

Julia Hörnle

Cross-border Internet Dispute Resolution



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Maud Piers, Christian Aschauer



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The Internet and Dispute Resolution Norman Solovay, Cynthia K. Reed, 2003 The Internet and Dispute Resolution Untangling the Web shows you how ODR works and how it is already transforming dispute resolution in both business to business and business to consumer transactions **Intra-community Cross Border Disputes Over the Internet** Gráinne Callanan, 2003 Rethinking EU Consumer Law Geraint Howells, Christian Twigg-Flesner, Thomas Wilhelmsson, 2017-07-28 In Rethinking EU Consumer Law the authors analyse the development of EU consumer law on the basis of a number of clear themes which are then traced through specific areas Recurring themes include the artificiality of the EU's consumer image the problems created by the drive towards maximum harmonisation and the unexpected effects EU Consumer Law has had on national law The book argues that EU Consumer Law has the potential of enhancing the protecting of consumers throughout the EU and could offer a model for consumer law elsewhere in the world but in order to unlock this potential there needs to be a rethink with regard to the EU's approach to consumer law and policy Online Resolution of E-commerce Disputes Jie Zheng, 2020-10-03 This book discusses how technological innovations have affected the resolution of disputes arising from electronic commerce in the European Union UK and China Online dispute resolution ODR is a form of alternative dispute resolution in which information technology is used to establish a process that is more effective and conducive to resolving the specific types of dispute for which it was created This book focuses on out of court ODR and the resolution of disputes in the field of electronic commerce It explores the potential of ODR in this specific e-commerce context and investigates whether the current use of ODR is in line with the principles of access to justice and procedural fairness Moreover it examines the major concerns surrounding the development of ODR e.g the extent to which electronic ADR agreements are recognized by national courts in cross border e-commerce transactions how procedural justice is ensured in ODR proceedings and whether ODR outcomes can be effectively enforced To this end the book assesses the current and potential role of ODR in resolving e-commerce disputes identifies the legal framework for and legal barriers to the development of ODR and makes recommendations as to the direction in which practice and the current legal framework should evolve In closing the book draws on the latest legislation in the field of e-commerce law and dispute resolution in order to make recommendations for future ODR design such as the EU Platform to Business Regulation on Promoting Fairness and Transparency for Business Users of Online Intermediation Services 2019 and the United Nations Convention on

International Settlement Agreements Resulting from Mediation 2018 which provide the legal basis for ODR's future development

Arbitration in the Digital Age Maud Piers, Christian Aschauer, 2018-01-25 Arbitration in the Digital Age analyses how technology can be efficiently and legitimately used to further sound arbitration proceedings. The contributions from a variety of arbitration scholars report on current developments, predict future trends, and assess their impact from a practical legal and technical point of view. The book also discusses the relationship between arbitration and the Internet and analyses how social media can affect arbitrators and counsel's behaviour. Furthermore, it analyses the validity of electronic arbitration and awards as well as Online Arbitration (OArb). The volume establishes on a very practical level how technology could be used by arbitration institutions, arbitrators, parties to an arbitration, and counsel. This book will be of special interest to arbitrators and lawyers involved in international commercial arbitration.

Internet Jurisdiction Law and Practice Julia Hörnle, 2021-01-07 From a technological standpoint, geography is largely irrelevant. Data flows through the internet without regard for political borders or territories. Services, communication, and interaction can occur online between persons who may be in different countries. Illegal activities like hacking, cyberespionage, propagating terrorist propaganda, defamation, revenge porn, and illegal marketplaces may all be remotely targeted and accessed from various countries. As such, the internet has created an interesting and complex set of challenges for the concept of jurisdiction and conflicts of law. This title takes a comparative approach covering the EU, UK, US, Germany, and China. Broken into four parts, this book delves into the notion of jurisdiction as it relates to the internet. Part I focuses on the different meanings of the concept of jurisdiction from a legal and historical perspective and distinguishing between the different branches of government. It will highlight the challenges created by the internet, including social media and cloud computing. Part II analyses criminal jurisdiction in regards to both jurisdictions in cybercrime cases and jurisdictional issues relating to criminal investigations, access to the cloud, and enforcement. Part III examines jurisdiction and applicable law in civil and commercial matters such as e-commerce, B2B and B2C contracts, torts typically occurring online, and online defamation and privacy infringement. Finally, Part IV looks at regulatory jurisdiction, examining the power of the executive, whether an arm of government or independent regulator, to apply and enforce national law. It will look at aspects like the provision of online audio-visual media services and online gambling services, both of which are heavily regulated but which can be easily provided remotely from different jurisdictions. The book concludes by analysing how the concept of jurisdiction should be adapted to ensure the rule of law by nation states and prevent international conflicts between states. This title gives a comprehensive look at the complicated subject of internet jurisdiction, essential for all dealing with jurisdictions in the modern age.

Online Dispute Resolution in China Wei Gao, 2025-02-18 This book provides an up-to-date and comprehensive institutional analysis of online dispute resolution (ODR) with a focus on the developments in China as well as their doctrinal and practical implications globally. In the book, a wide range of ODR mechanisms including online arbitration, online litigation, online mediation, crowdsourced ODR, and blockchain

escrow services and more are thoroughly examined and compared through an original analytical framework that highlights the evolutionary trajectories of dispute resolution in the digital era The author leverages several empirical studies and her experience working with the Supreme People s Court on formulating the rules for online courts She presents an insightful panoramic overview of ODR practices across Chinese courts arbitration commissions and online businesses including detailed case studies and critical analyses of major digital platforms such as Taobao and the internet courts which informs not only a new conception of justice adapted to the internet society but also different developmental paths for both established and emerging methods of ODR This book will appeal to scholars practitioners and policymakers with an interest in online dispute resolution online courts law and technology as well as digital platforms and the internet economy

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