

APEC Workshop on Implementation of Online Dispute Resolution (ODR) in APEC Economies, including through the APEC ODR Collaborative Framework

APEC Economic Committee

March 2024



**Asia-Pacific
Economic Cooperation**



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This Report consists of four parts: an Executive Summary, a Summary of the Dialogue, the Conclusions and Recommendations of the Workshop participants, 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) in APEC economies through the APEC ODR Collaborative Framework was held from 25 to 27 January 2024. The hybrid format allowed speakers and other attendees from APEC economies to participate broadly.

The goals of the Workshop were to:

- review the implementation of the APEC ODR Collaborative Framework for cross-border B2B disputes, including the operation of ODR providers under the Framework
- refine the implementation of the Collaborative Framework, including by considering its possible application to B2C transactions
- answer questions from APEC economies concerning the benefits of opting into the Collaborative Framework
- generally review economies' legal framework for implementing ODR
- explain to Alternative Dispute Resolution (ADR) providers how to partner with ODR platform developers and with APEC under the Collaborative Framework
- work with participating member economies, Lead Academics,¹ and the APEC Business Advisory Council (ABAC) to develop strategies to encourage member economy businesses (including MSMEs) to use ODR through APEC-listed ODR providers and promote the overall use of ODR in the private and public sectors.

The APEC Economic Committee (EC) Chair James Ding, Strengthening Economic Legal Infrastructure (SELI) Convenor Yoshi Hayakawa, and Private International Law Adviser Mike Dennis, 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 2022. Five economies have opted into the Framework, and five providers from 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.

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); and the University of International Business and Economics, School of Law (Beijing, China) (Dr. Yongmin Bian).

Messrs. Dennis, Ding, and Hayakawa emphasized that having more economies opt into the Collaborative Framework and more providers partner with APEC is essential to developing a strong regional cross-border ODR Framework so that MSMEs can access justice and cross-border trade. Getting businesses involved, including MSMEs, will require a concerted effort from ODR Providers, Governments, and APEC.

Speakers from twelve economies—China; Hong Kong, China; Japan; Singapore; the United States; Indonesia; Malaysia; Papua New Guinea; Russia; the Philippines; Thailand; and Viet Nam—then explained their progress in implementing ODR. Five of these economies (China; Hong Kong, China; Japan; Singapore; and the United States) have already opted into the Collaborative Framework. All twelve economies have made substantial progress in implementing ODR. Some economies underscored the need to address ‘Business to Consumer’ (B2C) disputes under the Collaborative Framework.

The Workshop also heard from speakers from eight ODR platform and service providers, including five from economies that have opted into the APEC ODR Collaborative Framework. All these providers have developed (or are developing) platforms compliant with the APEC ODR Collaborative Framework and Model Procedural Rules. Preliminary results provided by one of the ODR platforms (Guangzhou Arbitration Commission) are promising in terms of time and cost savings for users. Extensive data relating to using the Framework by the other ODR providers is not yet available because they have only recently launched their platforms. These providers highlighted the difficulty of getting APEC businesses to agree to use their ODR services, particularly MSMEs. Getting more APEC economies to join the Collaborative Framework and getting more ODR providers from more APEC economies to partner with APEC will help create a flourishing regional ODR network.

The final panel on day one offered insight into how APEC economies can encourage MSMEs to use ODR and the Collaborative Framework. Speakers included representatives from the World Bank and ABAC.

Session Three (day two) discussed the legal framework underlying the use of ODR. Mike Dennis introduced a Study on APEC Economy Legal Frameworks for the Implementation of the APEC ODR Collaborative Framework. The Study demonstrates that all APEC economies have the requisite legal framework to implement APEC ODR under the Collaborative Framework. Economies were therefore encouraged to strongly consider opting into the Collaborative Framework to enable their ODR providers to join and their businesses to benefit. Economies were also encouraged to further support the development and implementation of private international law instruments relevant to ODR.

Mr. Dennis, Ms. Elena Gasol from the World Bank, and Prof. Yoshihisa Hayakawa also discussed the legal framework for using ODR in B2C disputes, including under the APEC Collaborative Framework. 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 the APEC ODR Collaborative Framework can be applied to B2C transactions due to the inherent flexibility of the Collaborative Framework and its Model Procedural Rules for providers and parties (some partnering APEC providers have already done so). They stressed that the ability

to extend the Collaborative Framework to B2C transactions was important since consumers often need an adequate remedy in cross-border disputes.

A separate panel discussed the use of modern technologies in ODR, including AI and distributive ledger technology. These technologies are being implemented and developed in ODR platforms across APEC.

Other sessions on day two discussed further uses of ODR in APEC economies, such as for financial transactions—including secured transactions—, insolvency, and family disputes.

Speakers on day two also discussed how ODR has been implemented in APEC economy courts. They cited the example of the Civil Resolution Tribunal (CRT) in Canada. The CRT has focused on making court proceedings accessible and usable in order to ensure they are just. As courts increasingly implement digital and virtual processes, they must ensure that the parties involved can use them. Rigorous usability testing, such as what CRT implemented, is essential to creating highly usable platforms. A user-friendly system is paramount when parties, including MSMEs, are not represented by lawyers.

The final sessions on day three allowed economies to comment on open issues and make recommendations concerning the way forward. Several economies recommended that the APEC EC formally extend the Collaborative Framework to B2C disputes. Some economies proposed to do so by removing the B2B limitation in the titles of the Collaborative Framework and its Model Procedural Rules, while others suggested that no amendments were necessary given the inherent flexibilities built into these instruments. One of the recommendations resulting from the Workshop was that this matter be further discussed at the next SELI/EC meeting. During the last session, Workshop participants drafted Conclusions and Recommendations.

1.2 Event Details

The event² followed this format:

- Session One: Review of Implementation of ODR in APEC
 - o Opening Remarks and Keynote Presentation
- Session Two: Progress on Implementation of APEC ODR
 - o Economies Opting into Framework and Implementing ODR
 - o Providers Implementing ODR and the Framework
 - o Businesses Using ODR and the Framework
- Session Three: Advancing Use of ODR
 - o Study on the Adequacy of APEC Economies' Legal Frameworks

² Appendix I is the agenda for the Workshop.

- Enhancing ODR through the Use of Advanced Technologies
- Session Four: Use of ODR in Various Disputes and in APEC Courts
- Session Five: Open Issues, Interactive Session, and Drafting Workshop Conclusions and Recommendations
- Adoption of Workshop Conclusions and Recommendations

60 participants across APEC economies attended the workshop over the three-day event, with 35 speakers from APEC economies, including Canada; China; Hong Kong, China; Indonesia; Japan; Malaysia; Mexico; Papua New Guinea; the Philippines; Russia; Singapore; Thailand; the United States; and Viet Nam; as well as from the World Bank.³ The speakers were:

- Dr. James Ding, APEC Economic Committee (EC) Chair
- Prof. Yoshihisa Hayakawa, SELI Convenor
- Mr. Yusuke IINO, METI, Japan
- Mr. Mike Dennis, International ODR APEC Consultant, United States
- Ms. Elena Gasol RAMOS, Global Knowledge Lead, Digital Regulations, World Bank
- Ms. Claudia Ivette Garcia ROMERO, World Bank consultant (Mexico)
- Mr. Julius Caesar PARRENAS, ABAC
- Prof. Angie RAYMOND, Indiana University, United States
- Prof. Nadja ALEXANDER, Singapore Management University, Singapore
- Prof. Mayu WATANABE, Rikkyo University, Japan
- Prof. Yongmin BIAN, University of International Business and Economics, China
- Prof. Yun ZHAO, University of Hong Kong, Hong Kong, China
- Mr. Anh Duong NGUYEN, Department for General Economic Issues and Integration Studies, Viet Nam
- Ms. Netty MUHARNI, Coordinating Ministry for Economic Affairs, Indonesia
- Ms. Phoebe SUEN, Department of Justice, Hong Kong, China
- Mr. Yeong ZEE KIN, The Singapore Academy of Law, Singapore
- Mr. Joseph KHAWAM, Department of State, United States
- Ms. Rabiatal HAMZA, Ministry of Entrepreneur and Cooperatives Development (MEDC), Malaysia
- Mr. Steven COLLIN, Director-Economic Committee, Papua New Guinea (PNG) APEC Secretariat, Department of Prime Minister and National Executive Council, PNG

³Appendix II provides brief biographies of the speakers.

- Ms. Maranatha LETUAN, Senior Legal Officer, State Solicitors Office, Department of Justice and Attorney General, PNG
- Mr. Maxim KAZIEV, Ministry of Economic Development of the Russian Federation, Russia
- Ms. Orachat SUNGKHAMANEE, National Economic and Social Development (NESDC), Thailand
- Ms. Cherryl CARBONEL, Department of Trade and Industry, The Philippines
- 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 Projects, GZAC, China
- Ms. Mia LEVI, International Institute of Conflict Prevention and Resolution (CPR), United States
- Ms. Michele Park SONEN, Singapore International Arbitration Center (SIAC)
- Mr. Colin RULE, ODR.COM, United States
- Prof. Clare FOWLER, Mediate.com
- Mr. Wenli GUO, Beiming Software Co., Ltd
- Prof. Eliza MIK, The Chinese University of Hong Kong
- Mr. Oki MORI, Japan Federation of Bar Associations (JFBA), Japan
- Mr. Eric REGEHR, Civil Resolution Tribunal, Canada

II. BACKGROUND

Under the APEC ODR Collaborative Framework (endorsed at EC 2 in 2019) (the Collaborative Framework), APEC partners with ODR providers to offer ODR to APEC businesses, especially MSMEs, to help them resolve their commercial cross-border disputes. The APEC Model Procedural Rules (also endorsed at EC 2 in 2019) ensure that the same standards of due process apply across APEC when using ODR under the Collaborative Framework.

The SELI Administrative Implementation Work Plan for the Collaborative Framework (SELI Administrative Implementation Work Plan) (endorsed as it stood 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 establishing a centralized website. Japan, as the economy responsible for the website, launched it in September 2021 at <https://www.apec.org/seli/overview>.

The Workshop builds on earlier APEC workshops and webinars on developing the Collaborative Framework as well as Policy Dialogues on ODR held at EC 2 in 2018, EC 1 in 2019, EC 1 in 2020, EC 1 in 2021, EC 1 and EC 2 in 2022, and EC 1 in 2023. It also builds on the Stocktake of APEC ODR Technologies (April 2022) (Russia), <https://www.apec.org/publications/2022/04/stocktake-of-apec-online-dispute-resolution-technologies>; the Study on Best Practice on Using ODR (January 2023) (Japan) <https://www.apec.org/publications/2023/01/study-on-best-practices-in-using-odr>, and the Report on Stakeholder Engagement and Capacity Building on the APEC

Collaborative Framework on ODR to Improve Cross-Border Trade (September, 2023) (Indonesia) <https://www.apec.org/publications/2023/09/stakeholder-engagement-and-capacity-building-on-the-apec-collaborative-framework-on-odr-to-improve-cross-border-trade-in-indonesia---final-report>.

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 Ministers statement (September 2019) supporting (para. 14) “the development, on a pilot basis, 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 SELI Work Plan under the Enhanced APEC Agenda for Structural Reform (EAASR) (endorsed by the EC in November 2021) recognizes the important contribution the Collaborative Framework makes to all four pillars of APEC EC work on EAASR including creating an enabling environment for open, transparent, and competitive markets; boosting business recovery and resilience against future shocks; and harnessing innovation, new technology, and skills development to boost productivity and digitalization.

