), and the Malaysia International Mediation Centre (MIMC) provide ADR services in Malaysia. Mr. Mohd Sahimi also pointed out that there are more than 1.2 million MSMEs in Malaysia, making up over 97% of all businesses that would benefit from enhanced dispute resolution provided by ODR.

Mr. Moh Sahimi concluded by saying that Malaysia looks forward to collaborating with APEC and other economies to improve awareness among its businesses and the public of the advantages of ADR and ODR and to engage with existing players in Malaysia in implementing ODR.

Ms. Irene D.T. ALOGOC, the Executive Director of the Office for Alternative Dispute Resolution (OADR), Department of Justice, presented the Philippines private sector and government initiatives concerning ODR. The OADR was created by law to promote the use of ADR and ODR in both the public and private sectors, including consumer protection, the promotion of e-commerce, and the resolution of cross-border business disputes. The OADR conducts training, orientation activities, advocacy programs, accreditation, and certification of practitioners and reviews and proposes policy issuances and statutory changes to develop, strengthen and improve the use of ADR and ODR.

Ms. Alogoc observed that the Department of Trade and Industry is currently designing the Philippines Online Dispute Resolution System (PODRS). The system will provide an accessible facility for the filing and resolving of consumer complaints through an online platform, wherein regulatory agencies can act more efficiently as mediators and arbitrators for e-commerce transaction disputes without going through rigorous judicial proceedings.

Ms. Alogoc also noted that since the start of the Pandemic, ADR providers in the private sector have offered a video conference option upon the parties' request. However, end-to-end ODR solutions or services have yet to be implemented.

Ms. Petchlada PHUNGPRASERT, Thai Arbitration Center (THAC), provided an overview of the implantation of ODR in Thailand. In 2020 the THAC implemented an ODR platform for online negotiation, mediation, and arbitration of copyright, patent, and trademark infringement disputes, family law (including divorce and separation) disputes, and e-commerce disputes.

Ms. Phungprasert explained that with 70 percent of the Thai population connected to the internet and Thailand ranking in the top 10 in the world on retail e-commerce growth, THAC aims for ODR to become the Thai people's first choice for e-commerce dispute resolution. As a result, THAC has been engaged in promoting the use of ODR through different types of media, seminars, and door-to-door presentations. THAC offers attractive fees:

- Free Negotiation
- Mediation at 2000 THB per case (about USD 56).

However, the use of ODR remains very low. THAC has only received two e-commerce disputes on its ODR platform, both for domestic transactions. Most cases brought to the THAC ODR platform involve intellectual property disputes.

The Office of the Consumer Protection Board (OCPB) has introduced an online dispute settlement platform for consumer disputes. The OCPB acts as the third party neutral to attempt to mediate the dispute.

Ms. Phungprasert observed that in July 2020, with the advent of COVID, THAC issued updated Rules on Online Alternative Dispute Resolution Proceedings B.E. 2563 (A.D. 2020) authorizing virtual hearings for mediation and arbitration cases generally. Similarly, Thai courts have implemented virtual hearings.

3.1.2 Session Two: Progress of APEC ODR Providers

The Session was divided into two parts: the first session heard from ODR providers that have collaborated with APEC in implementing the Collaborative Framework in a session entitled "How do I use APEC ODR Services." The second part concerned a UX Usability Review of APEC Approved ODR providers conducted by Singapore Management University.

Part 1: How do I use APEC ODR services?

Prof. Kazushige OGAWA and Mr. Nicolas LOZADA moderated this part.

Ms. Pui-Ki Emmanuelle TA, CEO, of eBRAM International Online Dispute Resolution Centre, Hong Kong, China, provided an overview of the eBRAM APEC ODR platform. eBRAM's vision as a Law Tech company and ODR institution is to provide SMEs and enterprises with state-of-the-art technology and a high level of security for cross-border deal-making, dispute avoidance, and dispute resolution.

As an ODR provider under the APEC Collaborative Framework for ODR, eBRAM first launched its APEC ODR Rules in June 2021, further revised in May 2022, incorporating the APEC Model Procedural Rules, and developed a fully-fledged APEC ODR platform that complies with the ODR Framework. It is a technology-based platform with a human element for administering cases and decision-making.

The platform is entirely web-based and uses AI machine translation and transcription, AI-powered eKYC (electronic Know Your Customer) user registration and authentication management, encrypted cloud storage, in-house developed secure videoconferencing, and e-signing solutions. It is easy to use and facilitates collaboration, sharing of documents, and online meetings.

To address users' concerns about confidentiality, cybersecurity, and data privacy, eBRAM implemented safeguards, including multi-factor authentication, eKYC, and blockchain technologies. eBRAM enlists external, certified security experts to conduct cybersecurity and privacy impact assessments and total system audits on its ODR platform. eBRAM uses blockchain to ensure data integrity. Hash values of all files uploaded on the eBRAM ODR platform are stored in blockchain-enabled immunity storage.

For further information concerning the eBRAM APEC ODR platform, see https://www.ebram.org/apec_odr.html

Dr. Fan YANG, General Secretary of the Online Dispute Resolution Center, CIETAC, China, provided an overview of CIETAC's APEC ODR platform (<https://casettle.odrcloud.cn/CIETAC.html>). CIETAC is the oldest and largest arbitration institution in China. CIETAC, through its APEC ODR platform, aims to provide efficient, low-cost, accountable, convenient, and easily accessible ODR services for users. CIETAC's platform complies with the APEC ODR Collaborative Framework and Model Procedural Rules. The platform includes an English-Chinese bilingual interface and multilingual translation services to facilitate parties' communication. The parties are aided by an intelligent negotiation assistant and can communicate synchronously or asynchronously. A multi-function video conference room allows for more flexible negotiation and mediation. Automatic transfer of case materials to the next

stage and smart creation, online amendment, and online signing of settlement agreements foster efficiency and convenience.

Dr. Chen CHEN, Supervisor of the Research Project for GZAC, provided an overview of GZAC's APEC ODR platform. GZAC is one of China's largest alternative dispute resolution providers and has partnered with APEC under the ODR Collaborative Framework. GZAC's APEC ODR platform includes synchronous and asynchronous communications, on-demand transition between different ODR stages, multilingual translation, artificial intelligence to answer questions throughout the ODR process, online amendment of the settlement agreement, online signing, and issuance of legal documents for the international enforcement of settlement agreements. All information is kept confidential by a three-dimensional security system consisting of a secured communication network, a secure network parameter, and a secured computing environment. Facial recognition technology protects parties and further enhances security. Blockchain technology is used in the transmission process and for storing digital information.

The GZAC APEC ODR platform has dealt with 331 domestic and international disputes totaling over five billion yuan (698 million USD), including cases in emerging industries such as e-commerce, live streaming, and intelligent vehicle manufacturing. The average time to resolve a dispute is 37 days, with 62.84% of the disputes resolved during mediation. GZAC has held 61 seminars and press conferences to collect opinions and suggestions from scholars, e-commerce traders, and parties on how to improve the perception of its APEC-ODR platform.

For further information about the GZAC platform (including its Guidelines for the Application of the APEC ODR Rules) see <https://newodr.gzac.org/en/>.

Mr. Satoshi TSUKAMOTO, U&I Advisory, Japan, and **Mr. Shunsuke MORI**, Deloitte Tohmatsu Financial Advisory (DFTA), Japan, jointly demonstrated their ODR platform. In Japan, ODR/ADR providers must get a license from the Ministry of Justice to be allowed to use a non-lawyer as a mediator. U&I Advisory was the first recipient of the Japanese Ministry of Justice license. U&I Advisory has partnered with DFTA, an ODR platform vendor, to offer ODR services under the APEC ODR Collaborative Framework. The DFTA's "Smart Judgement" platform is highly secure and complies with the APEC ODR Collaborative Framework and Model Procedural Rules. DFTA has a comprehensive agreement to provide ODR services for e-commerce vendors and their customers. End customers can use the ODR services at no cost.

Mr. Colin RULE, the CEO of ODR.com, explained the operation of the multilingual ODR.com platform. The platform complies with the APEC ODR Collaborative Framework and meets the needs of cross-border SMEs to resolve disputes quickly and fairly. The platform software includes several key components.

--The Solution Explorer module helps parties diagnose their situation and envision acceptable resolution options. It assists users with filing cases.

--The Caseload Manager module tracks every case, calendar event, and completed activity to ensure cases stay on track and reports are accurate.

--The Meeting Room module enables disputants and neutrals to interact in an online collaborative workspace designed for their case type.

--The Reporting Engine offers real-time visibility into data on customized dashboards that can be shared internally or externally.

ODR.com does not have any arbitrators or mediators. It offers its platform to any ADR provider looking to deliver ODR services that comply with the APEC ODR Collaborative Framework. ODR.com hopes to find partners to help localize its services across APEC in different cultures.

Part 2: How can APEC assist in the improvement of ODR services

Mr. Mike Dennis and Ms. Elena Gasol RAMOS moderated this part.

