

# ODR Standards

-ISO TC32122 Project for ODR-

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# I. Overview on ISO TC32122 Project for ODR

International Organization for Standardization (ISO) has a project of **TC321** for the “transaction assurance in e-commerce related upstream/downstream processes” including the following.

Assurance of transaction process in e-commerce (including easier access to e-platforms and e-stores);

**Protection of online consumer rights including both prevention of online disputes and resolution process;**

Interoperability and admissibility of inspection result data on commodity quality in cross-border e-commerce;

Assurance of e-commerce delivery to the final consumer.



# I. Overview on ISO TC32122 Project for ODR



- The Project for **TC321** started in 2018
- In this project, ISO standards are being established **as Trustmark for the implementation of decisions issued in the scheme of ODR**
  - Nov 2019 A Proposal in the TC321 Meeting.
  - Sep 2020 Discussions on ODR in the TC321 Study Group 2 Meeting
  - Jan 2021 Discussions on ODR in the TC321 SG2 Meeting
  - June 2021 Detailed Discussion on ODR in the TC321 SG2 Meeting
  - Nov 2021 A Formal Proposal for Preliminary Working Item (approved)
  - May 2022 A Formal Proposal for New Project (approved as TC32122)
  - Nov 2022 Working Group 3 for ODR was established

# I. Overview on ISO TC32122 Project for ODR



Dec 2022 WG3 1st Meeting.

Feb 2023 WG3 2nd Meeting

May 2023 WG3 3rd Meeting,

where the Working Group Draft was completed and it was circulated among the member States of the TC321 (Commission Draft Stage)

Oct 2023 WG3 4<sup>th</sup> Meeting

Dec 2023 WG3 5<sup>th</sup> Meeting

Jan 2024 WG3 6<sup>th</sup> Meeting,

where the Commission Draft was completed and it is **now circulated among the member States of ISO (Draft International Standards Stage)**

It is **expected** that the **ISO ODR Standards will be established in 2025.**

# I. Overview on ISO TC32122 Project for ODR



- It is aimed to provide **ISO ODR standards** to e-Commerce operators, including e-commerce platform operators, which try to develop their own ODR service, and ODR service providers that are outsourced by E-Commerce operators.
- In order to avoid overlapped situations of two or more universal standards, pre-existing governing standards should be respected or adopted.

- **Basic Principles**
  - **Technical Conditions**
  - **Operational Manuals**
- 
- **ICODR Standards**
  - **CRT Access to Information and Privacy**
  - **APEC Model Procedure Rules on ODR**

# I. Overview on ISO TC32122 Project for ODR

<Contents of Basic Principles>



4.1 General

4.2 Accessible

4.3 Accountable

4.4 Competent

4.5 Confidential

4.6 Equal

4.7 Fair/Impartial/Neutral

4.8 Legal

4.9 Secure

4.10 Transparent

# I. Overview on ISO TC32122 Project for ODR



<Contents of Technical Conditions>

5.1 Protecting Personal Information and Privacy

5.2 Anonymization of Decisions

5.3 Records Sealing

5.4 Security and Storage of Records

5.5 Access to Records

# I. Overview on ISO TC32122 Project for ODR



<Contents of Operational Manuals>

6.1 General

6.2 Communications

6.3 Notice

6.4 Response

6.5 Negotiation Stage

6.6 Mediation Stage

6.7 Decision Making Stage

6.8 Correction of Decision

6.9 Settlement

6.10 Appointment of Neutral

6.11 Resignation or Replacement of Neutral

6.12 Power of the Neutral

6.13 Miscellaneous



## II. Basic Principles

## III. Technical Manuals

# IV. Operational Manuals

## <UNCITRL ODR WG>

Dec 2010	1 <sup>st</sup> Meeting in Vienna
May 2011	2 <sup>nd</sup> Meeting in NYC
Nov 2011	3 <sup>rd</sup> Meeting in Vienna
May 2012	4 <sup>th</sup> Meeting in NYC
Nov 2012	5 <sup>th</sup> Meeting in Vienna
May 2013	6 <sup>th</sup> Meeting in NYC
Nov 2013	7 <sup>th</sup> Meeting in Vienna
Mar 2014	8 <sup>th</sup> Meeting in NYC
Oct 2014	9 <sup>th</sup> Meeting in Vienna
Feb 2015	10 <sup>th</sup> Meeting in NYC
Dec 2015	11 <sup>th</sup> Meeting in Vienna
Mar 2016	12 <sup>th</sup> Meeting in NYC