The 2023 APEC Economic Policy Report: Structural Reform and an Enabling Environment for Businesses (at 57) similarly recognizes the important role that the Collaborative Framework plays in “facilitating greater access to justice for micro, small and medium enterprises (MSMEs).”

III. EVENT SUMMARY

Day One Sessions

3.1 First Session: Opening

3.1.1 Opening Remarks

Dr. James DING, EC Chair, Hong Kong, China **Prof. Yoshihisa HAYAKAWA**, SELI Convenor, and **Mr. Yusuke IINO**, METI, Japan, delivered opening remarks providing the background to the Collaborative Framework.

3.1.2 Keynote Presentation: Review of implementation of the Collaborative Framework: Challenges and Opportunities

Professor **Yoshihisa HAYAKAWA**, the SELI Convenor, moderated the session.

Mike DENNIS is an international ODR expert, and the author of the SELI Administrative Implementation Work Plan for the Collaborative Framework and the APEC Best Practices on Using ODR. Mr. Dennis provided an overview of the Framework and Administrative Implementation Work Plan operation.

Under the APEC ODR Collaborative Framework, APEC partners with ODR providers in APEC economies that opted into the Framework. The APEC EC promotes partnering ODR providers on its website and encourages businesses, including MSMEs, to use them to resolve cross-border commercial disputes. The Collaborative Framework was launched in May 2022.

Five economies have already opted into the Collaborative Framework:

- China
- Hong Kong, China
- Japan
- Singapore
- United States.⁴

Opting into the Framework does not impose binding legal obligations but allows the economy's ODR providers to participate in the Framework and to be listed as partnering ODR providers.⁵ Five ODR providers have partnered with the APEC EC:

- 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.
- CPR Dispute Resolution, United States.⁶

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

- (a) keeping all information confidential and 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.⁷

The relevant laws and regulations of the respective participating economies govern the listed ODR providers. If a listed ODR provider does not comply with any part of the Collaborative Framework and Model Procedural Rules, APEC may remove the ODR provider from its list of partnering ODR providers.⁸

⁴ The Economies that have opted into the Collaborative Framework are listed on the APEC ODR website at <https://www.apec.org/SELI/Economies>.

⁵ The website expressly states that "Opting-in to the APEC ODR Collaborative Framework does not create binding obligations for an economy but it allows that economy's ODR providers to participate in the APEC ODR Collaborative Framework and to be listed as a partnering ODR provider." Id.

⁶ The providers that have partnered with the APEC EC are listed at <https://www.apec.org/SELI/ODR-Providers>. CPR Dispute Resolution made a presentation of its ODR platform at the Workshop and was listed as a partnering provider immediately thereafter. See discussion infra at 21-22.

⁷ The Self-Certification form is provided on the APEC ODR website at <https://www.apec.org/SELI/Self-Certification>.

⁸ See Collaborative Framework, para. 4.6. The Removal Procedure is provided on the APEC ODR website at <https://www.apec.org/SELI/Removal-Procedure>.

Preliminary results from one of the ODR providers are promising. The average time it takes the Guangzhou Arbitration Center (GZAC) to resolve domestic and cross-border commercial disputes using the Collaborative Framework is 37 days. Sixty-nine percent of disputes are determined during the negotiation and mediation stages.⁹ Usage information from the other ODR providers is not yet available due to the fact that they have only recently launched their platforms.

Several APEC economies are considering opting into the APEC ODR Collaborative Framework.¹⁰ They are currently reviewing their international legal frameworks to ensure their laws facilitate ODR under the APEC ODR Collaborative Framework.

Mr. Dennis concluded by saying that having more economies opt into the Collaborative Framework, and more providers partner with APEC is essential to developing a strong regional cross-border ODR network. One of the crucial issues in implementing the Collaborative Framework is getting APEC businesses, including MSMEs, to agree to use ODR and the APEC ODR providers. That will require all APEC member economies at the governmental level as well as the ODR Providers, APEC EC (SELI), ABAC and Lead Academics to promote APEC ODR to businesses.

3.2. Session Two: Progress on implementation of ODR

3.2.1 Progress on the Implementation of ODR and the Collaborative Framework in APEC Economies.

Prof. Yoshihisa Hayakawa moderated the session.

Prof. Yongmin BIAN, Deputy Dean of the School of Law at the University of Business and Economics (Beijing, China), explained that China opted into the Collaborative Framework because the widespread implementation of the Framework provides certainty and predictability to Chinese small businesses engaged in cross-border trade. 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. Two more Chinese arbitration providers are preparing to be ODR providers in the future.

During the 2018-2022 period, one-third of arbitration cases were conducted online in China. Online mediation is used extensively, especially in contractual disputes where the contracts are signed online, such as online loans and online shopping. China's Supreme People's Court released a five-year plan for the informal construction of People's Courts (2019-2023), which supports online litigation based on the consent of parties. Cases covered by online litigation include civil, administrative, and some criminal cases subject to summary trial. Early neutral assessment is an alternative dispute settlement conducted by legal experts that can be conducted online as well.

⁹ See discussion *infra* at 20-21.

¹⁰ According to the SELI Report on the APEC Collaborative Framework for Online Dispute Resolution of Cross-Border Business-to-Business Disputes (October 2023), "Papua New Guinea and Indonesia indicated that they would soon be ready to opt into the Collaborative Framework."

In 2023, China canceled quarantine measures for COVID-19. In-person dispute settlements were restored, but the use of online dispute resolution continued. One reason is that the number of disputes continues to increase, so both courts and arbitration institutions need to resolve small claims efficiently through online dispute resolution.

Ms. Phoebe SUEN, Government Counsel, Department of Justice, Hong Kong, China, provided an update on Hong Kong, China's implementation of the Collaborative Framework, and other ODR developments. Hong Kong, China, opted into the Collaborative Framework in April 2020 and implemented the Collaborative Framework under its existing legal framework, which supports the use of ODR. Ms. Suen mentioned various initiatives undertaken by Hong Kong, China in recent years to promote ODR locally, regionally, and internationally, including the adoption of remote hearings by the courts in 2020, establishment of the Inclusive Global Legal Innovation Platform on ODR (iGLIP on ODR) in collaboration with UNCITRAL in 2021, and the development of a collaborative ODR platform for dispute resolution in the Greater Bay Area since 2023, as well as the support for various ADR institutions including eBRAM Centre, which partnered with APEC as an ODR provider under the Collaborative Framework, and AALCO Hong Kong Regional Arbitration Centre in promoting the wider use of ODR. As an international legal and dispute resolution hub, Hong Kong, China, is committed to facilitating the further development and use of ODR to facilitate quicker and more cost-effective access to justice for its MSMEs. Ms. Suen also encouraged economies to continue to enhance the implementation of the existing Collaborative Framework, pointing out that it may be easier to advocate for its expansion by leveraging on experience in the B2B context.

Mr. Yusuke IINO, METI, Japan, explained that 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 has also promoted the use of ADR/ODR under its Agile Government Framework, a new government model. A key characteristic of the Agile Framework is that while traditional government still plays the main role, the private sector plays a more important role. The framework is consistent with the public sector-private sector approach taken by the APEC ODR Collaborative Framework.

The Act on Improving Transparency and Fairness of Digital Platforms (TFDPA) also takes a co-regulation approach and encourages digital platforms in the B2B sector to consider the use of ADR/ODR. The private sector/platform providers provide information to the government on how they implement the goals of the Act.

Mr. Yeong Zee Kin, ED, Singapore Management Center, highlighted the benefits of ODR, including that it:

- Bridges communication across distances and time zones;
- Addresses financial and accessibility barriers to justice;
- Offers process flexibility and the benefit of evolving technology; and
- Provides diverse communication methods that lead to favorable outcomes.

The benefits were among the reasons why Singapore had previously opted into the Collaborative Framework.

He further outlined the progression of the use of ODR platforms in Singapore from the research phase in 2016 to the implementation of such platforms for selected schemes. Key areas where ODR has been implemented included Adjudications under the Building and Construction Industry Security of Payment Act 2004, the Infocomm Media Development Authority ADR Scheme (2022), and the Lease Agreements for Retail Premises Act ADR Scheme (2023-2024). Mr. Yeong highlighted the elements of ADR that had been automated at the various stages of these schemes and the benefits brought about.

Mr. Joseph KHAWAM, Office of Legal Adviser, U.S. Department of State, observed that the United States opted into the APEC ODR Collaborative Framework as soon as it was approved by APEC because it enabled U.S. dispute resolution providers to participate, should they wish to do so. At the same time, it imposed no legal obligations on the U.S. The U.S. believed that the Collaborative Framework's engagement with the private sector would increase the availability of alternative dispute resolution options and provide added legal certainty and economic advantages to businesses in the APEC region.

Mr. Khawam also explained that the US's leadership of APEC's Ease of Doing Business (EoDB) initiative is another important reason for its ongoing support for APEC ODR. The current Third APEC Ease of Doing Business Action plan identifies enforcing contracts as one of five priority issues to be promoted through studies, workshops, and targeted technical assistance. A lesson learned from implementing the first and second EoDB Action Plans was that APEC experienced slower progress in priority areas where reforms required action by more levels of independent governmental actors. For example, making progress on "enforcing contracts" generally requires executive and judiciary engagement in many APEC economies, and progress on reforms was often limited. This experience highlights the value of giving businesses access to alternatives for resolving disputes and enforcing contracts as provided under the APEC ODR Collaborative Framework. MSMEs in the region often lack the time or resources to use existing mechanisms for dispute resolution, leaving them vulnerable whenever disputes arise. In an area where MSMEs account for over 97 percent of all businesses and employ over half of the workforce, removing barriers that constrain individual businesses and cause legal uncertainty significantly encourages investment, strengthens resilience, and promotes trade. ODR provides an important tool, especially for small and medium-sized companies, to enforce contracts through the timely resolution of disputes.

Mr. Khawam encouraged other economies to consider opting into the Collaborative Framework.

Mrs. Netty MUHARNI, Deputy Minister for the Regional and Sub-Regional Economic Cooperation Coordinating Ministry for Economic Affairs, Indonesia, (and Vice Chair of the APEC 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 world. It also has the world's fourth-largest number of Internet users (212 million users), with

77 percent of its population connected to the Internet. It is projected that by 2030, Indonesia will have USD 360 billion in Gross Merchandise Value (GMV). One of the issues facing Indonesian businesses and consumers is the inability to resolve disputes concerning e-commerce, particularly cross-border e-commerce. Therefore, the APEC ODR Collaborative Framework, with its cost-effective solution for resolving disputes, is important to Indonesian businesses and consumers.

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 remote hearings. See discussion *infra* at 22. 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 the matter, including a June 2023 APEC Workshop with policymakers, academicians, law practitioners, and business entities, including MSMEs. Indonesian stakeholders support opting into the Collaborative Framework and believe that ODR will bring substantial advantages for all parties, especially for MSMEs.