Prof. Nadia Alexander introduced a UX Review of APEC Approved Online Dispute Resolution Providers conducted by Singapore Management University students. The UX Review was conducted as part of the University's collaboration with the APEC EC and SELI in implementing the APEC ODR Collaborative Framework. SMU student experts produced the UX Review: **Ashraff Jinnah, Ben Edwards, Itay Limocny, Miran Faiza Khan**. Mrssrs. Edwards and Limocny provided an overview of the UX Review at the Workshop.

The UX Review concerned two APEC ODR providers – eBRAM and CIETAC. The review considered the following criteria.

1. Efficiency of the Dispute Resolution process
2. Cost
3. User Interface
4. Linguistic Accessibility & Capabilities
5. Technical Support & Feedback Collection
6. User Capacity-Building

The UX Review concluded that both ODR providers provided user-centric ODR platforms.

eBRAM and CIETAC agreed to participate in the UX Review and have the results posted on the APEC ODR website. See <https://www.apec.org/seli/overview>. Ms. Alexander indicated that SMU would be able to conduct additional UX reviews of partnering APEC ODR providers in the future.

3.2 Day 2 Sessions

3.2.1 Session Three: Use of ODR in Other Cases

Mr. Mike Dennis and Professor Mayu Watanabe served as moderators for Parts 1 through 4 on using ODR in consumer disputes, secured transactions, insolvency, family disputes, and financial disputes. Professor Angie Raymond and Mr. Nicolás Lozada served as moderators for the panel discussion on AI in ODR.

Part 1: Consumer Cases

Mr. Nicolas Lozada, a professor at Externado University, is a practicing attorney in Bogota who often serves as an arbitrator. He first addressed steps to strengthen and expand ODR in Colombia for B2C disputes. The Colombian government is promoting various pieces of legislation that would formalize the standards for ODR in both the private and public sectors. In the meantime, practitioners are promoting ODR. Mr. Lozada observed that the private sector is generally better positioned to implement ODR platforms than governments.

Currently, in Colombia, the consumer protection authority, the Superintendency of Industry and Commerce (SIC), oversees “SIC Facilita,” a program that allows online chats between consumers and vendors, with SIC facilitating the process. In addition to being the first such system in Colombia, it has helped resolve disputes during the Pandemic. But because it relies on human intervention, it has limitations and does not generally provide effective and timely resolution of disputes.

Mr. Lozada also discussed several private sector B2C platforms implemented in the region with excellent results, including Resolución en Línea launched by CAM Santiago in Chile. The Resolución en Línea platform allows businesses to sign up voluntarily to offer ODR to their customers through algorithm-assisted negotiation and mediation. Thus far:

- 170 companies have subscribed to the platform
- over 400 cases have been resolved
- the average claim value is USD 150
- 60% of cases were resolved overall (99% in the algorithm-assisted negotiation stage)
- 50% of settlements were reached in less than 48 hours.²⁰

Looking forward, Professor Lozada felt that a Framework like the APEC ODR Collaborative Framework would enhance cross-border B2C e-commerce. He urged APEC to consider extending the Framework to consumers and other economies outside APEC.

Prof. Jean-Francois ROBERGE, Judge, Cour du Québec (Canada), discussed how ODR could help improve access to justice issues (A2J), including for B2C disputes. A2J is one of the United Nations' sustainable development goals (objective 16). Mr. Roberge observed that over 5 billion people have no meaningful access to justice and an estimated 1.5 billion – one in five people worldwide – have been left with justice problems they cannot solve, whether that involves a land dispute, consumer debt, or being the victim of crime. As a result, economies are moving toward a people-centered vision of A2J through digital justice through collaboration between the private and public sectors.

Professor Roberge, cited as an example the Cyberjustice Laboratory of the University of Montreal development of an innovative web-based tool called Parle Consommation that provides an ODR

²⁰ See APEC Study on Best Practices in Using ODR at 33.

solution (negotiation and mediation) to solve B2C disputes. It allows the parties to find an amicable solution to their dispute, with or without the intervention of a mediator, in a confidential, neutral, and secure digital environment. A consumer can undertake the process by contacting the Quebec Office of Consumer Protection. Businesses sign up voluntarily, and the service is free of charge. The platform was launched in 2016 and has reported the following results:

- 10,000 cases processed
- disputes settled within 25 business days
- a dispute settlement rate of over 70% (with 75% of the disputes settled during the negotiation stage)
- a 90% user satisfaction rate (even though the settlement rate was only 70%)

The process is roughly 12 times cheaper and faster than the traditional court process in Quebec.²¹

Part 2: Secured Transactions/Insolvency

Ms. Diana Talero, International Consultant (Colombia), described the Colombian legal framework for secured transactions, which provides a unique regime for the extrajudicial enforcement of security rights through chambers of commerce and ODR systems. According to the Colombian Secured Transaction Law, any dispute concerning the creation, interpretation, priority, enforcement, and liquidation of a movable security interest can be submitted by the parties for settlement, arbitration, or any other alternative dispute resolution mechanism, including ODR. The Colombian legal framework also permits insolvency proceedings before a chamber of commerce, allowing the debtor to negotiate directly with creditors for three months with the assistance of a mediator, including through ODR. It also enables any objections from creditors to be resolved through any ADR method permitted under Colombian law, including arbitration and ODR. In an expedited confirmation, the arbitrator can validate an agreement reached through mediation.

Part 3: Financial Disputes

Prof. Zhao, discussed the use of ODR for resolving financial disputes. He observed that existing grievance redress mechanisms in the financial sector are too fragmented, costly, complicated, and time-consuming for consumers. The financial sector is characterized by the existence of numerous small value disputes.

Professor Zhao explained that ODR offers a variety of mechanisms to simplify grievance redress, providing consumers with end-to-end support, from the point of filing a complaint to the complete resolution of their grievance. Many jurisdictions now have an internal dispute resolution service provided by banks to resolve consumer disputes through ODR.

²¹ Id.

Professor Zhao noted that eBay and PayPal had resolved 60 million disputes yearly using ODR. The first website in the U.S. to offer an online settlement of financial claims was Cybersettle which created a simple algorithm to settle claims via blind bidding. Smart Settle subsequently created a more complex software platform that could mathematically optimize resolutions across many negotiating points.

Additionally, he explained that China's Online Platform of the Financial Ombudsman Service, launched in December 2017, integrates various financial dispute mediation organizations across China through the platform to provide an economy-wide mediation network in the financial sector. It aims to provide a one-stop dispute resolution platform, covering services from accepting complaints to offering AI consultation, online and offline mediation, and legal evaluation by experts. Other services include those related to judicial proceedings, such as online judicial confirmation, docking of litigation and mediation, etc. In addition to the website, there is also a "Financial Ombudsman Service APP" for cell phone users.

In 2018, a third-party electronic contracting platform (Fa Da Da) and the GZAC set up a one-stop online arbitration service platform for internet loan (P2P) disputes. In 2019, the China quality network and Jiu Fu Group set up a one-stop ODR platform for financial products disputes.

Part 4: Family Law

Colin Rule highlighted that the use of ODR for family disputes is growing rapidly worldwide. ODR is cost-effective for family law disputes in U.S. courts (50 percent cheaper) and faster (ODR takes six days compared to a month in some jurisdictions). Most resolutions occur when the court is closed. Typically, the software walks the participants through a diagnosis process to pre-negotiate issues before a formal hearing or mediation. In some cases, the parties can agree on all the major issues in their parenting plan without a mediator or appearing in front of a judge. ODR can help preserve relationships between co-parents and streamline the enforcement of agreements. Private family mediators also use ODR technologies to support divorcing couples and post-separation co-parenting management services.

Part 5: Use of AI in ODR.

This Part was moderated by Prof. Angie RAYMOND and Mr Nicolas LOZADA.

Andy LEE, professor at Sichuan University and President of the eBridge China Research Institute, addressed the role of artificial intelligence in the ODR process.

Professor Lee noted that the term AI in ODR is sometimes applied to IT ODR solutions that do not qualify as AI in ODR. Professor Lee explained that AI in ODR is more than computer-aided ODR workflows, smart ODR, ODR using Big Data analytical tools, or blockchain. AI applied to ODR means the capacity to synthesize and infer new answers to questions that are not part of its initial knowledge by extrapolating from data, logic, and machine learning. Examples of AI include the ability to perform tasks such as speech recognition, visual perception, decision-making, and

translation between languages. Primary examples of AI in ODR include assisting with mediation, AI alone mediation, or AI assistance in enforcing the outcome.

Because e-commerce tends to create cross-border micro-disputes, it lends itself to an AI-powered automated dispute resolution tool. Consumers' satisfaction with ODR rests more upon the resolution speed than the outcome, another characteristic that favors AI. Finally, computers can achieve outcomes much faster than humans.

