

Organisation de Coopération et de Développement Economiques Organisation for Economic Co-operation and Development

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DIRECTORATE FOR SCIENCE, TECHNOLOGY AND INDUSTRY COMMITTEE FOR INFORMATION, COMPUTER AND COMMUNICATIONS POLICY COMMITTEE ON CONSUMER POLICY

Working Party on Information Security and Privacy

ICC/OECD QUESTIONNAIRE FOR BUSINESS-TO-CONSUMER AND CONSUMER-TO-CONSUMER ALTERNATIVE DISPUTE RESOLUTION (ADR) SERVICE PROVIDERS

This room document includes a cover letter and questionnaire jointly prepared by the ICC and the OECD on "Business-to-Consumer and Consumer-to-Consumer Alternative Dispute Resolution Service Providers". They were sent to ADR providers by the ICC on 16 January 2002, with replies requested by 1 March 2002. It is anticipated that a new inventory of ADR providers will be generated from information contained in the replies.

This room document is submitted for information under Item 6A of the Draft Agenda for the 12th Meeting of the Working Party on Information Security and Privacy, to be held on 5-6 March 2002; and for information under Item 9A(i) of the Draft Agenda for the 62nd Session of the Committee on Consumer Policy, to be held on 13-14 March 2002.

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The world business organization

16 January 2002

Dear Dispute Resolution Service Provider:

The International Chamber of Commerce (ICC) and the Organisation for Economic Co-operation and Development (OECD) are engaged in ongoing efforts to promote e-commerce and enhance online consumer confidence worldwide. A key element in the development of trust in e-commerce is the availability and reliability of effective alternative dispute resolution (ADR) mechanisms.

The ICC and OECD have jointly developed the attached questionnaire for providers of dispute resolution services for business-to-consumer (B2C) and consumer-to-consumer (C2C) disputes that arise from online transactions. Your responses to this questionnaire are critical to helping us gain an accurate understanding of the dispute resolution services currently available around the world. The objective is to analyse the information that you provide and to make it publicly available, as appropriate, in order to educate potential parties to ADR about existing services.

Please return the survey by 1 March 2002.

Thank you for your valuable assistance in this important effort.

Sincerely,

Ayesha Hassan International Chamber of Commerce Senior Policy Manager Electronic Commerce, Telecoms and IT

International Chamber of Commerce

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The world business organization

ICC/OECD Questionnaire for Business-to-Consumer and Consumer-to-Consumer Alternative Dispute Resolution (ADR) Service Providers

INTRODUCTION

This questionnaire, developed in partnership between the ICC and OECD, is being sent to alternative dispute resolution (ADR) service providers around the world in order to collect information about services offered to help resolve business-to-consumer (B2C) and consumer-to-consumer (C2C) disputes that arise from online transactions. The goal of this project is to build a comprehensive worldwide inventory of these services to benefit the development of e-commerce and enhance online consumer confidence worldwide. Results will be analyzed by the partnering organizations and a team of independent academic researchers and will be made publicly available as appropriate.

Thank you for your assistance in this important project. If you have any questions about this questionnaire, please contact Brian Min (full contact information below).

INSTRUCTIONS

Who should fill out this survey?

If you provide dispute resolution services for disputes over online transactions in the business-to-consumer (B2C) or consumer-to-consumer (C2C) context, we are keenly interested in learning about your services. For the purposes of this study, we are not focused on providers who focus exclusively on disputes over offline transactions or business-to-business disputes.

Download the questionnaire and respond

To facilitate your response, please download a copy of this questionnaire in Microsoft Word format from: http://www.iccwbo.org/home/bdrs/adr/B2CADR_Survey.doc

You may type in your responses directly into the document and return your survey by E-mail to bmn@iccwbo.org. If you prefer, you may respond by hand to a print copy of the survey and return your responses by fax or postal mail.

All survey responses should refer to services offered for disputes over online transactions only.

Return questionnaire by 1 March 2002

Please return completed questionnaires by 1 March 2002 to:

Brian Min ADR Inventory Project Manager International Chamber of Commerce PO Box 382324 Cambridge, MA 02238 USA E-mail: bmn@iccwbo.org (preferred) Tel: (617)493-6596

Fax: (617)588-0264

ICC/OECD Questionnaire for Business-to-Consumer and Consumer-to-Consumer Alternative Dispute Resolution (ADR) Service Providers

AVAILABLE ONLINE AT:

http://www.iccwbo.org/home/bdrs/adr/B2CADR_Survey.doc

PLEASE RESPOND BY 1 MARCH 2002

1. Contact Information

Company/Organization name					
Name of questionnaire respondent*					
Title/Position					
Street address					
Town/City					
Postal/Zip Code					
Country					
Telephone N° (area code)	()			
Fax N°	()			
Website/URL					
Email address					
Name of contact person for ADR services*					
How should customers contact you?					
How should customers access your ADR services?					