Indonesia also conducted a Study (<https://www.apec.org/publications/2023/09/stakeholder-engagement-and-capacity-building-on-the-apec-collaborative-framework-on-odr-to-improve-cross-border-trade-in-indonesia---final-report>) assessing its readiness to implement ODR and opt into the ODR Collaborative Framework. The assessment included analyzing its regulatory and institutional framework, developing a plan of action to implement the Framework, and building stakeholder awareness (including ODR providers and MSMEs). The Study concluded that the implementation of the APEC ODR Collaborative Framework in Indonesia is highly feasible. Indonesia is now in the process of getting government approval to opt into the ODR Framework.

Mrs. Muharni also stressed the importance to Indonesia of including B2C transactions within the scope of the APEC ODR Collaborative Framework, given the growth of retail e-commerce. She also highlighted the need for cross-fora collaboration with ABAC and the SMEWG in implementing the Collaborative Framework since the main beneficiaries of ODR are businesses, individuals, or associations.

She concluded by saying that Indonesia is looking forward to collaborating in capacity building with other APEC economies and encouraged those that have not done so to consider opting into the Collaborative Framework.

Ms. Rabiatul HAMZA, Legal Adviser, Ministry of Entrepreneur and Cooperatives Development, Malaysia, observed that ODR has much potential in Malaysia. She pointed out that there are more than 1.17 million MSMEs in Malaysia, making up 97.4 percent of all businesses. They would benefit from enhanced dispute resolution provided by ODR.

She emphasized that Malaysia is aware of the importance of providing the business community with an avenue to resolve disputes arising from business transactions such

as those covered under the APEC ODR Collaborative Framework. However, at the moment, there is no single regulation to govern online dispute settlement, though there are other regulations that govern ADR, such as the Arbitration Act 2005 and the Mediation Act 2012.

She noted that in October 2021, AIAC (Asian International Arbitration Center) issued its Protocol on Virtual Arbitration Proceedings (VAP Protocol) and the Protocol on Virtual Mediation Proceedings (VMP Protocol). The AIAC VAP and VMP Protocols seek to assist users and equip them with the know-how to navigate through the conduct of virtual hearings in their arbitrations and mediations. The AIAC VAP and VMP Protocols are comprehensive and are catered not just to those who are accustomed to the conduct of virtual hearings but also to those who are considering virtual hearings.

She concluded by saying that Malaysia is hopeful that it will be able to implement the APEC ODR Collaborative Framework as ODR can play a crucial role in enhancing access to justice, reducing costs, and promoting efficient resolution of disputes in the economy. By investing in ODR capabilities and promoting its adoption, Malaysia can enhance dispute resolution mechanisms, strengthen cross-border relationships, and ensure that MSMEs have fair and efficient avenues for resolving their disputes.

Ms. Maranatha LETUAN, Senior Legal Officer, Department of Justice and Attorney General, Papua New Guinea (PNG), and **Mr. Steven Korawe COLLIN**, Director-Economic Committee, PNG (and the PNG representative to the APEC EC), provided an overview of PNG's ODR progress. PNG implemented the New York Convention in 2019, and it is in the process of updating its arbitration law based on the UNCITRAL Model Law on International Commercial Arbitration. The law is currently awaiting cabinet approval before Parliament passes the legislation. PNG is also considering including provisions on ODR within the law.

PNG hopes to opt into the Collaborative Framework soon. To discuss this, it plans to schedule a briefing with Justice Jeffery Shepard during the second week of February. It also intends to hold a stakeholder's workshop on the APEC ODR Collaborative Framework in early 2024 and submit a concept note for APEC funding for capacity building. It will provide an update to SELI at EC 2.

Mr. Maxim KAZIEV, Ministry of Economic Development of the Russian Federation, reported on developments in Russia concerning the use of ODR and technology in both the public and private sectors. In the public sector, Russia has legislation pending that would create an online dispute resolution system for consumer rights protection integrated into an e-government portal economy-wide. The legislation seeks to ensure that the resolution of consumer disputes during online pretrial settlement is carried out following the principles of good faith, legality, impartiality, full transparency, and freedom of choice. The draft legislation follows the OECD recommendations regarding the use of ODR as well as the UNCITRAL Technical Notes on ODR.

Russia is also implementing an online service that allows a citizen to contact the Economy Labor Inspectorate when his or her rights have been violated and receive information about ways to resolve the dispute. The service also offers a platform to

resolve disputes electronically between employees and employers before the employee submits an application to the Economy Labor Inspectorate.

Mr. Kaziev also reviewed recent developments in the Russian private sector concerning integrating AI, ODR, and technology solutions into traditional legal fields such as bankruptcy, family law mediation, copyright infringement, and legal services. These innovative solutions save significant time and costs for the parties involved and enhance the Russian economy.

Ms. Cheryl CARBONEL, Department of Trade and Industry (DTI), the Philippines, explained that the Republic of the Philippines supports the implementation of ODR through the ADR Act 2004, which serves as the legal framework for various alternative dispute resolution methods, including mediation and arbitration. The economy has also implemented the New York Convention of 1958 and the UNCITRAL Model Law on International Commercial Arbitration. Thus, the B2B dispute resolution mechanisms under the APEC ODR Collaborative Framework are aptly supported by the Philippines' legal framework.

The primary government office mandated to promote and institutionalize the effective and ethical use and practice of ADR in the economy is the Department of Justice Office of Alternative Dispute Resolution (OADR). Several private ADR providers are accredited by the OADR.

The DTI is currently developing an automated and integrated Philippines Online Dispute Resolution System (PODRS) in collaboration with other consumer protection agencies. The PODRS will automate and streamline the government's handling of consumer complaints by connecting all agencies with consumer protection functions. Through the online system, consumers can file a complaint in relation to a product or service from any offline or online business in the economy.

The Philippine government recently enacted the Internet Transactions Act of 2023 (<https://www.officialgazette.gov.ph/2023/12/05/republic-act-no-11967/>). The law provides legislative support for the establishment of the PODRS and calls for the establishment of an ODR platform to facilitate an alternative mode of dispute resolution for online consumers, online merchants, e-retailers, e-marketplaces, and other digital platforms. Pursuant to this new law, the DTI is now mandated to establish not only a B2C ODR system but also one for B2B.

Ms. Orachat SUNGKHAMANEE, NESDC, Thailand, discussed the importance of the APEC ODR Collaborative Framework in Thailand. Thailand has an internet penetration rate of 89.5 percent, and 19.77 percent of the Thai population purchased goods and services through e-commerce channels in 2023. The value of Thailand's e-commerce sector was USD 900 billion in 2023.

Ms Sungkhamanee informed workshop participants that Thailand is still deliberating on opting into the APEC ODR Framework. NESDC, as the main coordinator for the EC, has informed several public agencies about the APEC ODR Collaborative Framework. However, ODR is not widely recognized by the Thai people, and there is

still no law that compels disputants to enter the ODR process.¹¹ Potential ODR providers would like to know more about the benefits that they will get from opting in and whether B2C can be considered under the Collaborative Framework.

Ms Sungkhamanee also highlighted the way forward for Thailand and NESDC as the lead agency for implementing ODR:

- Promote and raise awareness about ODR and the Collaborative Framework to stakeholders through capacity-building exercises,
- Establish a strategic plan of action concerning the steps Thailand needs to take before opting in, and
- Collaborate with economies that have already opted in to learn from their experience.

Mr. Anh Duong NGUYEN, Central Institute for Economic Management, Viet Nam (and the Viet Nam's representative to the EC), highlighted Viet Nam's efforts to implement ODR. In 2020, the Prime Minister issued Decision No. 645/QĐ-TTg, providing a master plan for e-commerce development in Viet Nam, including promoting a pilot ODR project. Under funding from the Australian Department of Foreign Affairs and Trade, the Central Institute for Economic Management implemented a pilot ODR project for capacity building and mock ODR for MSMEs in Viet Nam, which led to significant improvement of awareness of MSMEs regarding the use of ODR.

Additionally, different arbitration centers set up their own platforms, with the Hanoi International Arbitration Center setting up an ODR platform in June 2020 (<http://www.hiac.vn>) and the Vietnam International Arbitration Center setting up Medup in March 2021.

The Supreme Court has also made substantial progress in digital transformation. During the pandemic, Resolution No. 33/2021/QH15 of the National Assembly in 2021 formed the basis for the establishment of e-courts. According to the Supreme Court's reported statistics, by 20 March 2023, Viet Nam had handled over 5,400 cases via e-trials.

Two important laws were issued in June 2023 relating to online dispute resolution. An amended Law on Electronic Transactions was adopted, broadening the scope of coverage of the law and providing a concrete framework for legal recognition of the sending and receipt of data messages, e-certificates, e-signatures, trust services, and e-contracts. An amended Law on Consumer Protection was also adopted, formally recognizing (Art. 54) that ODR can be used to settle disputes between consumers and businesses. Under the law, the definition of consumers also covers small businesses. Regarding arbitration, the law highlights the importance of express consent on the part of consumers and states that if the trader provides the notice in a standard form contract, the consumer is entitled to select another form of dispute resolution if a dispute arises.

¹¹ It should be noted that generally, economies do not have laws requiring that the parties engage in private mediation or arbitration.

The Central Institute for Economic Management continues to coordinate the provision of ODR-related information to Vietnamese stakeholders. As a next step, the Institute plans to summarize the progress of resolving disputes through e-courts and make related recommendations, including for settling B2B and B2C disputes via digital platforms. The Institute also plans to continue working with stakeholders in the hope of receiving a favorable decision to opt into the APEC ODR Collaborative Framework.

3.2.2. APEC-partnering ODR providers share their experience of the Collaborative Framework, including the use of advanced technologies, such as AI and blockchain; and other ODR providers interested in partnering with APEC explain why

Mike Dennis served as the moderator for the session.

(a) APEC Partnering ODR Providers

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. A 2021 Arbitration Survey conducted by Queen Mary University of London found CIETAC to be one of the top five arbitration centers in the world. In the past nearly 70 years, CIETAC has conducted over 60,000 international and domestic arbitration cases involving parties from more than 150 economies. 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. In June 2023, CIETAC made further improvements to its platform after taking the advice of the Singapore Management University evaluating team (and SELI) to make the platform more user-friendly and easily accessible.¹² CIETAC earlier shared these new updates at the June 2023 APEC Workshop in Bali hosted by Indonesia. See discussion supra at 14.

Dr Yang suggested that the APEC EC or SELI may issue Guidelines for Neutrals and organize training workshops for the current neutral teams of the partnering ODR providers to ensure uniform understanding and practice of the APEC Model Procedural Rules and mechanisms.

One of the crucial issues in implementing the Collaborative framework is getting APEC businesses to agree to use APEC ODR providers. Getting more APEC economies to join the Collaborative Framework and getting more ODR providers from more APEC

¹² See Report of APEC Workshop on Enhanced Implementation of ODR, at 24 https://www.apec.org/docs/default-source/publications/2023/3/apec-workshop-on-enhancing-implementation-of-online-dispute-resolution/223_ec_apec-workshop-on-enhancing-implementation-of-online-dispute-resolution.pdf?sfvrsn=60e5678b_2.

economies to join the mechanism will help promote the mechanism in a more effective way. The vitality of a mechanism stems from its use. The more frequently it is used, the more vigorously it will grow, and the faster it will improve.

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 ODR Collaborative Framework for ODR, eBRAM has 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 has 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.

At the workshop, eBRAM also gave its views on the market reception of the APEC ODR Collaborative Framework. There was a clear demand for affordable dispute resolution mechanisms when a dispute arises, but there were also challenges in relation to helping SMEs understand the benefits of the APEC ODR mechanism and the importance of achieving a prior agreement to the dispute resolution mechanism.