Professor Lee observed that in the future, AI mediation will significantly reduce the cost of mediation and change the dispute resolution landscape. Machine learning will provide AI mediation modules with large amounts of data from past cases and resolutions of disputes. As a result, the AI module will possess unparalleled legal knowledge.

Professor Lee also noted that AI could be built on rules that promote fairness, with case-based reasoning and decision support systems. Moreover, AI can improve over time with additional data and experiences. AI can help support various elements of ODR, including group calls, online record confirmation, mediation knowledge, case assessment, and facilitating multiple languages. Additionally, AI can be integrated at various levels, including resolution generating, aided mediation, assisted mediation, and AI-alone mediation. Reliance on AI, however, brings many challenges. These include finding the optimal solution to a dispute and managing a rule-based system.

AI also comes with certain risks, including the breach of privacy through unauthorized access, vulnerability to viruses and other attacks, and biased or unethical underlying rules.

Concluding his remarks, Professor Lee sees AI-assisted ODR as the future. However, adopting AI will require the appropriate technology, deep learning for training the AI system, access to sufficient data for analytical guidance, and social credit for enforcement.

Colin Rule agreed with Professor Lee that AI will play a greater role in ODR faster than predicted. He cited the recent launch of CPT Chat (opting for language models for dialogue <https://openai.com/blog/chatgpt/>) to illustrate that AI in ODR is technically and commercially feasible.

He also discussed ethical issues associated with the use of AI. For example, judges in Wisconsin and other U.S. state courts use an AI mechanism to advise criminal case sentencing. The computer program gathered thousands of criminal sentencing cases and correlated those sentences with offender information and offense information. Judges typically followed the recommendations but were not required to do so. In a Wisconsin Supreme court decision, the Court held that a trial court's use of the algorithmic risk assessment in sentencing did not violate the defendant's due process rights, even though the methodology used to produce the assessment was not disclosed to the court or the defendant.²²

²² Loomis vs. Wisconsin, 881 NW 2d 749 (Wisc. 2016), cert den. 137 S Ct. 2290 (2017).

Mr. Rule noted that the European Ethical Charter on the Use of Artificial Intelligence in Judicial Systems and their environment highlights five essential principles: (1) respect the fundamental rights of participants; (2) prevent non-discrimination against individuals; (3) safeguard quality and security by using certified data sources; (4) ensure transparency, impartiality and fairness in the implementation of AI; and most importantly (5) maintain AI “under user control.”²³ He stressed that there should always be a layer of human review to prevent a prescriptive approach and rectify the decision.

3.2.2. Session Four: Use of ODR in Courts in APEC

A third panel on day 2 reviewed the use of ODR in APEC courts. A first panel considered judicial reforms undertaken by APEC economies in the Courts during the Pandemic, particularly those concerning ODR. A second panel considered how APEC could assist in the implementation of the use of ODR in APEC Courts.

Part 1: Implantation of judicial reforms in APEC economies during the Pandemic, particularly ODR

The moderators for the panel were Ms. Angie RAYMOND and Ms. Netty MUHARNI.

Mr. Colin Rule explained that In the United States, the fastest-growing area for ODR is the courts. Over 80 courts in the U.S. are now deploying ODR systems to facilitate early resolution in low-value civil cases such as small claims, workplace disputes, landlord-tenant, or debt collection, and these tools are getting traction in family courts as well.

Prof. Yongmin BIAN reported that China had used ODR in courts since the Pandemic. Before the Pandemic, the government established internet courts in Hangzhou, Guangzhou, and Beijing. These courts report excellent results. For example, in the case of the Hangzhou internet court:

- 90% of cases were filed online
- 100% heard online with the parties’ agreement
- online hearings took an average of 28 minutes
- the whole proceedings took an average of 38 days.

These courts use technology for case management (e.g., computerization of documents and processes) and to facilitate access to justice. The Supreme People’s Court of China issued Rules on Online Litigation in the People’s Courts in June 2021 to clarify special procedural issues in ODR, including the use of electronic evidence.

Prof. Nadja ALEXANDER discussed the implementation of ODR in the Singapore Courts. Before the Pandemic, Singapore Courts had launched an ODR Platform for Motor Accident Claims (<https://motoraccidents.lawnet.sg/>). The platform provides an Outcome Simulator in Phase 1

²³ The Charter is available at <https://www.coe.int/en/web/cepej/cepej-european-ethical-charter-on-the-use-of-artificial-intelligence-ai-in-judicial-systems-and-their-environment>.

and an e-Settlement and Online Mediation Platform in Phase 2. The State Courts had also launched e-filing, e-negotiation, and e-mediation platforms for neighborhood and employment disputes.

During the Pandemic in 2020, the Supreme Court of Singapore announced that ODR measures would be implemented to ensure the “continuity of court operations and services” while “safeguarding the health and safety” of practitioners and court users. It implemented measures across the State, Family Justice, and Supreme Courts to allow more pre-trial case management and conference matters to be heard via teleconference or video conference. Video-conference hearings are now commonly conducted in the Singapore International Commercial Court and will be extended to trials in suitable cases. Court mediation will be conducted using video conferencing unless there are special reasons.

Prof. Yun ZHAO explained that since 2020, the Judiciary in Hong Kong, China, has been incrementally adopting video-conferencing facilities to conduct remote hearings in appropriate civil court cases. Hong Kong, China courts had conducted 1,000+ remote hearings by late September 2021. The Court has also implemented an integrated court case management system for handling court documents and electronic payments. See https://www.judiciary.hk/en/court_services_facilities/gap_remote_hearing.html.

Mr. Anh Duong NGUYEN reported that the Pandemic has led to increased use of digitalization generally in dispute settlement in Viet Nam. In November 2021, Vietnam's National Assembly approved a resolution that allows the People's Court to hold online proceedings for first-instance trials and simple appeal trials in criminal, civil, and administrative cases. Since then, Vietnamese courts have heard over 3,600 cases online. Vietnamese courts are also promoting e-filing and exploring the possible use of AI in legal counseling services.

Mr. Irfan Adhitya PERMADI, Coordinator for APEC and Sub-Regional Economic Cooperation, Indonesia, highlighted that during the Pandemic, Indonesian courts implemented an electronic court policy that includes virtual hearings, e-filing, e-summons, and e-litigation. The use of these mechanisms has gained momentum since the Pandemic. In addition, the court has also implemented a small claim dispute resolution mechanism that is beneficial to MSMEs.

Mr. Nor Shahida MOHD SAHIMI reported that in 2020, Malaysia enacted amendments to its laws that allow its courts to conduct proceedings through remote communication technology. Additionally, in July 2020, the Courts in Malaysia introduced online mediation in all civil and commercial proceedings through video conferences. The Malaysian judiciary has established 18 Mediation Centers. There is a positive increase in the number of cases referred to online mediation and its success rate. The trends indicate an increase in the public's confidence in the Malaysian judicial system, particularly in resolving civil cases through online mediation.

Ms. Irene D.T. ALOGOC highlighted that the Supreme Court of the Philippines institutionalized videoconferencing for hearings for all courts at the outset of the Pandemic. From May 2020 to

October 2022, 1,139,720 online hearings in criminal and civil cases were conducted in the Philippines.

Mr. Shinji KUSAKABE, Anderson Mori & Tomotsune (Japan) explained that in **Japan**, the Japanese Code of Civil Procedure was amended in May 2022 to permit:

- Online attendance for formal hearings and web-based witness examinations beginning in 2024; and
- Use of an online case management system starting in 2026.

Mr. Maxim Kaziev, Ministry of Economic Development of the Russian Federation, reported the enhancement of regulation towards use of ODR in the judicial system within the economy and depicted recent developments of integration of legal technology in consumer protection (Moscow city consumer website) and insolvency cases (Bankro.Tech).

Part 2: How can APEC assist in the implementation of ODR in APEC courts

A second panel considered how APEC could assist in implementing ODR in APEC Courts using the Civil Resolution Tribunal (CRT) in British Columbia as a best practice example. Mike Dennis and Elena Gasol Ramos served as moderators.

Ms. Simmi SANDHU, the Chair of the Civil Resolution Tribunal (CRT) in British Columbia, Canada, provided an overview of the CRT operation established in 2016. When it was established, the CRT was one of the first online administrative tribunals, not only in Canada, but the world. It provides online negotiation, facilitation (mediation), and decision-making for small claims (up to CAD 5000), vehicle accidents, strata property (condominium), and societies and cooperative (housing) disputes. Most cases are resolved during the negotiation and facilitation stages, with only 25% resolved by adjudication. CRT surveys show that the vast majority (81%) of the participants would recommend CRT to others, 83% felt the CRT process was easy or neither easy nor difficult to understand, and 86% felt they were treated fairly.

Ms. Sandhu stressed that access to justice is not improved by simply moving aspects of the existing justice system online. CRT is designed to transform the justice system by improving access and accessibility to a justice process by taking it to the public according to their preferences and convenience rather than requiring them to physically come to court. The CRT process was designed by incorporating extensive user feedback and relies on user feedback for continuous improvement of its process. Guiding principles in designing the CRT include:

Flexible – process provides a range of dispute resolution options.

