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

  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\textsuperscript{th} Meeting
Dec 2023  WG3 5\textsuperscript{th} Meeting
Jan 2024  WG3 6\textsuperscript{th} 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>

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<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

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

<UNCITRL 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

- 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 APRC 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](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.
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• 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 trustworthy ecommerce operators with the *ISO Certification on ODR*.

• The expected *ISO Certification on ODR* will work as ODR Trustmark!
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