During this APEC workshop, eBRAM also shared its observations on its first case handled under its APEC Rules which was actually a business-to-consumer (B2C) dispute. The parties concerned had agreed to apply the APEC Rules to the B2C disputes. The case once again highlighted that, on the one hand, the APEC ODR mechanism is attractive to users, but on the other hand, there is room for improving users' understanding of the APEC ODR mechanism and increasing the visibility of the attractiveness of the mechanism. The case demonstrates that there are opportunities for widening the scope of application of the APEC ODR mechanism to cover a wider range of users and types of disputes.

eBRAM stressed the importance of having a concerted effort among all APEC member economies at the governmental level to promote the APEC ODR mechanism. It is important that all APEC economies consider opting into the Collaborative Framework. Simultaneously, eBRAM is also willing to collaborate with other ODR providers at the

provider level through resource sharing, such as sharing its ODR Platform, to complement such efforts.

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

Dr. Chen CHEN, Supervisor of Research Projects 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. The GZAC APEC ODR platform has dealt with over 700 domestic and international disputes totaling over CNY6.5 billion (USD900 million), including cases involving financial disputes and emerging industries such as e-commerce, live streaming, and intelligent vehicle manufacturing. The average time to resolve a dispute under its APEC ODR Platform is 37 days, with 69.4 percent of the disputes resolved during the negotiation and mediation stages. The negotiation and mediation stages utilize AI and are offered for free.

Dr. Chen explained that 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.

Dr. Chen noted that in August 2023, GZAC developed the world's first AI Arbitration Secretary "Zhong Xiaowen." This AI Arbitration Secretary performs intelligent functions such as pre-hearing identify authentication, legal inquiry during hearings, and post-hearing award drafting. The AI Secretary effectively addresses the issues of efficiency, cooperation, and knowledge limitations that sometimes occur with human arbitration secretaries.

In January 2023, GZAC developed the intelligent robot "Yun Xiaozhong," which allows cases to be filed anytime and anywhere while also providing legal assistance, effectively saving parties time and money.

In January 2023, GZAC's "Resolving Foreign Contract Disputes through an ODR Platform" was selected as one of three annual guiding arbitration cases by the Chinese Ministry of Justice, and another case on its ODR platform was honored by the Ministry of Commerce as an excellent legal practice to promote foreign trade, the only arbitration case among the 30 honorees.

GZAC has held numerous seminars and press conferences to disseminate information and collect opinions and suggestions from scholars, e-commerce traders, and others on how to improve the perception of its APEC-ODR platform. GZAC is working with business entities, law firms, and industry associations to promote its ODR platform and asks them to link to it on their websites. If parties agree to ODR in advance of a

dispute, they usually agree to use online negotiation, mediation, and arbitration. If they agree to ODR post-dispute, they usually agree to use online negotiation and mediation only.

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

Professor Yoshi HAYAKAWA presented the ODR Platform from U&I Advisory, a partnering ODR provider under the APEC ODR Collaborative Framework. In Japan, ODR/ADR providers require a license from the Ministry of Justice to use a non-lawyer as a mediator. U&I Advisory was the first recipient of such a license. U&I Advisory has partnered with DFTA, an ODR platform vendor, to offer ODR services. The highly secure platform complies with the APEC ODR Collaborative Framework and Model Procedural Rules. U&I is developing a comprehensive agreement to provide ODR services for e-commerce vendors and their customers.

Ms. Mia LEVI, the Vice President & Corporate Secretary of CPR (International Institute of Conflict Prevention and Resolution), introduced the CPR Dispute Resolution platform. Ms Levi explained that starting in early 2023, CPR transitioned to a fully online dispute resolution platform. The ODR platform is accessible to CPR Dispute Resolution administrators, neutrals, and parties to the dispute, providing them with a digital environment to handle matters more efficiently and securely. The platform is ISO 27001 certified, a leading international standard for information security. The platform is configured for easy filing, secure communications between neutrals, CPR, and the parties, online neutral appointments, organized folders for document storage, and online case management. The integrated video-conferencing feature allows the parties and, once appointed, the neutrals to seamlessly connect to their conference while viewing case files and to create and collaborate on shared documents, such as settlement agreements and awards.

With its platform, CPR Dispute Resolution has digitized its global arbitration, mediation, and ADR case management services. The platform includes enhanced security and provides neutrals, parties, and its own case administrators with more efficient and effective options for resolving disputes. CPR has a panel of 643 distinguished neutrals (175 outside the United States) from 35 economies and provides fluency in 40 languages.

CPR partnered with the APEC EC to offer ODR under the Collaborative Framework immediately after the Workshop in January 2024. Under its APEC ODR platform, it offers online negotiation, mediation, and arbitration.

b) Other providers

Ms. Thunpicha RUNGCHEWIN, Thailand Arbitration Center (THAC), provided an overview of the implantation of ODR in Thailand. She 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 online negotiation as well as mediation and arbitration through remote hearings. The platform offers ODR for copyright, patent, and trademark infringement disputes, family law (including divorce and separation), and e-commerce disputes, including B2B and B2C. She noted that

the THAI Arbitration Center Rules broadly provide for the use of electronic communications, including the issuance of digital awards. However, it is uncertain whether the Thai courts will enforce awards that have been issued electronically with a digital signature.

Ms. Rungcheewin noted the importance of ODR to Thailand, with over 80 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 media, seminars, and door-to-door presentations. THAC offers attractive fees:

- Free Negotiation
- Online Mediation at THB2000 per case (about USD56)
- Online Arbitration at THB5000 per case (about USD140).

However, the use of ODR at present remains very low. Most cases brought to the THAC ODR platform involve intellectual property disputes. She emphasized that it would be extremely helpful if Thailand opted into the Collaborative Framework, and THAC could partner with the APEC EC to offer ODR under the Collaborative Framework.

Prof. Huala ADOLF, BANI (Badan Arbitrase Nasional Indonesia), noted that the arbitration center was established by the Indonesian Chamber of Commerce in 1977. He explained that Indonesian Arbitration Law No. 30 of 1999 allows for the settlement of disputes by electronic means. Consistent with that law, BANI published the BANI Rules and Procedures on Electronic Arbitration in 2020 (during the Pandemic), which offer many of the same basic online elements as the APEC ODR Collaborative Framework, including notice by electronic communication, virtual hearings, documents-only decisions, and electronic awards. In April 2023, BANI began developing its own ODR platform.

Prof. Adolf commented that BANI would benefit greatly if it were able to partner with the APEC EC given the APEC ODR Collaborative Framework's strong regional implementation, flexible framework for resolving disputes through online negotiation, mediation and arbitration, and its provision for the resolution of cross-border MSME and consumer disputes, most of which go unresolved.

Ms. Michele Park SONEN, SIAC, commented on the SIAC arbitration process. Although SIAC is not registered as an ODR Provider under the Framework, it offers procedures that meet the definition of ODR or are within the spirit of ODR.

As a premier arbitral institution with one of the largest caseloads in the world (over 1,000 active cases, 90 percent of which are international, and parties from over 100 jurisdictions over the last five years), a large portion of SIAC's caseload is high-value disputes and involves MNCs. However, SIAC has a range of disputes, including smaller disputes often involving MSMEs.

The SIAC Rules are flexible and allow parties to easily adopt procedures that would bring the arbitration within the spirit of ODR, including:

- E-Filings, which are soon to be enhanced through the launching of SIAC Gateway, an online platform for filings, document management, and communications;
- Online Hearings, which are permitted under the SIAC Rules (SIAC has also issued a Guide called Taking Your Arbitrations Remote (2020) setting out best practice recommendations);
- Documents-Only Arbitration (In the past three months, about half of SIAC hearings were online. Of those, the vast majority of hearings for interlocutory applications like emergency arbitration and case management conferences were online, while a much smaller percentage involved evidentiary hearings. There is a general preference for physical hearings where evidence is being presented through testimony, or when the parties are in the same jurisdiction);
- Fast-Track Arbitration through its Expedited Procedure mechanism;
- Arb-Med-Arb in conjunction the Singapore International Mediation Centre; and
- Information Security, which is strengthened in the draft 7th edition of the SIAC Rules.

Prof. Nadja ALEXANDER, Singapore Management University, offered some concluding observations concerning the panel. She noted the importance of incentivizing people to use ODR and how there may need to be institutional, financial, and regulatory incentives. She also noted that economies have an opportunity to review their mediation and arbitration laws when they opt into the Collaborative Framework to ensure alignment between the Framework rules and the economy's mandatory laws (for example, concerning digital awards) that will, to the extent of any inconsistency, override the Framework rules of procedure. Finally, she stressed the need to consider usability, reliability, and accessibility when designing platforms. For example, the use of Zoom for hearings may score well from a standpoint of usability and accessibility but less so regarding reliability in terms of the ODR platform (e.g., aligning reliably with a robust legal system and offering features specific to dispute resolution, such as case management, secure uploading of documents, and secure e-signing and witnessing of documents).

3.2.3 Encouraging Businesses (Including MSMEs) To Settle Their Disputes Using the APEC ODR Collaborative Framework

Prof. Yoshihisa HAYAKAWA served as the moderator for the session.

Mr. Julius Caesar PARRENAS, ABAC, stressed the importance of Online Dispute Resolution for MSMEs. Across every level of the trade pipeline, access to easy, low-cost dispute resolution has been consistently identified by ABAC as an issue for MSMEs engaged in trade. Interviews with MSMEs engaged in cross-border trade, business leaders, and policymakers in the 21 APEC economies made it clear that MSMEs either did not engage in dispute resolution at all or tried to engage in informal negotiations with the other party. Few, if any, MSMEs used existing conventional methods of arbitration and legal settlement available due to their perceived complexity and cost. For these reasons, ABAC, in its 2019 Report to APEC Economic Leaders, welcomed efforts to develop a region-wide framework for online dispute resolution platforms and urged the Leaders to support these efforts. ABAC will continue to collaborate with the APEC Economic Committee to promote wider adoption of the

ODR mechanisms across member economies. ABAC is willing to co-host events with the APEC EC to promote greater awareness of ODR under the Collaborative Framework.

Ms. Claudia Ivette Garcia ROMERO, World Bank, commented that the B2B Market is growing globally along with cross-border disputes. ODR usage provides multiple benefits to different stakeholders, including economies and firms. Available studies confirm that firms involved in cross-border disputes are willing to use ODR since they value technology usage in ADR. In addition, firms are ready to use less well-known providers offering cost-effective offerings and providing a deep and broad pool of arbitrators. The latter is a market opportunity for ODR platforms to deliver value to firms, especially MSMEs facing cross-border disputes. While reviewing the different roles and challenges stakeholders face towards successfully operationalizing the APEC ODR Collaborative Framework, the presentation suggests that all stakeholders' involvement is needed to fulfill the Framework impact for MSMEs while providing a set of possible actions.

Mr. Oki MORI, JFBA, Japan, provided background concerning the Demonstration Project in Japan. The Demonstration Project is one of the measures provided for in an action plan by the Ministry of Justice in 2022 to promote ODR and dispute resolution and assist MSMEs. A digital platform was developed for the Demonstration Project to provide one-stop legal services ranging from legal consultation to mediation on a digital platform. Although efforts toward the social implementation of ODR have only just begun in Japan, it is hoped that the implementation of this project and other initiatives will encourage the use of ODR in Japan, including by MSMEs.