Accessible – process available 24/7, free legal information and support, free telephone interpretation in over 200 languages, web accessibility best practices, and different ways for the public to engage with CRT, including paper forms or telephone service.

Efficient – active case management, tailored timelines and processes, and avoiding duplication.

Timely – focus on an early resolution within 60-90 days.

Affordable – staged fees throughout the process, no travel/legal costs, and simple fee waivers.

Usability -- continuous user consultation and improvement.

Ms. Sandhu stated that CRT stands ready to assist other APEC economies in implementing ODR in their courts.

3.3 Day 3 Sessions

3.3.1 Session Five: Enhancing Implementation of Online Dispute Resolution (ODR) through the APEC ODR Collaborative Framework and Administrative Implementation Work Plan, including Best Practices on ODR, ISO Project on ODR, and other Significant Issues.

The session was an open discussion of issues.

Applying the Collaborative Framework and Model ODR Procedural Rules in cases of default in negotiated or mediated settlement agreement

One issue that arose during the final session was whether the APEC ODR Model Procedural Rules sufficiently covered the situation where there was a default in a negotiated or mediated settlement agreement. Under the Model Rules (Article 10), settlement agreements reached at any stage of the ODR proceedings are recorded on the ODR platform, at which point the proceedings will automatically terminate. The Singapore Convention on Mediation²⁴ provides for expedited enforcement of mediated settlement agreements. However, the Convention has not been widely implemented by APEC economies. Furthermore, *negotiated* settlement agreements fall outside the scope of the Convention.

It was pointed out that to protect against defaults, the parties when entering into a negotiated or mediated settlement agreement, may also include an ODR clause which would automatically refer any dispute relating to the settlement agreement to ODR under the APEC ODR Collaborative Framework. Additionally, some APEC ODR providers have expanded on the APEC Model Procedural Rules, saying that if a settlement is reached after the appointment of a neutral, the settlement may be recorded as an award by consent. If the settlement is reached before the appointment of a neutral, the parties may request the appointment of a neutral to issue an award

²⁴ United Nations Convention on International Settlement Agreements Resulting from Mediation (New York, 2018) (Singapore Convention on Mediation), available at https://uncitral.un.org/en/texts/mediation/conventions/international_settlement_agreements. The Convention has been signed by several APEC economies, but only Singapore has implemented the Convention.

by consent, recording the parties' settlement. An award by consent generally has the same legal effect as an arbitral award and is enforceable under the New York Convention.²⁵

Collaboration With Other APEC Entities

Economies stressed the importance of collaborating with other APEC entities, such as ABAC and the APEC SME Working Group. It was noted that collaboration with other entities is a critical element of the SELI ODR Work Plan. EC Chair James Ding said he had personally attended the most recent ABAC meeting to highlight the importance of ABAC's involvement in implementing the Collaborative Framework. ABAC members questioned why more economies have not opted into the Collaborative Framework and asked whether there was a problem with the Framework. Dr. Ding noted that it is essential that more economies opt into the Collaborative Framework to encourage more businesses to make use of it. He reminded economies that no legal obligations are associated with opting into the Collaborative Framework.

Opting into the Collaborative Framework

Several economies stressed the importance of the Framework for their MSMEs.

One economy said it was still carefully considering the impact of opting into the Collaborative Framework on its domestic arbitration and alternative dispute resolution system. However, it was pointed out that the Collaborative Framework (para. 2.2) states that "The ODR Framework is not intended to interfere with the operation by participating economies of their arbitration and alternative dispute resolution systems."

Extending the Collaborative Framework to B2C Disputes

Another question concerned whether extending the Collaborative Framework to B2C disputes was necessary when statistics show that retail e-commerce is increasing dramatically in APEC economies.²⁶ It was pointed out that these statistics did not differentiate between domestic and cross-border e-commerce. Studies by ABAC show that the lack of dispute resolution is a significant issue for customers in cross-border e-commerce.²⁷ (The Report also contains a more detailed discussion of the possible application of the Collaborative Framework to B2C disputes at pages 14-17 supra.)

Next Steps

²⁵ See Study on Best Practices in Using ODR at 13-14.

²⁶ See note 14 supra and accompanying text pointing out that APEC had 7 out of the top 10 economies in the world for retail e-commerce sales growth, with an average growth rate projected at over 20 percent.

²⁷ See ABAC & USC Marshall School of Business, Driving Economic Growth through Cross-Border E-Commerce in APEC: Empowering MSMEs and Eliminating Barriers, November 2015, at 35,

<https://www2.abaonline.org/assets/2015/4%20Manila/MSMEEWG%2035-053%20USC%20Marshall%20SMMEs%20in%20e-Commerce%20Research%20Project%20Full%20Report.pdf> (reporting that 94% of customers found dispute resolution and returns to be a problem when trading across borders)..

Economies were appreciative of the efforts undertaken by Japan in hosting the Workshop. Several economies stressed the importance of holding additional workshops concerning implementation of the Collaborative Framework and ODR more generally.

Indonesia noted that it would host an APEC workshop on ODR in the Summer of 2023.

Three participants (from the U.S., Canada, and Mexico) are members of the newly established Dispute Resolution Advisory Committee under the new United States-Mexico-Canada Agreement (USMCA) (July 2020). They are responsible for promoting the development of alternative dispute resolution, including ODR within the three economies. They believe the Collaborative Framework will be an important element of their work since the United States, Mexico and Canada are all APEC members. They hope to be able to work collaboratively with the APEC EC and SELI.

Professor Hayakawa noted that the International Standards Organization working group on Transaction Assurance in E-commerce -- Guidelines for Online Dispute Resolution (ISO/TC321/WG 3), is using the APEC ODR Collaborative Framework and Model Procedural Rules to develop Basic Principles for ODR

IV. CONCLUSIONS AND RECOMMENDATIONS

The conclusions of the Workshop are as follows:

- APEC-wide implementation of the APEC ODR Collaborative Framework will assist businesses, particularly MSMEs engaged in cross-border trade, with quick and affordable dispute resolution and enforcement across borders, languages, and legal jurisdictions.
- Economies that opt-in to the Collaborative Framework contribute to all four pillars of EAASR (Enhanced APEC Agenda for Structural Reform) by
 - Enhancing MSMEs' competitiveness by providing low-cost dispute resolution in cross-border trade;
 - Boosting speedy business recovery and resilience against future shocks by assisting MSMEs in recovering debt and settling disputes
 - Empowering MSMEs and women to participate more fully in the global supply chain
 - Harnessing innovation and new technology to boost productivity
- Several APEC ODR Providers implemented ODR platforms per the ODR Collaborative Framework and Model Procedural Rules and are seeing great time and cost reduction. ODR can substantially reduce timelines and costs for MSMEs' dispute resolution compared to courts.
- Pandemic-related travel restrictions and social distancing forced an unprecedented adoption of technology by APEC courts and ADR providers. In most instances, this has meant virtual hearings.
- However, ODR has much more to offer than online communication. Advanced technologies such as Artificial Intelligence (AI) and machine learning remain largely untapped by the justice system and ADR providers.

- According to the OECD, more people (65% of the world) have access to the internet than access to justice (less than 50%). ODR has the potential to align the justice system with our digital society.
- ODR must be user-centric, including procedural flexibility, efficiency, accessibility, affordability, useability, and capacity building.
- Principles applying to APEC ODR Providers and Neutrals in any ODR proceedings include accountability, competency, security, confidentiality, equality, fairness, impartiality, legality, and transparency.
- Retail e-commerce is rapidly expanding in APEC. An ODR framework to resolve B2C disputes across borders would benefit consumers enormously by giving them access to competitively priced products. The digital retail economy provides APEC MSMEs an opportunity to expand their customer base beyond domestic borders and build back better after the Pandemic.

The Recommendations of the Workshop are:

- APEC Economies should favorably consider opting into the Collaborative Framework.
- APEC EC/SELI should continue to partner with as many ODR providers as possible (from economies that have opted in).
- APEC EC should endorse the APEC Study on Best Practices in Using ODR and post it on the APEC ODR website.
- APEC EC should post reviews by the Lead Academics, including the finalized SMU UX Review, on the APEC ODR website.
- APEC Economies should encourage their MSMEs to incorporate model dispute resolution clauses of APEC ODR providers in their contracts.
- SELI, with the help of Lead Academic Institutions, should:
 - Work with ABAC to promote the Collaborative Framework and identify businesses willing to participate.
 - Stimulate economy-level capacity building for governments, lawyers, MSMEs, potential platform providers, and courts for implementation of ODR through workshops, webinars, etc. (See SELI Administrative Implementation Work Plan on APEC ODR Collaborative Framework, Part II).
 - Promote improvement of APEC legal regimes on ODR, including encouraging the implementation of UNCITRAL texts.
 - Conduct regular APEC-wide follow-up workshops, webinars, and other events as the pilot progresses.
 - Discuss the applicability of the Collaborative Framework to B2C transactions, including through workshops and additional studies.
 - Continue to conduct UX reviews of APEC-approved ODR Providers.

