

ONLINE ALTERNATIVE DISPUTE RESOLUTION AND TRANSPARENCY

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ABSTRACT

Electronic commerce is important, and perhaps, inevitable. Thus to consider the legal implications of the growth and development of electronic commerce is essential. However, the lack of suitable dispute resolution mechanisms in cyberspace will constitute a serious obstacle to the further development of electronic commerce. Bearing this in mind, this paper argues that when Alternative Dispute Resolution (ADR) moves to cyberspace, particularly arbitration and mediation as the main types of ADR, the form of Online Alternative Dispute Resolution (OADR) can maximize the growth of e-commerce.

ADR and the Internet are two very topical issues. OADR, or ADR online, refers to the use of internet technology, wholly or partially, as a medium by which to conduct the proceedings of ADR, in order to resolve commercial disputes which arise from the use of the Internet. Those proceedings are operated by neutral private bodies under published rules of procedure. This paper concludes that in order to encourage the growth of e-commerce, the transparency in OADR proceedings and the availability of meaningful information about OADR are tasks that should be taken jointly by both online sellers and OADR providers.

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