Prof. Angie RAYMOND, Indiana University, stressed the importance of the adoption of the APEC ODR Collaborative Framework by MSMEs and female-led small businesses, more generally. She highlighted the growing use of e-commerce and, more generally, technology for sales across the APEC region, much of which was likely brought on by the COVID-19 pandemic. Current research supports the widespread use of e-commerce but notes the hesitation to enter this marketplace without appropriate ODR. Prof. Raymond discussed the importance of trust in the design and implementation of ODR, the need to identify where hesitation to adopt ODR rests, and for the lead academics and others to be more engaged with helping more widespread adoption. She ended by emphasizing the need to coordinate with ABAC to engage more broadly with the business community.

Day Two Sessions

3.3. Session Three: Advancing the Use of ODR

3.3.1 Study on the adequacy of APEC economies' legal frameworks considering relevant UNCITRAL instruments and the possible extension of the Framework to B2C disputes

Dr. James DING served as moderator for the session.

Mr. Mike DENNIS introduced the Study on APEC Legal Frameworks for the Implementation of the APEC ODR Collaborative Framework.

Recently, questions have arisen concerning the compatibility of economies' laws and the use of ODR. For example, a statement in a UNCITRAL text on MSMEs and dispute resolution that was adopted last summer¹³ emphasizes that online dispute resolution mechanisms require a conducive legal environment that permits, for example, choice of forum and does not require physical appearance of the parties or physical written submission of documents. The text concludes that economies may have to amend domestic laws accordingly. Several economies at the Workshop also questioned the suitability of their legal framework for ODR.¹⁴

The APEC ODR Collaborative Framework addresses the legal framework that economies need to effectively implement the Collaborative Framework. It states that it is not essential for the laws relevant to ODR within APEC economies to be identical. However, the Collaborative Framework lists four private international instruments that constitute a cornerstone for the implementation of the APEC ODR Collaborative Framework and its Model ODR Procedural Rules:

- The UN Convention on the Recognition and Enforcement of Foreign Arbitral Awards (also known as the New York Convention) has been implemented by all APEC economies. The New York Convention provides for the recognition of online arbitration agreements, including the parties' agreement regarding the place of arbitration, institutional rules, and arbitral procedures. It also provides for the recognition and enforcement of arbitration awards subject only to narrowly defined exceptions.
- The UNCITRAL Model Law on International Commercial Arbitration has been implemented by 16 out of 21 APEC economies. The Model Law parallels the provisions of the New York Convention and establishes a unified framework for the fair and efficient settlement of disputes arising in international commercial arbitration, including in online arbitration. While some APEC economies have not enacted the Model Law, every economy nonetheless recognizes the parties' freedom of contract to choose the rules of procedure governing the process, such as the APEC ODR Model Procedural Rules.
- The UN Convention on the Use of Electronics Communication in International Contracts and the UNCITRAL Model Law on E-Commerce. 17 out of 21 APEC economies have implemented either instrument. These instruments allow for the legal recognition of e-signatures and electronic contracts on the same basis as an agreement concluded in writing. While some APEC economies have not enacted either of these instruments, the laws of these APEC economies nonetheless provide for the recognition of e-documents and e-signatures.

Another important instrument that came into force after the endorsement of the Collaborative Framework is the UN Convention on International Settlement Agreements Resulting from Mediation (Singapore Convention) (2018). The Convention provides for expedited enforcement of international mediation agreements. While implementation of the Convention has not been widespread thus

¹³ UNCITRAL Guide on Access to Credit for Micro, Small and Medium-sized Enterprises, A/CN.9/1156, as revised by the Commission, A/78/17 - Report of the United Nations Commission on International Trade Law Fifty-sixth session at 20-27.

¹⁴ See discussion *supra* at 15-17.

far, the laws of every APEC economy provide for the enforcement of negotiated and mediated settlement agreements.

An in-depth analysis of APEC economy laws as they relate to the specific elements of ODR provided for under the Collaborative Framework demonstrates that every economy:

- Permits the use of ODR for cross-border business-to-business (B2B) disputes;
- Recognizes parties' agreements to use online dispute resolution under the Collaborative Framework, including through agreements concluded electronically;
- Permits the parties or the ODR provider to choose the place of arbitration (seat of arbitration);
- Permits the parties to agree that proceedings be conducted using electronic communications and an ODR platform, including for the initiation of the ODR proceedings;
- Permits the parties to agree to the use of a documents-only decision or a remote hearing;
- Provides for enforcement of negotiated or mediated settlement agreements;
- Provides for recognition and enforcement of online awards;
- Provides the legal framework for the use of ODR for cross-border B2C disputes (if the provider and parties extend the Framework to B2C transactions) subject to mandatory requirements in the domestic laws of economies.

In short, all APEC economies have the requisite legal framework to implement ODR under the Collaborative Framework, and therefore, economies should strongly consider opting into it to enable their ODR providers to join and their businesses to benefit. Economies were also encouraged to further support the development and implementation of private international law instruments relevant to ODR.

Mr. DENNIS, Ms. Elena GASOL from the World Bank, and **Prof. Yoshihisa HAYAKAWA** also discussed the legal framework for using ODR in B2C cases, including under the Collaborative Framework. 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 the APEC ODR Collaborative Framework can be applied to B2C cross-border transactions due to the inherent flexibility of Model Procedural Rules for providers and parties. Some partnering APEC providers have already done so with parties' agreement. Article 1.2 of the Model Procedural Rules explicitly provides that the parties may modify any provision by agreement, including modifying the provisions to cover non-cross-border or non B2B disputes.

They pointed out, as also noted in the Study, that the APEC Model Procedural Rules can accommodate differences in economy laws concerning the validity of agreements to arbitrate future consumer disputes, although the process is more complex. Article 1(2) of the Model Procedural Rules expressly provides that the Rules govern the ODR proceedings except where any of these Rules conflict with a provision of the law applicable to the ODR proceedings from which the parties cannot derogate. Thus, the APEC ODR Model 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 arbitration of future disputes).

They also stressed that the ability to extend the Collaborative Framework to B2C transactions was important since consumers often need an adequate remedy in cross-border disputes. As pointed out in the Study, courts do not provide an adequate remedy for B2B or B2C cross-border disputes. Additionally, as pointed out in the Study, in most B2C disputes, the business is paid at the time of the order, and the consumer is the party seeking a remedy. From a policy perspective, applying the Collaborative Framework to B2C transactions would, therefore, benefit consumers most. Most B2C e-commerce disputes involve goods or services that were not received or do not conform to what was ordered.

Regarding the differences among economies concerning the validity of agreements to arbitrate future consumer disputes, EC Chair Dr James Ding concluded that it would not be appropriate for the EC to review the laws of economies and harmonize the differences.

The issue was discussed further on the final day of the workshop. See discussion *infra* at 31.

3.3.2 Enhancing ODR through the use of advanced technologies

Moderator: **Prof. Angie RAYMOND**, Indiana University

The second panel of Day 2 focused on advanced technologies used in ODR.

The session began with **Mr. Colin RULE** (online) and **Prof. Clare FOWLER**, both from ODR.com, showcasing a sample ODR system, including the thought behind the different features. Professor Fowler explained that after 15 years of helping clients use ODR, she can explain why they have designed and dismissed elements of ODR. Their focus is on keeping client information private and allowing clients control over the configuration of their systems.

Mr. Wenli GUO, Beiming Software Co., Ltd (China) highlighted some of the technologies used in ODR in China. He noted that the use of new ODR technology is extensive, with significant advancements in process automation, intelligent assistance, and intelligent dispute resolution.

The process automation mainly manifests itself in the application of blockchain smart contracts. Blockchain smart contracts with pre-defined rules facilitate the dispute resolution process. The Hangzhou Internet Court, Beijing Internet Court, Hangzhou West Lake District Court, etc., have already utilized blockchain smart contracts to accomplish various process operations, including case filings and enforcement. They enable real-person authentication and signing, uploading the original contract text and smart contract onto the judicial blockchain, one-click initiation of the process, one-touch submission of relevant materials, and one-click extraction of relevant evidence.

In the area of intelligent assistance, primary applications are intelligent risk assessment, intelligent assistants, and intelligent mediator recommendations.

Furthermore, there is ongoing exploration of intelligent group formation in arbitration tribunals. Additional applications include virtual/digital courts such as the virtual 5G court of Guangzhou Internet Court, the virtual court cabin of Beijing Internet Court, and the metaverse arbitration court of Guangzhou Arbitration Commission. Other applications include intelligent evidence analysis, intelligent batch processing of similar cases, and automatic generation of legal documents.

Intelligent dispute resolution is characterized by the algorithm negotiation and intelligent mediation, and AI-based rapid ruling of similar cases. AI arbitrators/judges, etc., are being actively explored.

Finally, **Prof. Eliza MIK**, Chinese University of Hong Kong, spoke about AI within ODR. Professor Mik focused her presentation on the technology of ODR and the demands and needs of the ODR platforms from a more technical perspective. Professor Mik reminded everyone of the importance of data and security before discussing blockchain-driven systems and their lack of true 'reachability' to the users. In contrast, she asked the audience to consider the eBRAM APEC ODR platform. Professor Mik explained that eBRAM created a resolution platform that is functional, accessible, private and confidential, easy to use, convenient, and efficient. Professor Mik pointed out that this is exactly what users want: competitive prices, rich features, and a user-friendly interface. Professor Mik concluded by emphasizing the need for ODR providers to focus on user experience.

3.4. Session Four: Use of ODR in APEC Economy Courts and Various Disputes

3.4.1 Use of ODR in APEC Economy Courts

The third panel of the day focused on the use of ODR in APEC Economy courts.

Prof. Angie RAYMOND, Indiana University moderated the panel.

To lead the discussion, **Mr. Eric REGEHR**, Vice Chair of Strata, Society, and Cooperative Associations of the Civil Resolution Tribunal (CRT), British Columbia, Canada, described the ongoing advancement of the use of ODR in CRT. The CRT is part of the British Columbia public justice system and offers an accessible, affordable way to resolve disputes without needing a lawyer or attending a court. The CRT is a user-focused ODR platform and is Canada's number one online tribunal. Mr. Regehr described the ever-increasing role that CRT plays in the use of ODR in Canada and the expansion of its jurisdiction into several new areas, such as intimate image protections. Mr. Regehr also explained the process of the system and its various aspects, such as free public legal information and tools, guided pathways, interactive questions and answers, template letters, and worksheets.

The second speaker, **Prof. Yongmin BIAN**, University of International Business and Economics (Beijing) highlighted significant developments in the use of ODR in Chinese courts. As Professor Bian explained, the Supreme People's Court of China supports online litigation, including through the establishment of its Internet courts (2018), measures for the implementation of a pilot reform of simplifying civil proceedings (2020), and the issuance of the People's Court Online Litigation Rules (2021). Online litigation can be utilized, subject to the parties' consent. If only one party

accepts online litigation, the other party can choose to participate in the hearing in person. All procedures, including filing, payment, exchange of evidence, verification of identity, security, trial, execution, examination, review, service, publication, etc., can all be conducted online. In practice, financial, administrative, labor, property services, sale contracts, divorce, inheritance, torts cases, etc., can all be resolved by a trial online. The Chinese courts support parties in settling their disputes via mediation before or after filing their cases in court. Mediation can be conducted online as well. The court may endorse the mediation agreement if the parties wish so that the agreement can be enforced later if there is a default.