^{*} The names of the questionnaire respondent and of the contact person for ADR services are necessary for the purposes of this survey, and will be used for any follow-up contacts. These personal data will not be made publicly available.

2. Forms of Dispute Resolution Services Offered

2 a. Which ADR services do you provide for business-to-consumer or consumer-to-consumer disputes that arise from online transactions? *(circle or highlight relevant answers)*

	OFFERED ONLINE	OFFERED OFFLINE
Arbitration A neutral third party evaluates the parties' claims and damages, and provides a decision which can be binding or non-binding upon the parties, depending upon the law under which the claim is submitted, or the parties' prior agreement.	Yes / No	Yes / No
Mediation A process in which a third party neutral actively tries to help the parties find a mutually acceptable resolution. The mediator facilitates communication, and helps both parties recognize each other's interests and discover mutual interests. The mediator may also provide a legal evaluation, or give a non-legal appraisal of the dispute, based on the facts.	Yes / No	Yes / No
Assisted Negotiation An informal process where the final decision remains in the hands of the disputants and outcomes must be agreed to by both parties. Using 'conciliation' means involving a neutral third party in the dispute. Depending on the role of the third party, conciliation may resemble mediation.	Yes / No	Yes / No
Automated Negotiation A computerised process, mostly designed to settle cash-based disputes, and often based on a system of blind bidding. Without knowing what the other party offers, a disputant has the opportunity to change their bid. When the bids have approached enough, the program will propose a solution.	Yes / No	Yes / No
Other	Yes / No	Yes / No
	Yes / No	Yes / No

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2 b. Do you have specific rules or procedural requirements that parties using your ADR services have to meet? Please indicate the services for which you have rules, and provide copies of these rules and procedural requirements. (circle or highlight relevant answers)

	ONLINE SERVICES	OFFLINE SERVICES
Arbitration	Yes / No	Yes / No
Mediation	Yes / No	Yes / No
Assisted Negotiation	Yes / No	Yes / No
Automated Negotiation	Yes / No	Yes / No
Other		
	Yes / No	Yes / No
	Yes / No	Yes / No

2 c. Do you offer ADR services for cross-border disputes that arise from B2C and C2C transactions (i.e. when buyer and seller are in different countries)? (circle or highlight relevant answers)

B2C DISPUTES	OFFERED ONLINE	OFFERED OFFLINE
ARBITRATION	Yes / No	Yes / No
Mediation	Yes / No	Yes / No
Assisted Negotiation	Yes / No	Yes / No
Automated Negotiation	Yes / No	Yes / No
Other		
	Yes / No	Yes / No
	Yes / No	Yes / No

C2C DISPUTES	OFFERED ONLINE	OFFERED OFFLINE
Arbitration	Yes / No	Yes / No
Mediation	Yes / No	Yes / No
Assisted Negotiation	Yes / No	Yes / No
Automated Negotiation	Yes / No	Yes / No
Other		
	Yes / No	Yes / No
	Yes / No	Yes / No

3. Scope of Services Offered

3 a. For which online industries where disputed transactions occur do you offer dispute resolution services? *(circle or highlight all relevant answers)*

ONLINE RETAIL		ONLINE SERVICES	
Books/CDs/Videos	Yes / No	Travel	Yes / No
Consumer Electronics	Yes / No	Financial Services	Yes / No
Clothing	Yes / No	Entertainment	Yes / No
Toys	Yes / No	Other:	Yes / No
Health & Beauty	Yes / No		Yes / No
Other:	Yes / No		
	Yes / No		Yes / No
ONLINE AUCTIONS		OTHER	
Business-to-consumer	Yes / No		Voc. / No.
Consumer-to-consumer	Yes / No		Yes / No
Other:	Yes / No		Yes / No

3 b.	Please indicate the most frequent types of disputes that you help resolve in the areas of consumer protection (e.g. merchandise or service never received) or privacy protection (e.g. collection/use of personal information without consent).
3 c.	In what languages are your ADR services available? (please list)
3 d.	In what languages are your website or other explanatory material available? (please list)

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3 e.	Please describe the geographic scope of your services (i.e. in which countries do you handle disputes?).
4	
4.	Filing a Dispute Resolution Request
4 a.	Are there any pre-conditions to using the ADR service (e.g. must a consumer promise not to go to court or to exhaust an internal complaints process)?
4 b.	Is there a limited period of time after a transaction in which a disputant can file a dispute resolution request?
4 c.	Is legal representation allowed or prohibited in dispute resolution proceedings?