APEC Workshop on Enhancing Implementation of Online Dispute Resolution (ODR) through the APEC ODR Collaborative Framework and other Fora including Courts

Japan International Dispute Resolution Center, Tokyo, Japan

December 7-9, 2022

Program

Day 1: December 7, 2022

9:00-9:15	Registration
<i>1st Session</i>	Opening and Progress of ODR in APEC
9:15-9:35	<p>Part 1: Opening Remarks</p> <p>Mr. Masanori TACHIBANA, Director, Information Policy Planning, Commerce and Information Policy Bureau, METI, Japan</p> <p>Dr. James DING, EC Chair, Hong Kong, China</p> <p>Prof. Yoshihisa HAYAKAWA, SELI Convenor, Japan</p>
9:35-9:40	Photo-taking Session
9:40-10:20	<p>Parts 2 and 3: Progress on Implementation of ODR and the APEC ODR Collaborative Framework; Study on Best Practices in Using ODR (including Q&A)</p> <p>Moderator:</p> <p>Dr. James DING, EC Chair, Hong Kong, China</p> <p>Prof. Yoshihisa HAYAKAWA, SELI Convenor, Japan</p> <p>Speaker:</p> <p>Mr. Mike DENNIS, International ODR Expert, United States</p> <p>Ms. Elena Gasol RAMOS, Global Knowledge Lead, Digital Regulations, World Bank, United States</p>
10:20-10:30	Coffee Break (provided by Japanese private sectors)
10:30-12:30	<p>Part 4: Progress of ODR in the APEC Member Economies (including Q&A)</p> <p>Moderator:</p> <p>Prof. Yun ZHAO, University of Hong Kong, Hong Kong, China</p> <p>Ms. Diana Lucia Talero CASTRO, International ODR Expert, Colombia</p> <p>Speakers:</p> <p>Prof. Nadja ALEXANDER, Singapore Management University, Singapore</p>

	<p>Prof. Mayu WATANABE, Rikkyo University, Japan Prof. Angie RAYMOND, Indiana University, United States Prof. Yongmin BIAN, University of International Business and Economics, China Ms. Queenie WU, Acting Assistant Principal Government Counsel, Department of Justice, Hong Kong, China Mr. Anh Duong NGUYEN, Department for General Economic Issues and Integration Studies, Viet Nam Ms. Netty MUHARNI, Assistant Deputy Minister for Regional and Sub-Regional Economic Cooperation, Indonesia Mr. Nor Shahida MOHD SAHIMI, Legal Affairs Division, Prime Minister's Department, Malaysia Ms. Irene D.T. ALOGOC, Office for Alternative Dispute Resolution, Department of Justice, Philippines Ms. Petchlada PHUNGPRASERT, Thai Arbitration Center, Thailand</p>
12:30-2:00	Lunch (hosted by Japanese private sector (U&I Advisory))
<i>2nd Session</i>	<i>Progress of the Activities of ODR Providers in APEC</i>
2:00-3:40	<p>Part 1: How do I use ODR services? (Including Q&A) Moderator: Prof. Kazushige OGAWA, Rikkyo University, Japan Mr. Nicolas LOZADA, REDEK, Colombia Speakers: Ms. Pui-Ki Emmanuelle TA, CEO, eBram, Hong Kong, China Dr. Fan YANG, General Secretary of the Online Dispute Resolution Center, CIETAC, China Dr. Chen CHEN, Supervisor of Research Project, GZAC, China Mr. Satoshi TSUKAMOTO, U&I Advisory, Japan and Mr. Shunsuke MORI, Deloitte Thomatsu Financial Advisory, Japan Mr. Colin RULE, ODR.com, United States</p>
3:40-3:50	Coffee Break (provided by Japanese private sectors)
3:50-5:00	<p>Part 2: How can APEC assist the improvement of ODR services? (including Q&A) Moderator: Mr. Mike DENNIS, International ODR Expert, United States Ms. Elena Gasol RAMOS, Global Knowledge Lead, Digital Regulations, World Bank, Spain Speakers: Prof. Nadja ALEXANDER, Singapore Management University, Singapore Mr. Ben EDWARDS, Singapore Management University, Singapore</p>

	Mr. Itay LIMOEY, Singapore Management University, Singapore
6:30-8:30	Welcome Dinner (Hosted by Japanese private sector (U&I Advisory))

Day 2: December 8, 2021

9:00-9:15	Registration
9:15-9:20	Introduction and Summary of Day 1 Prof. Yoshihisa HAYAKAWA, SELI Convenor, Japan
<i>3rd Session</i>	Advanced use of ODR
9:20-10:40	Advanced use of ODR in various disputes (including Q&A) Moderator: Mr. Mike DENNIS, International ODR Expert, United States Prof. Mayu WATANABE, Rikkyo University, Japan Speakers: Prof. Jean-Francois ROBERGE, Judge, Cour du Québec (Consumer Disputes)* Mr. Nicolás LOZADA, REDEK, Colombia (Consumer Disputes) Ms. Diana Lucia Talero CASTRO, International ODR Expert, Colombia (Secured Transactions and Bankruptcy) Prof. Yun ZHAO, University of Hong Kong, Hong Kong, China (Financial Disputes) Mr. Colin RULE, ODR.com, United States (Family Disputes)
10:40-10:50	Coffee Break (provided by Japanese private sectors)
10:50-12:00	Advanced use of ODR with AI (including Q&A) Moderator: Prof. Angie RAYMOND, Indiana University, United States Mr. Nicolás LOZADA, Redek, Colombia Speakers: Prof. Anyu (Andy) LEE, Beijing eBridge China Research Institute, China
12:00-1:30	Lunch (hosted by Japanese private sectors (U&I Advisory))
<i>4th Session</i>	ODR in Courts in the APEC region
1:30-3:30	ODR in Courts of the APEC Member Economies (including Q&A) Moderator: Prof. Angie RAYMOND, Indiana University, United States Ms. Netty MUHARNI, Assistant Deputy Minister for Regional and Sub-Regional Economic Cooperation, Indonesia Speakers: Mr. Shinji KUSAKABE, Anderson Mori & Tomotsune, Japan Mr. Colin RULE, ODR.com, United States Prof. Yongmin BIAN, University of Int'l Business and Economics, China

	<p>Prof. Nadja ALEXANDER, Singapore Management University, Singapore</p> <p>Prof. Yun ZHAO, University of Hong Kong, Hong Kong, China</p> <p>Mr. Anh Duong NGUYEN, Department for General Economic Issues and Integration Studies, Viet Nam</p> <p>Mr. Irfan Adhitya PERMADI, Coordinator for APEC and Sub-Regional Economic Cooperation, Indonesia</p> <p>Mr. Nor Shahida MOHD SAHIMI, Legal Affairs Division, Prime Minister's Department, Malaysia</p> <p>Ms. Irene D.T. ALOGOC, Office for Alternative Dispute Resolution, Department of Justice, Philippines</p> <p>Ms. Simmi SANDHU, CRT, Canada</p>
3:30-3:40	Coffee Break (provided by Japanese private sector)
3:40-5:00	<p>How can APEC assist the improvement of ODR including ODR in Courts? (including Q&A)</p> <p>Moderator:</p> <p>Mr. Mike DENNIS, International ODR Expert, United States</p> <p>Ms. Elena Gasol RAMOS, Global Knowledge Lead, Digital Regulations, World Bank, Spain</p> <p>Speakers:</p> <p>Ms. Simmi SANDHU, CRT, Canada</p> <p>Mr. Colin RULE, ODR.com, United States</p>

Day 3: December 9, 2022

9:00-9:15	Registration
9:15-9:25	<p>Introduction and Summary of Day 1 and 2</p> <p>Prof. Yoshihisa HAYAKAWA, SELI Convenor, Japan</p>
<i>5th Session</i>	Open Issues (continued) and Conclusions and Recommendations
9:25-10:25	<p>Enhancing Implementation of Online Dispute Resolution (ODR) through the APEC ODR Collaborative Framework Collaborative Framework and Administrative Implementation Plan – including Best Practice on ODR, ISO Project on ODR and other significant issues</p> <p>Moderator:</p> <p>Dr. James DING, EC Chair, Hong Kong, China</p> <p>Ms. Elena Gasol RAMOS, Global Knowledge Lead, Digital Regulations, World Bank, Spain</p> <p>Speakers:</p> <p>Prof. Yoshihisa HAWAKAYA, SELI Convenor, Japan</p> <p>Mr. Mike DENNIS, International ODR Expert, United States</p>
10:25-10:35	Coffee Break (provided by Japanese private sectors)