The final speaker, **Prof. Yun ZHAO**, Hong Kong University, provided an update on the use of ODR in Hong Kong, China courts. According to Professor Zhao, the pandemic has brought about a fast and widespread transition to remote hearings in Hong Kong, China courts. The Hong Kong, China Judiciary has been developing phases of an integrated court case management system across all levels of courts for handling court-related documents and payments through an electronic mode. Hong Kong, China, Courts' relatively rapid adoption of remote hearings has helped to maintain the administration of justice.

3.4.2. Use of ODR for various types of disputes, including B2C and financial disputes

The final panel of the day had a robust conversation concerning the use of ODR for other types of disputes.

Prof. Angie RAYMOND, Indiana University, moderated the session.

Prof. Yun ZHAO, Hong Kong University, discussed the expanding use of ODR in the field of financial disputes. As Professor Zhao explained, the existing ODR mechanisms in the financial sector are fragmented and complicated for consumers. Online redress in the financial sector is addressed separately by each financial sector regulator. Moreover, the financial sector characterizes itself by the existence of numerous small value disputes. Online settlement of financial claims is already well-developed in the U.S. The EU ODR Platform also attempts to make online shopping safer and fairer through access to dispute resolution tools. China also has ODR platforms for this purpose. The existing ODR platforms share some common features to facilitate financial dispute resolution online.

Prof. Mayu WATANABE, Rikkyo University, focused on the use of ODR for family disputes. Prof. Watanabe explained that ODR in family disputes began in the United States but is growing rapidly worldwide. ODR is cost-effective and substantially faster for family law disputes in U.S. courts. Many negotiations occur outside work hours. Typically, the software walks the parties through a negotiating process to negotiate issues before a formal hearing or mediation takes place. In some cases, the parties can agree on all the major issues in their parenting plan through a negotiation stage without a mediator or appearing before a judge. ODR can help preserve relationships between co-parents. It can also streamline enforcement. Private family mediators also use ODR technologies to support divorcing couples and provide post-separation co-parenting management services.

Prof. Clare FOWLER, ODR.com, discussed how providers should be working to integrate ODR and AI within their platforms. She looked at possible applications of ODR as well as benefits, features, drawbacks, and integrations with AI. ODR.com believes ODR should be promoted in the workplace, eCommerce, and international fields. Prof. Fowler noted that including ODR is a yes/and benefit for businesses and courts, not an either/or. In other words, ODR is a tool adding to existing options, not replacing them. A key benefit of ODR is bringing access to dispute resolution to those who might not have had it otherwise.

Day Three Discussions

3.5 Session Five: Open Discussion: Addressing administrative details and related issues arising from the implementation of the Framework for subsequent review by SELI and the EC—including the legal framework for ODR, extension of the Collaborative Framework to B2C transactions, and the ISO Project on ODR

Dr. James DING, EC Chair, Hong Kong, China, moderated the session.

Prof. Dana NAHLAN, United States, provided an update on the USMCA Advisory Committee and its three parties (United States; Canada; and Mexico), each of whom are also APEC member economies. Under the USMCA (Section 31.22.4), the Committee is responsible for facilitating and promoting the development of alternative dispute resolution, including ODR, within the three economies. The United States has opted into the Collaborative Framework, but Canada and Mexico have not. The Committee plans to determine whether any roadblocks exist to Mexico and Canada opting in and resolve them if possible. Then, the Committee plans to contribute what it can to the development of the APEC Framework and its use, specifically in the USMCA territory. Prof. Nahlan emphasized that anything the committee decides to implement additionally in USMCA territory (for example, process rules, party rules, or neutral ethics requirements) will be public information and, therefore, shared with the APEC EC.

Ms. Elena GASOL, World Bank, made a presentation to introduce the Consumer Protection Module by the World Bank, one of the indices of which seeks to measure the effectiveness of dispute resolution for consumer protection.

Prof. Yoshihisa HAYAKAWA, SELI Conveyor, highlighted that the International Standards Organization working group on online dispute resolution (ISO/TC321/WG 3) is developing standards for using ODR, including on e-platforms. The standards follow the APEC ODR Model Procedural Rules.

Participants then engaged in open discussion on the possibility of extending the Collaborative Framework to cover B2C disputes. The discussions highlighted the need for ODR to resolve cross-border B2C disputes to provide adequate remedy for consumers. Several economies, including Indonesia, supported the extension of the Collaborative Framework and again stressed the importance of being able to use the Collaborative Framework in their economies to also resolve B2C cross border disputes (see discussion supra 3.3.1). Participants considered the design and scope of the Collaborative Framework and explored whether it was necessary to amend the

Collaborative Framework to cover B2C disputes. Some economies suggested changing the title of the Collaborative Framework to delete the reference to “business-to-business disputes,” while other economies were of the view that it would not be necessary to make any changes to the Collaborative Framework and its Model Procedural Rules given the flexibility built into these instruments.

Taking the discussions into account, **Dr. James DING**, EC Chair, noted that while the Collaborative Framework was initially designed to benefit APEC businesses, in particular MSMEs, to resolve cross-border B2B disputes, in practice, listed ODR Providers have applied the Collaborative Framework to resolve non-B2B cases such as consumer disputes with the agreement of the parties concerned. He pointed out that this is possible due to the inherent flexibility in the Collaborative Framework and its Model Procedural Rules, which do not limit its application to B2B or cross-border disputes. Article 1.2 of the Model Procedural Rules explicitly provides that the parties may modify any provision by agreement, including modifying the provisions to cover non-cross-border or non-B2B disputes. With such flexibility built into the Collaborative Framework and the Model Procedural Rules, it would not be necessary to make any changes to the existing Collaborative Framework and its Rules, and it would be for ODR Providers, where the parties concerned agree to resolve their B2C or non-cross border B2B disputes, to adapt the Model Procedural Rules clearly for that purpose. He further mentioned that such flexibility should be discussed in the Study on APEC Legal Frameworks for the Implementation of the APEC ODR Collaborative Framework to reflect the status quo. Regarding the suggestion on amending the title, he proposed that this matter should be further discussed at the next SELI/EC meeting and should not be added in the Study at this stage, pending members’ discussion.

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.
- Opting into the Collaborative Framework contributes to all four pillars of the Enhanced APEC Agenda for Structural Reform (EAASR).
- Several APEC ODR Providers are seeing significant time and cost reductions in the dispute resolution process for cases submitted under the Collaborative Framework compared to the court process. This helps to remove a significant obstacle of MSMEs from trading across borders, facilitating their fuller participation in international trade and cross-border e-commerce, which has led to increased growth and productivity for MSMEs, including women-led businesses.
- Retail e-commerce is rapidly expanding in the APEC region. An ODR framework to resolve B2C disputes across borders would offer more adequate protection to consumers by facilitating their access to justice.

- Some listed ODR providers are also providing services to consumers in the context of B2C disputes using the Model Procedural Rules under the Collaborative Framework with the parties' agreement. This is permissible due to the inherent flexibility in the Collaborative Framework and its Model Procedural Rules, which do not limit its application to B2B or cross-border disputes. Article 1.2 of the Model Procedural Rules explicitly provides that the parties may modify any provision of the Model Procedural Rules by agreement, including modifying the provisions to cover non-cross border or non-B2B disputes, to the extent allowed by the applicable law. ODR Providers are therefore recommended, where the parties concerned agree to resolve their dispute, which is not limited to cross-border B2B, to adapt the Model Procedural Rules clearly for that purpose consistent with the applicable law.
- The Collaborative Framework provides that ODR laws and practices among APEC economies do not need to be identical. It is noted that all economies have the requisite legal framework to implement the Collaborative Framework. Economies are encouraged to support further developing and implementing private international law instruments relevant to ODR.
- Opting into the Collaborative Framework does not impose any legal obligations on economies. Only ODR providers from those economies that have opted in could be listed under the Collaborative Framework.
- The Collaborative Framework encourages using advanced technologies, including AI, to facilitate the ODR process. While advanced technologies could enhance the process and offer functionalities that go well beyond what online ADR can deliver, their use should be based on ethical principles and promote user-centered design.

The recommendations of the Workshop are as follows:

APEC Economies should:

- Favorably consider opting into the Collaborative Framework
- Identify and assist ADR/ODR providers willing to partner with the APEC EC under the Collaborative Framework
- Encourage their businesses, in particular, MSMEs, to incorporate model ODR dispute resolution clauses of APEC ODR providers in their contracts
- Consider implementing relevant private international instruments that are conducive to ODR
- Consider hosting workshops and other capacity-building or promotional events to promote the implementation of ODR.

SELI, with help from Lead Academics, should:

- Work with ABAC to promote the Collaborative Framework and identify businesses willing to participate

- Partner with as many ODR providers as possible (from economies that have opted in)
- Conduct User Experience (UX) reviews of APEC-approved ODR Providers
- Stimulate economy-level capacity building for governments, lawyers, MSMEs, potential ODR platform providers, and courts to implement ODR through workshops, webinars, etc.
- Promote improvement of APEC legal regimes on ODR by encouraging implementation of UNCITRAL texts
- Conduct regular APEC-wide follow-up workshops, webinars, and other events to assess progress
- Consider the application of the Collaborative Framework to B2C transactions, including removing references to “B2B” in the title of the Collaborative Framework and its Model Procedural Rules.

APEC EC should:

- Endorse the Study on APEC Economy Legal Frameworks for the Implementation of the APEC ODR Collaborative Framework
- Host a policy dialogue at EC 1 to review the implementation of the APEC ODR Collaborative Framework; provide an opportunity for economies to opt into the APEC ODR Collaborative Framework; and examine the possibility of removing references to “B2B” in the title of the Collaborative Framework and its Model Procedural Rules.