What is the typical range	of transaction values of disputes ha	andled?
What is the average length time from when a party files	of time of the various ADR services a claim until the dispute is resolved	provided? Please specify the
What is the average length time from when a party files	a claim until the dispute is resolved	
What is the average length time from when a party files	of time of the various ADR services a claim until the dispute is resolved ONLINE Dispute Resolution	provided? Please specify the . OFFLINE Dispute Resolution
time from when a party files	a claim until the dispute is resolved	
time from when a party files Arbitration Mediation	a claim until the dispute is resolved	
Arbitration Mediation Assisted Negotiation	a claim until the dispute is resolved	
time from when a party files Arbitration Mediation	a claim until the dispute is resolved	

5. Case Results

	not intended to be binding, do you provide model agreements or other facilities that parties can us to make their agreement binding?			
-				
-				
-				
-	Is there provision for the enforcement of ADR decisions?			
-				
-				
	If a party to the ADR procedure is unhappy with the ADR outcome, does that party have options review? Are the allowed grounds for disputing an ADR outcome specified? If so, please describe			
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	review? Are the allowed grounds for disputing an ADR outcome specified? If so, please describe Are individual case results published?			
	review? Are the allowed grounds for disputing an ADR outcome specified? If so, please describe			
-	Are individual case results published? Yes \(\sum \) No \(\sum \)			

5 e.	Do you make statistics available on case results (e.g. on the number of disputes handled and the proportion of cases resolved in favour of the consumer or business)?
	Yes No No
	If yes, please provide details including with whom these statistics are shared:
6.	Requirements for Mediators, Arbitrators, or Neutrals
6 a.	Do you have specific training, experience, or other requirements for your mediators, arbitrators, or neutrals?
	Yes No No
	If yes, please describe and attach:
6 b.	How are mediators, arbitrators, neutrals appointed? Please provide details:
	Some dispute resolution service providers give the parties a list of neutrals and the parties select the neutral that handles their dispute. Other service providers may automatically assign the dispute to a mediator using particular criteria such as a mediator's experience with a particular kind of dispute or language capabilities.

7. Security, Technical Details, and Privacy Policy

If you provide online services, what online communication tools are used during the ADR proces (e.g. email, online conferencing, web-forms)? Please provide details:					
If you provide online services, what specific security measures are taken to protect the confidentiand integrity of personal information and communications made during the ADR proceedings?					
If you provide offline services, what measures are taken to protect consumer and confidentiality?					
Do you disclose your privacy policy to users of your services?					
Yes No No					
If yes, please provide details:					

8. Cost of Services

Please indicate what currency you are using for this section:	
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8 a. Filing Fee

ONLINE SERVICES	Cost	% paid by consumer	% paid by business
Arbitration			
Mediation			
Assisted Negotiation			
Automated Negotiation			
Other			

OFFLINE SERVICES	Cost	% paid by consumer	% paid by business
Arbitration			
Mediation			
Assisted Negotiation			
Automated Negotiation			
Other			

8 b. Cost of dispute resolution services

ONLINE SERVICES	Cost	% paid by consumer	% paid by business
Arbitration			
Mediation			
Assisted Negotiation			
Automated Negotiation			
Other			

8 c.

8 d.

OFFLINE SERVICES	Cost	% paid by consumer	% paid by business
Arbitration			
Mediation			
Assisted Negotiation			
Automated Negotiation			
Other			
Other Costs (e.g. additional charges costs for the mediator, etc.) ONLINE SERVICES	c for administrative Cost	% paid by consumer	% paid by business
Arbitration			
Mediation			
Assisted Negotiation			
Automated Negotiation			
Other			
OFFLINE SERVICES	Cost	% paid by consumer	% paid by business
Arbitration			
Mediation			
assisted Negotiation			
automated Negotiation			
Other			
n the case of a negative outcome for	or one party in a	dispute, does that	t party have to

9. **Company Information** 9 a. Are you certified or recognized as an approved dispute resolution provider by any entity? No 🗌 Yes If yes, please describe including the name of the certifying/approving agency: Are you a designated dispute resolution service provider for any particular organization, company, or government entity? No 🗌 Yes If yes, please describe: 9 c. What are your organization's primary sources of funding? Please describe:

10. Other Information

is any other r, please do	you would	like to provid	de about you	r organization	and the s	ervices

PLEASE RETURN BY 1 MARCH 2002

Send completed questionnaires to:

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International Chamber of Commerce
PO Box 382324
Cambridge, MA 02238 USA
E-mail: bmn@iccwbo.org (preferred)

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