10:35-12:30	Open Discussion
12:30-2:30	Lunch
2:30-3:40	Drafting Session
3:40-3:50	Coffee Break
3:50-4:50	<p>Conclusions and Recommendations</p> <p>Moderator:</p> <p>Dr. James DING, EC Chair, Hong Kong, China</p> <p>Ms. Elena Gasol RAMOS, Global Knowledge Lead, Digital Regulations, World Bank, Spain</p> <p>Speakers:</p> <p>Prof. Yoshihisa HAWAKAYA, SELI Convenor, Japan</p> <p>Mr. Mike DENNIS, International ODR Expert, United States</p>
4:50-5:00	<p>Closing Remarks</p> <p>Dr. James DING, EC Chair, Hong Kong, China</p> <p>Prof. Yoshihisa HAYAKAWA, SELI Convenor, Japan</p>

APPENDIX II

SPEAKERS

Mr. Masanori TACHIBANA

Mr. Masanori TACHIBANA is currently taking the leadership role as the Director for Information Policy Planning of the Ministry of Economy, Trade, and Industry, spearheading various projects related to information policy such as AI governance, Agile governance, privacy governance, and policy planning for data use in Japan with an emphasis on facilitating public-private communication and creating dialogues among key stakeholders. Before his current role, he had developed his expertise in the field of intellectual property rights domestically as a patent examiner in the Japan Patent Office and globally as a Counselor at the PCT Legal Department of the World Intellectual Property Organization, where he took the lead in advocacy activities targeted at Japanese companies and IP experts to better accommodate global perspectives into their corporate IP strategies towards global harmonization of patent legal frameworks.

Dr. James DING

Dr. James Ding has been the Chair of the APEC Economic Committee since 2019. He is also the head of the International Law Division of the Department of Justice of Hong Kong, China and reports to the Secretary for Justice on issues of international law and international legal cooperation. He was awarded the Chief Executive's Commendation for Government/Public Services in 2021.

He has published on different international law and cooperation subjects and has given various presentations at international and regional conferences, including APEC, HCCH, UNCITRAL, and UNIDROIT events.

He obtained LL.B.(Hons) and Postgraduate Certificate in Laws (Distinction) from the University of Hong Kong, an LL.M. from Kyushu University, Japan (under the Monbusho scholarship), and a Ph.D. from the University of Queensland, Australia. He also received various training in laws and management at Fudan University, Tsinghua University, the Chinese Academy of Governance, the International Law Institute, and the University of Oxford. He became a barrister in Hong Kong in 1997 and joined the Department of Justice in 1999. He also taught law part-time at the University of Hong Kong and the Open University of Hong Kong from 1998 to 1999.

Prof. Yoshihisa HAYAKAWA

Professor Hayakawa serves as a law professor at Rikkyo University, Tokyo, and is the Convenor of the APEC Economic Committee Strengthening the Economic and Legal Infrastructure FoTC. He has taught and conducted research at various foreign universities, including Columbia University, Cornell University, QM College of the University of London, and the Australian National University. As a partner at Uryu & Itoga, Tokyo, Professor Hayakawa serves as Counsel or Arbitrator in transnational litigation and international commercial arbitration cases. He has

represented Japan in inter-governmental organizations, including UNCITRAL, APEC, and The Hague Conference on private international law matters. Professor Hayakawa also serves as President of the Japan National Committee of UIA, a Japanese Member of the Commission on Arbitration and ADR of the ICC, and a Japanese Member of the Users Council of SIAC. He further serves as Secretary General of the Japan International Dispute Resolution Center.

Mr. Mike DENNIS

Mr Mike Dennis is a private international law consultant. He served as a legal consultant to the EC for the APEC ODR Collaborative Framework and Model Procedural Rules. He developed the Administrative Implementation Work Plan and the related Proposal for an APEC ODR Satellite Website for the Collaborative Framework. He is a U.S. expert member of the ISO working group on developing standards for transaction assurance in e-commerce, including dispute resolution. He is also a member of the Inclusive Global Legal Innovation Platform on Online Dispute Resolution (GLIP on ODR) (in collaboration with UNCITRAL)). He was the Executive Director of the Department of State Advisory Committee on Private International Law from 2007 to 2018. He also served as the Representative of the United States to UNCITRAL, where he headed U.S. delegations on many private international law matters, including the UNCITRAL Arbitration Rules, the UNCITRAL Technical Notes on ODR, the UNCITRAL Model Law and Legislative Guide on Secured Transactions, the UNIDROIT Model Law on Leasing, and the OAS Model Registry Regulations. He has published widely on human rights and various private international law topics, including ODR.

Ms. Elena Gasol RAMOS

Ms. Elena Gasol Ramos, a Spanish lawyer, has worked at the World Bank since 2006. She is currently leading the global work on digital regulations, focusing as a first step on developing the online consumer protection agenda, including ODR. She also covers online supplier protection, data protection, and cross-border data flows. Before this role, Ms. Gasol Ramos worked in several positions at the World Bank, including the World Bank Data Privacy Office, as Head of Privacy Policy Guidance, with the Digital Development Group, and with the Investment Finance Corporation on investment climate issues. Ms. Gasol Ramos has worked in various economies spanning all regions, from the Philippines to Palau and Peru, Kenya, Senegal, and Mexico.

Before working at the World Bank Group, Ms. Gasol Ramos served as a Legal Advisor for International Consumer Protection at the U.S. Federal Trade Commission. Her work included e-commerce, privacy, information security, and consumer protection issues. Ms. Gasol Ramos also worked at the European Commission (DG Info) in Brussels and the Brussels law firm Wilmer Cutler and Pickering office. Ms. Gasol Ramos, a member of the Salamanca and New York bars, taught a seminar on comparative privacy law for several years at Georgetown University Law Center. She has a Master in European Law from the College of Europe in Bruges, Belgium, and an LL.M. from Georgetown University.

Ms. Netty MUHARNI

Netty Muharni is the Assistant Deputy Minister for the Regional and Sub-Regional Economic Cooperation Coordinating Ministry for Economic Affairs, Indonesia, and the Vice Chair of the APEC EC. She completed her Master of Urban and Regional Planning at the Curtin University of Technology in Perth, Australia. She has received many awards, including the Australian Association of Planning Consultants (WA) Award for the best planning project (dissertation) in all Urban and Regional Planning Courses and the Curtin University Distinguished International Alumni Award.

Prof. Yun ZHAO

Professor Zhao is Henry Cheng Professor in International Law and Head of the Department of Law at the University of Hong Kong (HKU); Ph.D. (Erasmus University Rotterdam); LLM (Leiden University); LLM & LLB (the China University of Political Science and Law). Professor Zhao has participated and spoken at the APEC EC policy dialogue on ODR at EC 1 in 2018 (Port Moresby, Papua New Guinea), EC1 in 2019 (Santiago, Chile), 2020 (Putrajaya, Malaysia), and 2021 (Virtual Meeting). He also spoke at the first APEC Workshop on Developing a Collaborative Framework for ODR (Osaka, November 2018) and the APEC Workshop on Implementing the Collaborative Framework (held virtually in February 2022).

Professor Zhao serves as the representative of HKU as a Lead Academic Institution in its collaboration with the APEC EC and SELI in implementing the APEC ODR Collaborative Framework. Prof. Zhao is currently a Representative of the Regional Office for Asia and the Pacific (ROAP) of the Hague Conference on Private International Law (HCCH), a Standing Council Member of the Chinese Society of International Law, a Council Member of Chinese Law Society; Council Member of Zhuhai International Court of Arbitration and Chair Professor at Xiamen University (2020-2023). He is listed as an arbitrator in several international arbitration commissions. He has published widely on various topics, including Dispute Resolution and Space Law.

Prof. Mayu WATANABE

Professor Watanabe is a specially appointed associate professor at Rikkyo University in Tokyo, where she teaches alternative dispute resolution (ADR), dispute system design, and ODR. She has been a presenter at various ODR workshops. She also serves as the representative for Lead Academic Institution Rikkyo in its collaboration with the APEC EC and SELI for implementing the APEC ODR Collaborative Framework. She holds a doctorate in business law from Hitotsubashi University. While working as a research associate at Hitotsubashi, she planned and organized the first international symposium on ODR in Japan in Sept. 2018.