APPENDIX I



APEC Workshop on Implementation of Online Dispute Resolution (ODR) in APEC Economies, including through the APEC ODR Collaborative Framework

Rikkyo University, Tokyo, Japan

25-27 January 2024

Program

* online speaker

Day 1: 25 January 2024

9:00-9:15	Registration
<i>1st Session</i>	<i>Opening Session</i>
9:15-9:40	Opening Remarks Prof. Yoshihisa HAYAKAWA, SELI Convenor, Japan Mr. Yusuke IINO, METI, Japan Dr. James DING, EC Chair, Hong Kong, China
9:40-9:45	Photo-taking Session
9:45-10:45	Keynote Presentation: Review of implementation of the Collaborative Framework: Challenges and Opportunities (including possible expansion) Moderator: Prof. Yoshihisa HAYAKAWA, SELI Convenor, Japan Speaker: Mr. Mike DENNIS, International ODR Expert, United States
10:45-10:55	Coffee Break
<i>2nd Session</i>	<i>Progress on Implementation of ODR</i>
10:55-1:00	Progress on implementation of ODR and the Collaborative Framework in APEC Economies (including Q&A) Moderators: Prof. Yoshihisa HAYAKAWA, SELI Convenor, Japan Mr. Mike DENNIS, International ODR Expert, United States Speakers: Prof. Yongmin BIAN, University of Int'l Business and Economics, China

	<p>Ms. Phoebe SUEN, DOJ, Hong Kong, China Mr. Yusuke IINO, METI, Japan Mr. Yeong ZEE KIN, The Singapore Academy of Law, Singapore * Mr. Joseph KHAWAM, DOS, United States * Ms. Netty MUHARNI, CMEA, Indonesia Ms. Rabiatal HAMZA, MEDC, Malaysia Mr. Steven COLLIN, PMNEC, PNG Ms. Maranatha LETUAN, DOJ, PNG Mr. Maxim KAZIEV, MED, Russia * Ms. Orachat SUNGKHAMANEE, NESDC, Thailand Ms. Cheryl CARBONEL, DTI, The Philippines Mr. Duong NGUYEN, MPI, Viet Nam</p>
1:00-2:15	Lunch (hosted by Japanese private sector)
2:15-3:30	<p>1) APEC-partnering ODR providers share their experience of the Collaborative Framework including the use of advanced technologies, such as AI and blockchain; and 2) other ODR providers interested in partnering with APEC (including Q&A) explain why</p> <p>Moderator: Mr. Mike DENNIS, International ODR Expert, United States</p> <p>Speakers:</p> <p>Dr. Fan YANG, CIETAC * Ms. Mia LEVI, CPR * Ms. Pui-Ki Emmanuelle TA, eBRAM Dr. Chen CHEN, GZAC * Prof. Yoshihisa HAYAKAWA, U&I Advisory Service Ms. Michele Park SONEN, SIAC * Ms. Thunpicha RUNGCHEEWIN, THAC Prof. Huala ADOLF, BANI Prof. Nadja ALEXANDER, Singapore Management University *</p>
3:30-3:40	Coffee Break
3:40-5:00	<p>Promoting the Framework and encouraging businesses (including MSMEs) to consider settling their disputes by ODR using the listed ODR providers</p> <p>Moderator: Prof. Yoshihisa HAYAKAWA, SELI Convenor, Japan</p> <p>Speakers:</p> <p>Mr. Julius Caesar PARRENAS, ABAC Ms. Elena GASOL, World Bank Ms. Claudia Ivette Garcia ROMERO, World Bank Mr. Oki MORI, JFBA, Japan Prof. Angie RAYMOND, Indiana University</p>

Day 2: 26 January 2024

9:00-9:15	Registration
9:15-9:20	Introduction and Summary of Day 1 Mr. Yoshihisa HAYAKAWA, SELI Convenor, Japan
<i>3rd Session</i>	<i>Advancing Use of ODR</i>
9:20-11:10	Study on the adequacy of APEC economies' legal frameworks considering relevant UNCITRAL instruments and the possible extension of the Framework to B2C disputes (including Q&A) Moderator: Dr. James DING, EC Chair, Hong Kong, China Speakers: Prof. Yoshihisa HAYAKAWA, SELI Convenor, Japan Mr. Mike DENNIS, International ODR Expert, United States Ms. Elena GASOL, World Bank Ms. Claudia Ivette Garcia ROMERO, World Bank
11:10-11:20	Coffee Break
11:20-12:30	Enhancing ODR through use of advanced technologies (including Q&A) Moderator: Prof. Angie RAYMOND, Indiana University Speakers: Mr. Colin RULE, ODR.com * Prof. Clare FOWLER, Mediate.com Mr. Wenli GUO, Beiming Software Co., Ltd Prof. Eliza MIK, The Chinese University of Hong Kong
12:30-1:45	Lunch (hosted by Japanese private sector)
<i>4th Session</i>	<i>Use of ODR in Various Disputes and in APEC Courts</i>
1:45-3:00	Use of ODR in APEC Economy courts (including Q&A) Moderator: Prof. Angie RAYMOND, Indiana University Speakers: Mr. Eric Regehr, CRT * Prof. Yongmin BIAN, University of Int'l Business and Economics Prof. Yun ZHAO, Hong Kong University
3:00-3:10	Coffee Break
3:10-5:00	Use of ODR for various types of disputes including B2C and financial disputes (including Q&A) Moderator: Prof. Angie RAYMOND, Indiana University Speakers: Prof. Yun ZHAO, Hong Kong, China Prof. Mayu WATANABE, Japan Prof. Clare FOWLER, Vice President, Mediate.com

Day 3: 27 January 2024

9:00-9:15	Registration
9:15-9:25	Introduction and Summary of Day 1 and 2 Prof. Yoshihisa HAYAKAWA, SELI Convenor, Japan
<i>5th Session</i>	<i>Open Issues and Conclusions and Recommendations</i>
9:25-10:25	Addressing administrative details and related issues arising from the implementation of the Framework for subsequent review by SELI and the EC– including the legal framework for ODR, extension of the Collaborative Framework to B2C transactions, and the ISO Project on ODR Moderator: Dr. James DING, EC Chair, Hong Kong, China Speakers: Prof. Yoshihisa HAWAKAYA, SELI Convenor, Japan Mr. Mike DENNIS, International ODR Expert, United States Ms. Elena GASOL, World Bank Ms. Claudia Ivette Garcia ROMERO, World Bank Prof. Dana NAHLAN, USMCA Advisory Committee, United States *
10:25-10:35	Coffee Break
10:35-12:30	Interactive Session: Applying Lessons Learned and Path Forward Lead Academics
12:30-2:30	Lunch
2:30-3:40	Drafting Session including Conclusions and Recommendations
3:40-3:50	Coffee Break
3:50-4:50	Conclusions and Recommendations Moderator: Dr. James DING, EC Chair, Hong Kong. China Speakers: Prof. Yoshihisa HAWAKAYA, SELI Convenor, Japan Mr. Mike DENNIS, International ODR Expert, United States
4:50-5:00	Closing Remarks Dr. James DING, EC Chair, Hong Kong, China Prof. Yoshihisa HAYAKAWA, SELI Convenor, Japan

APPENDIX II SPEAKERS (Experts)

Mr. Mike DENNIS, International Law Consultant, United States

Mike Dennis is a private international law consultant. He has been a legal consultant to the APEC Economic Committee for the ODR Collaborative Framework and Secured Transaction Reform. He developed the Administrative Implementation Work Plan and the related Proposal for an APEC ODR Satellite Website for the Collaborative Framework. He wrote the APEC Study on Best Practices in Using ODR (2023). He co-authored the APEC Study on Issues Affecting the Implementation of Secured Lending Reform and Access to Credit as a result of the COVID-19 Pandemic in APEC Economies (2023) and the APEC Study on Techniques to Implement International Secured Transactions Standards in Civil and Common Law Jurisdictions (2023). He also serves as a consultant to the World Bank.

He is a U.S. expert in 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 the United Nations Commission on International Trade Law (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.

Prof. Yongmin BIAN, University of Int'l Business and Economics, China

Yongmin Bian is a Professor and the Deputy Dean of the Law School at the 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, Singapore Management University

Dr. Nadja Alexander has been engaged in diverse dispute-resolution settings in more than 40 economies. An award-winning author and educator, she is consistently recognized as a global thought leader in mediation (*Who's Who Legal*). Nadja is a Professor of Law and Director of the Singapore International Dispute Resolution Academy (SIDRA) at the Singapore Management University. She holds honorary academic appointments in Australia and the United States. Nadja leads an ODR project with the University's Centre for Artificial Intelligence and Data Governance. She has presented at APEC's Economic Committee 1 workshop, attended the SELI meeting and EC policy dialogue meeting (March 2021), and participated in the APEC EC ODR webinar series in 2021. Nadja is the Singapore Lead Academic Institution representative for implementing the APEC ODR Collaborative Framework.

Nadja is a foundation member of the International Advisory Board of the United Nations Global Mediation Panel established by the UN Office of the Ombudsman and sits on the Singapore International Mediation Institute board. Previously, she joined the Singapore delegation to the UNCITRAL Working Group II to draft what became the Singapore Convention on Mediation. Her books include *International and Comparative Mediation*, *The Singapore Convention on Mediation: A Commentary*, the *EU Mediation Law Handbook*, *The Hong Kong Mediation Manual*, and *The Singapore Mediation Handbook*.

Prof. Angie RAYMOND, Indiana University

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 policy creation 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 issues related to electronic commerce. 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 spoke at the first APEC Workshop on Developing a Collaborative Framework for ODR (Osaka, November 2018).

Prof. Yun ZHAO, Hong Kong University

Professor Zhao is Henry Cheng Professor in International Law and Associate Dean of the Faculty 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 Economic Committee (EC) policy dialogue on ODR at EC 1 in 2018 (Port Moresby, Papua New Guinea), EC1 in 2019 (Santiago, Chile), and 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).

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, Rikkyo University, Japan

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-).

Mr. Julius Caesar PARRENAS, ABAC

Julius Caesar Parreñas is a Senior Advisor of the Daiwa Institute of Research at the Daiwa Securities Group. He coordinates the APEC Business Advisory Council (ABAC) Finance Task Force, the Asia-Pacific Financial Forum (APFF), the Asia-Pacific Infrastructure Partnership (APIP), and the Financial Infrastructure Development

Network (FIDN). He represents the APEC Business Advisory Council (ABAC) in the APEC Finance Ministers' Process. From November 2017 to 2020, he was Senior Advisor at Mizuho Bank Ltd, from 2016 to October 2017 Senior Advisor at Nomura Research Institute, and from 2014 to August 2016 Senior Advisor at Nomura Securities Co., Ltd and Nomura Institute of Capital Markets Research. From 2009 to 2014, he was an Advisor on International Affairs of the Bank of Tokyo-Mitsubishi UFJ, Ltd and a Senior Advisory Fellow of the Institute for International Monetary Affairs in Tokyo.

From 1998 to 2009, Dr. Parreñas was Senior Advisor to the Chairman of Chinatrust Financial Holding Co., Ltd, Policy Advocacy Coordinator of the Asian Bankers' Association, and alternate APEC Business Advisory Council member from 2000 to 2009. Previous to this, he served in various positions, among others, as Executive Director of the Center for Research and Communication in Manila, Executive Director of the ASEAN Free Trade Area Advisory Commission under the Office of the President of the Republic of the Philippines, and professor at the University of Asia and the Pacific Graduate School of Economics. He was an advisor and consultant to several international, public, and private institutions and major companies from Asia, Europe, and America.

He received his Ph.D., magna cum laude, from the Ludwig Maximilian University in Munich, Germany. He has authored over 100 publications on international finance, economics and trade.

Ms. Elena GASOL, World Bank

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 was 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 Infso) in Brussels and the Brussels law firm Wilmer Cutler and Pickering office. Ms. Gasol Ramos, a Salamanca and New York bar member, taught a comparative privacy law seminar 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. Claudia Ivette Garcia ROMERO, World Bank

Ivette Garcia is a leading expert in the digital economy and innovation, with over 20 years of international experience in conceiving, designing, and implementing public policies, regulations, funding mechanisms, and digital transformation projects. She holds a degree in Computer Engineering and has earned an MBA.

During her 12-year career as a public servant, from 2009 to 2014, she served as the Director General of Innovation, Services, and Domestic Commerce at the Ministry of the Economy in Mexico. Ivette has spent the last decade providing international consulting services to multilateral organizations and offering advisory services to board members, business associations, and firms.

Her skill set includes regulating and providing alternative dispute resolution mechanisms for consumers and businesses, covering B2C and B2B interactions. As the Director General for Innovation, Services, and Domestic Commerce at the Ministry of Economy of Mexico, she spearheaded the signing and enforcement of the first economy-wide coordination agreement among SME producers and traders. This initiative aimed to streamline business practices by implementing a mediation and arbitration mechanism.