**United Nations**  
**UNCITRAL**

# IV. Operational Manuals

<UNCITRAL ODR WG>



At the beginning stage, UN ODR Uniform Rules for B2B and B2C were tried to establish:

- 1) Three steps approach:
  - ① Negotiation (Complains Handlings)
    - > ② Mediation
    - > ③ Arbitration
- 2) All processes will be basically conducted by On-line based documents
- 3) Simple & Quick Process for Low Value Disputes

# IV. Operational Manuals



<UNCITRL ODR WG>

At the beginning stage, UN Online Arbitration Rules were tried to established:

- 1) A single arbitrator chosen by ODR Administrator
- 2) All awards shall or should be in public on web-site except private information
- 3) World-wide Uniform Rules for the Merits !
- 4) Substantial **Enforcement by Trustmark system**

# IV. Operational Manuals



United Nations  
UNCITRAL

<UNCITRAL ODR WG>

But ... gradually ... a serious issue appeared:

Validity of the Arbitration Agreement between a Consumer  
and a Business Corporation

US and other countries: **Of course, it's valid !**

EU, Japan and other countries:

**Consumer has a cancel right !**

## IV. Operational Manuals



<UNCITRL ODR WG>

### UNCITRAL Technical Notes on ODR

[http://www.uncitral.org/pdf/english/texts/odr/V1700382\\_English\\_Technical\\_Notes\\_on\\_ODR.pdf](http://www.uncitral.org/pdf/english/texts/odr/V1700382_English_Technical_Notes_on_ODR.pdf)

- No Legal Effect
- Three Steps but No Explanation about the Third Step
- No reference to the idea of ODR Trustmark

# IV. Operational Manuals



## < APEC ODR Project >

- EU has now established its own ODR platform
- But others still need uniform rules and schemes for the global ODR platform with negotiation and the third party's interventions
- APEC started its project to establish another global ODR platform
- UNCITRAL and UNIDROIT assist the APEC Project on ODR.
- **B to C issues were avoided**, at least, at the beginning stage.



# IV. Operational Manuals



## < APEC ODR Project >

- Aug 2017 A formal proposal in Vietnam
- Mar 2018 A Workshop on ODR in Papua New Guinea
- Aug 2018 Meetings in Economic Commission in PNG
- Nov 2018 A Workshop on ODR in Japan
- Mar 2019 Meetings in Economic Commission in Chile
- June 2019 A Workshop on ODR in Japan
- Aug 2019 Meetings in Economic Commission in Chile
- Feb 2020 Meetings in Economic Commission in Malaysia
- Aug 2020 Meetings in Economic Commission (Online)

# IV. Operational Manuals



## < APEC ODR Project >

Mar 2021	Meetings in Economic Commission (Online)
Aug 2021	Meetings in Economic Commission (Online)
Aug-Oct 2021	Series of Webinar on ODR (ODR)
Feb 2022	A Workshop on ODR (Online)
May 2022	A Workshop on Secured Transactions & ODR (Japan)
Aug 2022	Meetings in Economic Commission (Online)
Dec 2022	A Workshop on ODR in Japan (Japan)
Feb 2023	Meetings in Economic Commission (Parm Springs, US)
Oct 2023	A Workshop on Secured Transactions ODR (Japan)
Jan 2024	A Workshop on ODR in Japan (Japan)

# IV. Operational Manuals



< APEC ODR Project >

- *APEC Collaborative Framework on ODR* has been established, which aims to assist Member States to encourage the use of ODR and to assist potential users in the APEC region to actively use ODR with *APEC Model Procedural Rules on ODR* <https://www.apec.org/seli/overview>
- *APEC Model Procedural Rules on ODR* was created based on the *Draft of the UNCITRAL Model Procedural Rules on ODR*
- In other words, UNCITRAL ODR Project substantially continued in APEC.
- *The list of ODR Providers* which adopted the APEC Model Procedural Rules on ODR is provided on the APEC Website.



# IV. Operational Manuals

## <Contents of Operational Manuals>

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## IV. Operational Manuals



- After the establishment of *ISO Standards on ODR*, as a next step, the **TC321** is expected to start a project for *ISO Certification on ODR* for ecommerce operators adopting the ISO Standards or using an ODR Provider adopting the ISO Standards
- Customers, especially consumers, can easily identify which one is a trust worth ecommerce operators with the *ISO Certification on ODR*
- The expected *ISO Certification on ODR* will work as **ODR Trustmark!**

# ODR Standards

-ISO TC32122 Project for ODR-

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