Professor Watanabe is a founding board member of the Japan Association for Online Dispute Resolution (JODR). She is currently serving as a member of the ODR committee of the Ministry of Justice (2020-). She was a visiting fellow at the Gould Negotiation and Dispute Resolution Center

at Stanford Law School (2014-2016), an International Fellow at the Weinstein JAMS International Fellowship program (2015), a senior fellow at the Weinstein International Foundation (2017-), and a fellow at the National Center for Technology & Dispute Resolution (NCTDR) at the University of Massachusetts (2020-)

Prof. Angie RAYMOND

Professor Raymond is the Director of the Program on Data Management and Information Governance at the Ostrom Workshop, an Associate Professor in the Department of Business Law and Ethics at the Kelley School of Business, Indiana University, and an Adjunct Associate Professor of Law at Maurer Law School (Indiana). She recently completed her Ph.D. at the Centre for Commercial Law Studies, Queen Mary, University of London. She researched the creation of policy to assist in Managing Bias, Partiality, and Dependence in Online Justice Environments. She has widely written in areas of ODR, data governance, artificial intelligence governance, privacy, international finance, and commercial dispute resolution in such publications as the Harvard Negotiation Law Review, Cardozo Journal of Conflict Resolution, Journal of Dispute Resolution, Wisconsin Law Review, Northwestern Journal of Technology and Intellectual Property, and the American Review of International Arbitration. She is one of the U.S. Consultant delegates to UNCITRAL reporting on Electronic Commerce related issues. She previously attended the UNCITRAL ODR Working Group, as a Non-Governmental Organization (Institute of International Commercial Law (IICL)). She also serves as the representative of Indiana University as a Lead Academic Institution in its collaboration with the APEC EC and SELI in implementing the APEC ODR Collaborative Framework. She has spoken at the APEC EC policy dialogues on ODR at EC 1 2020 (Putrajaya, Malaysia) and EC 1 2021 (Virtual Meeting). She also was a speaker at the first APEC Workshop on Developing a Collaborative Framework for ODR (Osaka, November 2018).

Prof. Yongmin BIAN

Yongmin Bian is a Professor and the Deputy Dean of the Law School, University of International Business and Economics in Beijing. She has been a speaker at several APEC EC events on ODR. She serves as the representative of the University as a Lead Academic Institution in its collaboration with the APEC EC and SELI in implementing the APEC ODR Collaborative Framework. She is a member of the Chinese Society of International Law, a panelist of the Online Dispute Resolution Center of CIETAC, and an arbitrator of the GZAC and the Nanning Arbitration Commission in China. Professor Bian received a Bachelor of Law in 1991 and a Master of Law in 1994 from the China University of Political Science and Law. She also received a Postgraduate Diploma of International Law and Organizations for Development from the Institute of Social Studies, the Netherlands, in 1998 and a Ph.D. in Law from the University of International Business and Economics, China, in 2002. Her research interests include Public International Law, International Trade Law, Dispute Resolution, and Arbitration Law.

Prof. Nadja ALEXANDER

Dr. Nadja Alexander is a Professor of Law and Director of the Singapore International Dispute Resolution Academy (SIDRA) at the Singapore Management University. In addition, she leads an ODR project with the Centre for Artificial Intelligence and Data Governance. She has been a presenter at APEC's EC workshops and attended the SELI and EC policy dialogue meetings (March 2021). She also presented at the APEC EC ODR webinar series in 2021. She serves as the SIDRA Lead Academic Institution representative in its collaboration with the APEC EC and SELI in implementing the APEC ODR Collaborative Framework. In 2020, she was appointed as a foundation member of the United Nations Global Mediation Panel International Advisory Board established by the UN Office of the Ombudsman. In 2018, she joined the Singapore delegation to the UNCITRAL Working Group II to draft the Singapore Convention on Mediation. For more information, see <https://faculty.smu.edu.sg/profile/nadja-alexander-2321>

Ms. Queenie WU

Queenie Wu is an Assistant Principal Government Counsel of the Legal Enhancement and Development (LEAD) Office, Department of Justice of Hong Kong, China, taking forward various policy initiatives in promoting the rule of law education and Hong Kong, China's legal and dispute resolution services locally and beyond, including in the Greater Bay Area.

Queenie started her legal career as a litigator, handling commercial and land-related disputes. She then specialized in legislative drafting in both English and Chinese.

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Mr. Anh Duong NGUYEN

Anh Duong Nguyen is the Director of the Department of General Economic Issues and Integration Studies of the Central Institute for Economic Management (CIEM), the leading think-tank in Viet Nam. He represented Viet Nam in the APEC EC and served as the Coordinator of the EC FoTC on Corporate Law and Governance from 2011-2021. He also led the EC work in preparation of the Enhanced APEC Agenda for Structural Reform 2021-2025 (EAASR), endorsed by the 3rd APEC Structural Reform Ministerial Meeting in June 2021.

He holds a Bachelor of Economics and a Master of Economics from the Australian National University (Australia). At CIEM, he authored significant research papers and policy recommendations to the Government of Viet Nam on macroeconomic policies, economic integration, and structural reform. Since 2019, he has represented the CIEM at the ASEAN+6 Regional Institute Network (RIN). Mr. Nguyen designed and led the implementation of the project on "Promoting online-dispute resolution in e-commerce for strengthened customer protection"

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Mr. Irfan Adhitya PERMADI

Mr. Irfan Permadi holds a Master's Degree in Public Policy on Economic Policy from the Australian National University, Australia. He has worked for Indonesia's Coordinating Ministry of Economic Affairs (CMEA) since 2009. At CMEA, he is currently a middle-level Policy Analyst/Deputy Director for APEC and Regional and Sub-Regional Economic Cooperation. He is a strong proponent of regional economic integration under APEC and Sub-regional cooperation. Mr. Irfan has vast network experience in dealing with structural reform works and coordinating with the line ministry. He also initiated, planned, and executed several APEC-funded projects with various topics under APEC Structural Reform Agenda.

Mr. Irfan is currently the Deputy Indonesian representative to the APEC EC. He also coordinates two sub-regional initiatives: the Indonesia-Malaysia-Thailand Growth Triangle (IMT-GT); and the Brunei-Indonesia-Malaysia-the Philippines East ASEAN Growth Area (BIMP-EAGA).

Mr. Nor Shahida MOHD SAHIMI,

Mr. Mohd Sahimi is an attorney within the Legal Affairs Division, Prime Minister's Department, Malaysia. He has almost 17 years of experience formulating government policy in the legal, agriculture, human resource, and science technology sectors.

Attorney Irene D.T. ALOGOC

Irene Alogoc is the inaugural Executive Director of the Office for Alternative Dispute Resolution (OADR), an attached agency of the Department of Justice of the Philippines. She is a lawyer by profession, as well as a certified Bread and Pastry Chef. As a law professor, she lectures on Mandatory Continuing Legal Education, covering Alternative Dispute Resolution (ADR) topics. She is a trained government manager and Career Executive Service eligible. Before being appointed to her present position, she was engaged in extensive law practice for 10 years and held key positions in all three branches of the Philippine government, including Acting Director IV of the Internal Audit Service of the Department of Agriculture, Court Attorney V at the Judicial and Bar Council, and Director II at the House of Representatives Electoral Tribunal. Her training includes Strategic Conflict Management for Professionals (Modules I and II) at the Singapore Mediation Centre and a comprehensive course on International Arbitration under the Chartered Institute of Arbitrators - New York Branch and the Columbia Law School. She is also a Trained Arbitrator of the Philippine Dispute Resolution Center, Inc. Atty. Alogoc represents the Philippines in UNCITRAL Working Groups II and III. Atty. Alogoc is the author of the book "Philippine Alternative Dispute Resolution," which highlights the different ADR mechanisms and practices in the economy.

Ms. Petchlada PHUNGPRASERT

Ms. Petchlada Phungprasert manages arbitration, mediation, and ODR cases as legal counsel for the THAC. Additionally, she served as secretary for multiple arbitral tribunal proceedings and promotes THAC's services internationally.

Prof. Kazushige OGAWA

Professor Ogawa is an Associate Professor at Rikkyo University Faculty of Law and Politics (Tokyo). An IT expert, he was appointed Administrator of the APEC ODR Satellite Website. He is an expert for the Japan Sports Arbitration Agency and a member of its Research Committee and Working Group for the Anti-Doping Disputes Arbitration, as well as its Research Committee for the Anti-Doping Law. Professor Ogawa is also the Deputy Secretary General of the Japan International Dispute Resolution Center and a member of the Japan Society of Private International Law, the Japan Association of International Economic Law, and the Japan Association of the Law of Arbitration and Alternative Dispute Resolution.

Mr. Nicolas LOZADA

Nicolás Lozada-Pimiento focuses his legal practice on international investment, foreign trade, and arbitration. Formerly, he has held legal positions as a consultant and negotiator on trade in services and foreign investment at the Colombian Ministry of Trade, advisor on international affairs to the Colombian Minister of Justice, foreign consultant at the Latin American Arbitration Group of Freshfields Bruckhaus Deringer LLP (Washington DC and Paris), and legal intern at the World Trade Organization (Geneva). Nicolás is a Colombian attorney from Externado University. He has lectured on International Arbitration, World Trade Law, Common Law, International Law, Business Law, and Private Law at Externado, Sabana, Javeriana, EAFIT and Santo Tomas Universities. He holds LL.M. Degrees from New York University and the National University of Singapore.