Ivette's contributions include incorporating Mexico into the APEC CBPR System to establish a cross-border complaint handling mechanism. As a member of the Consumer Advisory Council in Mexico, she advocated for integrating digital technologies to facilitate online dispute resolution.

As a consultant to the World Bank, Ivette is a team member dedicated to developing a Business Regulation and Enforcement Toolkit for Digital Markets. This initiative seeks to empower emerging and developing economies by identifying the essential elements to establish trustworthy and secure digital markets. This involves comprehensively considering legal frameworks, institutional arrangements, and enforcement actions.

Ivette's international experience spans various economies and regional projects, including but not limited to Mexico, Colombia, Mozambique, the Gambia, Guinea Bissau, Guinea, Ghana, Mauritania, Nicaragua, El Salvador, and the Philippines. In addition to her consultancy work, she serves as a speaker at domestic and international events, contributing her insights and expertise. Moreover, she actively designs and delivers training courses to further disseminate her knowledge in the field.

Mr. Yeong ZEE KIN, The Singapore Academy of Law, Singapore

Mr. Yeong Zee Kin holds a Master of Laws from Queen Mary University of London and completed his undergraduate law degree at the National University of Singapore. His experience as a Technology, Media, and Telecommunications lawyer spans the private and public sectors. He has spoken and published on electronic evidence, intellectual property, and legal issues related to Blockchain and AI deployment.

Zee Kin is an internationally recognized expert on AI ethics. He spearheaded the development of Singapore's Model AI Governance Framework, which won the UNITU WSIS Prize in 2019. He is a member of the OECD Network of Experts on AI (ONE AI).

In 2019, he was a member of the AI Group of Experts at the OECD (AIGO), which developed the OECD Principles on AI. These principles have been endorsed by the G20 in 2019. He was also an observer participant at the European Commission's High-Level Expert Group on AI, which fulfilled its mandate in June 2020.

Zee Kin is also a well-regarded expert on data privacy issues. He has contributed to publications on legal matters relating to data privacy and has spoken on many well-recognized international and domestic platforms.

Dr. Fan YANG, CIETAC

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 Chartered Institute of Arbitrators (CI Arb) member. 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.

Ms. Mia LEVI, CPR Dispute Resolution Services

Mia Levi is the Vice President of CPR Dispute Resolution Services, a subsidiary of the International Institute for Conflict Prevention & Resolution ("CPR"). Mia also serves as CPR Dispute Resolution's Corporate Secretary. In her role, she leads CPR's Dispute Resolution Services and Panels department of CPR, helping put into practice the innovative tools generated by CPR's think tank (the CPR Institute), overseeing CPR's matter management, creating training and education in the field of ADR, and managing CPR's Distinguished Panel of Neutrals.

Mia is passionate about the field of Alternative Dispute Resolution. Before joining CPR, Mia held multiple positions with the American Arbitration Association, the International Centre for Dispute Resolution, and later, the Construction Division. She has authored several articles on the topic of dispute resolution, which have been published in various ADR and industry publications, including the ABA's Business Law Today and GPSolo eReport, New York International Law Review, the AAA Dispute Resolution Journal, NASBP Surety Bond Quarterly, and LexisNexis Legal Blogger. Mia is also a trained mediator. She began her mediation experience at Fordham University's Mediation Clinic, where she was a mediator at the New York City Small Claims Court in the Bronx.

Mia actively advocates for the continued use of ADR through multiple bar associations. Mia is the programming chair for the Dispute Resolution Committee of the American Bar Association's Business Law Section; Mia is co-chair of the International Dispute Resolution Committee of the New York State Bar Association's Dispute Resolution

Section; and social media chair of the North America Sub-Committee of the Campaign for Greener Arbitrations. She is dedicated to bringing diversity to ADR, has participated in CPR's many diversity efforts, and co-founded the Women's Construction Initiative. Before joining the AAA, Mia served as a Research Assistant for Judge William G. Bassler (Ret.), a former United States District Judge of the United States District Court for the District of New Jersey, and adjunct professor at Fordham Law School in New York City. Mia received her J.D. from Fordham University School of Law and her B.A. from Brown University. In addition to her native English and Serbian, Mia speaks Spanish and reads French and basic Catalan.

Ms. Pui-Ki Emmanuelle TA, eBRAM

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 degree in International Relations from the University of Marne-la-Vallee (France). She is qualified to practice at the Paris bar.

Dr. Chen CHEN, GZAC

Chen Chen works for the Department of Business Development in GZAC, China's most prominent 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).

Ms. Michele Park SONEN, SIAC

Michele is the Director and head of Northeast Asia at the Singapore International Arbitration Centre, where she leads SIAC's development in Korea and Japan. She works closely with the business and legal communities in the region to provide specialist knowledge and expertise on international arbitration at SIAC. Michele is experienced in dispute resolution in civil and common law jurisdictions. She regularly speaks on international commercial arbitration and has accepted an appointment as tribunal secretary.

Before joining SIAC, Michele practiced international arbitration at Lee & Ko, a top-tier Korean firm, where she represented clients from Asia, North America, and Europe in a broad range of disputes arising out of the technology, construction, commodities, health, and luxury fashion sectors, among others. She has acted as counsel in international commercial arbitrations under the SIAC, ICC, and KCAB rules in cases seated in Singapore; Korea; and the United States.

Ms. Thunpicha RUNGCHEEWIN, THAC

Graduating from Bangkok University with a degree in Humanities and Tourism Management, she has pursued her dream of learning and gaining experience in various fields. She began her career with an English tutor school to enhance her English skills and international perspective. Then, she turned to join the Airline industry, working in several companies. She is passionate about a service mind and keen to learn about legal organizations.

In 2021, she joined the Thailand Arbitration Center (THAC) and was responsible for raising awareness among the public in the newly established international arbitration center in Thailand. She boosted events for the center at least 50 annually, drawing more than 5,000 people a year to know and recognize the image of the Center. She was promoted to acting case management manager in the arbitration and mediation department after her success in raising awareness. In this role, she looks over the administration of all cases under the administration of THAC, including cases filed through the sole Online dispute resolution platform In Thailand called 'TalkDD.' She plays a crucial role in developing the platform, now receiving attention from domestic and international businesses.

Prof. Huala ADOLF, BANI

Dr. Huala Adolf is a professor of international law at Padjadjaran University. He graduated from Universitas Padjadjaran (1987), Master of Laws - Sheffield University (1993), and Doctor of Laws - National University of Singapore (2003). He is an arbitrator and fellow at the Badan Arbitrase Nasional Indonesia (BANI Arbitration Center), Jakarta, and a listed arbitrator at the Shanghai International Arbitration Center and the Thai Arbitration Center.

Mr. Oki MORI, JFBA, Japan

Oki Mori is a partner at Nagashima Ohno & Tsunematsu and a member of the Japan Federation of Bar Associations. Mr. Mori graduated with an LL.B. from Keio University in 2001. He was admitted to practice law in Japan in 2002. He worked at the General Affairs Division, Quality-of-Life Policy Bureau, Cabinet Office from 2007 to 2009, in the Legal Compliance Office, General Affairs Division, Minister's Secretariat, Cabinet Office from 2008 to 2009, the Office for the Unification of Consumer Policy, Cabinet Secretariat from 2008 to 2009, and the Consumer Safety Division, Consumer Affairs Agency in 2009. He has served as an adjunct lecturer at Graduate Schools for Law and Politics, Faculty of Law, The University of Tokyo in 2006 and as an adjunct lecturer at Sophia Law School since 2010, as an adjunct lecturer at the Department of

Business Law, Graduate School of Law, Hitotsubashi University since 2021, as a professor at Keio University Law School since 2023.

Mr. Colin RULE, ODR.com

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. Before this, 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.

Ms. Clare FOWLER, Mediate.com

Clare Fowler is Executive Vice-President and Managing Editor at Mediate.com, as well as a mediator and trainer. Clare received her Master's of Dispute Resolution from the Straus Institute for Dispute Resolution at the Pepperdine University School of Law and her Doctorate in Organizational Leadership, focused on reducing workplace conflicts, from Pepperdine University School of Education. Clare also coordinated the career development program for The Straus Institute dispute resolution students. In 2023, Clare published *Rising Above Office Conflict: The Light-Hearted Guide for the Heavy-Hearted Employee*.

Mr. Wenli GUO, Beiming Software Co., Ltd

Dr. Wenli GUO, Doctor of Laws, is the current assistant president, president of Internet Nomocracy Product Institute, and general manager of the Legal Department of Beiming Software Co., Ltd. From 2007 to 2018, he served as a judge, research director, and member of the judicial committee in Huzhou Intermediate People's Court. He was also seconded to the Supreme People's Court in 2017. His significant project achievements include the Zhejiang Online Dispute Resolution Platform and the Yunnan Online Diversified Dispute Resolution Platform.

Prof. Eliza MIK, The Chinese University of Hong Kong

Dr. Eliza Mik joined the Faculty of Law of the Chinese University of Hong Kong in January 2021. Before that, she researched and taught at the Singapore Management University from January 2010 until December 2018 and then at Melbourne Law School throughout 2019. Before joining academia, she worked in-house for several software and telecommunications companies in Australia, Poland, Malaysia, and the United Arab Emirates. She advised on software licensing, technology procurement, digital

signatures, and e-commerce regulation. Her PhD (University of Sydney 2007) focused on the private law aspects of e-commerce and general problems of transaction automation. Since 2014, she has actively researched smart contracts and blockchains, emphasizing the legal prerequisites of their successful implementation in mainstream commerce. Eliza has advised the World Bank and the Monetary Authority of Singapore. At present, she is a member of the UNCITRAL Expert Group for the Digital Economy, a member of the Inclusive Global Legal Innovation Platform on ODR (iGLIP, Hong Kong), a Research Associate at the Tilburg Institute for Law, Society and Technology (TILT, Netherlands) and an Affiliate Researcher with the Centre for AI and Digital Ethics at the University of Melbourne (CAIDE, Australia).

Mr. Eric REGEHR, CRT, British Columbia

Eric was appointed as a part-time CRT member in 2017 and as a full-time member in 2018. He was appointed vice chair of strata, societies, and cooperative associations in 2023.

After completing his B.A. and LL.B. at the University of Victoria, Eric Regehr began his career at a large firm in downtown Vancouver, where he primarily acted for defendants and insurers in personal injury and motor vehicle cases. In 2013, Eric moved back to Victoria, first practicing at a boutique family law firm and later co-founding Breakwater Law, where he developed a broad civil litigation practice. Eric was called to the Bar in 2011.

Prof. Dana NAHLAN, USMCA Advisory Committee, United States

Legal counsel with extensive experience designing, implementing, monitoring, and enforcing policies, controls, and processes to support legal and regulatory compliance for Fortune 500 global enterprises, including investigations, worldwide trade and trade sanctions issues, data privacy, and anti-bribery and corruption concerns. Participation and oversight in training and investigation activities supporting those programs. A transactional attorney with broad experience supporting legal issues in cross-border operations and transactions. Significant experience structuring, drafting, and negotiating complex global and international technology contracts and providing strategic commercial and business advice to facilitate closing. Substantial experience in Latin America, Europe, China, and the United States.