Ms. Pui-Ki Emmanuelle TA

Ms. Emmanuelle Pui-Ki Ta is the Chief Executive Officer of eBRAM. She has over 15 years of experience in international arbitration and case management and has supervised hundreds of international arbitration cases in a wide range of jurisdictions and economic sectors. Before joining eBRAM, Ms. Ta served as Counsel of the Secretariat of the International Court of Arbitration of the ICC Asia Office in Hong Kong, China where she was responsible for managing the Hong Kong, China team, including the administration of Asia-related arbitration cases. In addition, she was appointed Vice-President of the Asia Pacific Regional Arbitration Group (APRAG) from 2016 to 2019. Before that, she worked as Deputy Counsel of the Secretariat of the ICC Court in Paris and was one of the founding members of the ICC Court Secretariat's first overseas case management team based in Hong Kong, China (2008). She holds a master's degree in international business law from the University Paris I Panthéon-Sorbonne, and a postgraduate

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Dr. Fan YANG

Dr. Yang is the General Secretary of the Online Dispute Resolution Center of CIETAC and the Director of CIETAC's Intellectual Property Dispute Resolution Division. She is also a CIETAC arbitrator, mediator, and member of the Chartered Institute of Arbitrators (CI Arb). She has 20 years of working experience in arbitration. She has arbitrated various cases as sole arbitrator, administered nearly 200 international and domestic arbitration cases as a case manager, and scrutinized over 2000 arbitral awards. She was the executive chief editor of the Periodical Arbitration and Law.

She is qualified to practice law in the PRC and New York. She received her LLM degrees from China Foreign Affairs University (formerly known as Foreign Affairs College) in 2003 and New York University School of Law in 2011. She received her Ph.D. degree from Tsinghua University School of Law in 2020.

Dr. Chen CHEN

Chen Chen works for the Department of Business Development in GZAC, China's largest alternative dispute resolution provider, established in 1995.

Chen Chen helped draft GZAC's guideline for implementing the APEC ODR Collaborative Framework in 2020. Chen Chen also serves as the executive editor of Arbitration Study, a journal published by GZAC. Chen Chen received a J.D. and J.S.D. degrees from Washington University in St. Louis (United States).

Mr. Satoshi TSUKAMOTO

Satoshi Tsukamoto is a member of URYU & ITOGA, a law firm belonging to the same U&I group as U&I Advisory Service.

Satoshi TSUKAMOTO is also a legal advisor to U&I Advisory Service and supports various U&I advisory services operations, including acting as an attorney for application for certification by the Minister of Justice of Japan as a certified dispute resolution business operator under the ADR Act (Act on Promotion of Use of Alternative Dispute Resolution).

Satoshi TSUKAMOTO has a wide variety of expertise in domestic and international cases, including general corporate, fraud investigation including digital forensics, labor law, litigation, arbitration, and regulatory matters, and has abundant experience in assisting Japanese corporations in dispute issues and passed the CPA examination of Japan.

Mr. Shunsuke MORI

Shunsuke Mori is the Vice President of the Deloitte Tohmatsu Financial Advisory (DFTA) and oversees the planning and development of its ODR platform and other digital services. Before

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Mr. Colin RULE

A world-renowned innovator and expert in ODR, Colin Rule is the CEO of Resourceful Internet Solutions, Inc. ("RIS"), home of Mediate.com, MediateUniversity.com, Arbitrate.com, CaseloadManager.com, and several additional leading ODR initiatives. From 2017 to 2020, Mr. Rule was Vice President for Online Dispute Resolution at Tyler Technologies. Tyler acquired Modria.com, an ODR provider that Colin co-founded, in 2017. From 2003 to 2011, Mr. Rule was the Director of Online Dispute Resolution for eBay and PayPal. Prior, Mr. Rule co-founded Online Resolution in 1999, one of the first ODR providers, and served as its CEO and President. Mr. Rule also worked with the National Institute for Dispute Resolution in Washington, D.C., and the Consensus Building Institute in Cambridge, MA, for several years. You can read Mr. Rule's articles and some of his talks at colinrule.com/writing.

Prof. Jean-François ROBERGE

The Honourable Jean-François Roberge is a judge of the *Court of Québec* (Canada). He is a member of the International Committee of the National Judicial Institute of Canada (NJI), whose mandate is to support international cooperation initiatives on strengthening the rule of law. In addition to his judicial duties, he is a visiting professor at the University of Paris Panthéon-Assas in France. He is also a member of the Advisory Committee on Private Commercial Disputes of the Free-trade agreement between the USA-Mexico-Canada (USMCA). The Honourable Justice Roberge holds a Doctor of Laws (Ph.D.), a Master of Dispute Resolution (LL.M.), and a Master of Psychology (M.Sc.).

Before his appointment to the bench, Jean-François Roberge was a Professor of Law specializing in dispute resolution at the *Université de Sherbrooke* in Canada and senior advisor in judicial reform for the *International Finance Corporation* (IFC) of the World Bank Group. He has been involved in several initiatives to integrate mediation into the legislation and judicial system of several economies in West Africa, the Middle East, and Southeast Asia.

Justice Roberge is actively committed to promoting better administration of justice and mobilizing legal innovation.

Mrs. Diana Lucia Talero CASTRO

Mrs. Diana Talero is an International Consultant in insolvency and secured transactions. She is an expert lawyer in company law, insolvency law, and secured transactions Law. She has served as a consultant for the International Finance Corporation of the World Bank Group initiatives on insolvency and secured transaction reforms in several Latin American economies. Mrs. Talero is a Senior Associate at Urdaneta, Vélez, Pearl, and Abdallah- UVP&A Abogados and is currently the Technical Secretary of the Colombian Secured Transactions Committee for the implementation

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Prof. Anyu (Andy) LEE. Check ODR Workshop Report

Prof. Anyu (Andy) Lee is the president of Beijing eBridgeChina Research Institute, visiting professor at Qinghua University, Beijing, China, and an adjunct professor at East-West Center, Honolulu, Hawaii. Before this position, Prof. Lee was a professor at the University of International Business and Economy in Beijing, China, since 2010. Prof. Lee served as the chief scientist of the university's eCommerce Research institute and headed the university's Shenzhen Research Institute, a think tank founded jointly by the university and Shenzhen municipal government. Before the university position, Prof. Lee was the director of the eCommerce technology research center at the China Academy of Sciences for ten years. Before returning to China, Prof. Lee worked in Silicon Valley for over 12 years as an engineer and research scientist in various companies, including LSI Logic, Silicon Graphics, and HP Lab. Prof. Lee founded Internet Image Inc. in 1997 and successfully merged with Intraware, a Nasdaq-listed company. Prof. Lee was educated at Shanghai JiaoTong University (BS, MS), University of Arizona (MS), and Stanford University (PhD.) with HP corporate fellowship.

Mr. Shinji KUSAKABE

Shinji Kusakabe is an Anderson Mori & Tomotsune attorney who advises on legal issues in manufacturing, such as commercial transactions and product liabilities. Mr. Kusakabe has a wealth of practical experience in litigation and arbitration, both international and domestic. Mr. Kusakabe's specialties lie in providing targeted advice to clients on corporate matters, considering potential future disputes, and resolving current disputes in light of actual business practices and circumstances.

Mr. Kusakabe has recently handled cases, including lawsuits related to commercial relationship termination, illegal employee transactions, product liability, bid-rigging conspiracies, and employee inventions. Mr. Kusakabe is also actively engaged in international arbitration, including matters arbitrated outside Japan.

Mr. Kusakabe's prior experience includes working as a Foreign Associate at Kelley Drye & Warren's New York office (September 1999 to August 2000) and a full-time secondment to Swiss Bank Corporation's (now UBS AG) Tokyo Legal & Compliance department (February to July 1998).

Ms. Simmi K. SANDHU

Simmi Sandhu is Chair of the Civil Resolution Tribunal of BC, effective August 15, 2022.

She is also currently a Judge and President of the United Nations Appeal Tribunal, appointed by the General Assembly of the United Nations in 2018.

She is trained as a lawyer and was called to the BC Bar in 1990. Her private practice areas included administrative law, civil litigation, corporate/commercial law, and real estate transactions. In addition, she has extensive experience in quasi-judicial proceedings, having acted as a chairperson of the Board of Referees for over six years. She also has training and experience in conflict resolution and mediation.

Before the CRT, she was appointed Chair and CEO of the Property Assessment Appeal Board from 2015 to 2022, having been Vice Chair of the Board from 2001-2015. This Board was one of the first administrative tribunals to incorporate online mediation tools in Canada. She was also Vice Chair of the Surface Rights Board until 2021.

Ms. Sandhu is the past President and Director of the British Columbia Council of Administrative Tribunals (BCCAT) and is currently an instructor for BCCAT. She has instructed many adjudicators on administrative law, hearing skills, and decision writing, including the Benchers of the Law Societies of BC and Alberta and members of the Civil Resolution Tribunal, BC Utilities Commission, Simon Fraser University, et al.

In 2014, Ms. Sandhu was awarded BCCAT's Award for Exceptional Service to the Administrative Tribunal Community.