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Résumé/Abstract (300-500 mots/words) :

The Laboratory believes that online dispute resolution refers to the integration and use of technology in the process of dispute resolution, whether judicial or extrajudicial. This approach takes into account three specific criteria: the use of a software platform that provides an automated interface to go through all the steps of a procedure and to support the storage and management of evidence (1); the possibility for users to obtain, at any time, online technical assistance (2); and the presence of a network of neutral third parties which are recognized for their expertise in the field of law in question (3). Specifically, this approach refers to the electronic migration of the various alternative methods of conflict resolution, whether the negotiation, mediation or arbitration.

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On ODR Initiatives: Compilation, Evaluation and Ranking

Alexandre Thibeault et Antoine Guilmain¹

In the context of its activities, the Cyberjustice Laboratory (hereinafter, the "Laboratory") conducts important research on the processes and mechanisms of online dispute resolution. The laboratory focuses on online dispute resolution initiatives and, in this context, we have undertaken to compile and evaluate all such initiatives currently available in the world. First of all, we will establish our definition of "online dispute resolution" (1), before dealing with the determination and presentation of the methodological criterion for evaluating the different initiatives of online dispute resolution (2). Thereafter, we will briefly and objectively compile and evaluate those initiatives in a summary table using a simple and effective iconography (3). Finally, we will proceed with a more subjective and thorough evaluation of those same initiatives through individual textual analysis (4), before concluding.

1. DEFINITION

The Laboratory believes that online dispute resolution refers to the integration and use of technology in the process of dispute resolution, whether judicial or extrajudicial. This approach takes into account three specific criteria: the use of a software platform that provides an automated interface to go through all the steps of a procedure and to support the storage and management of evidence (1); the possibility for users to obtain, at any time, online technical assistance (2); and the presence of a network of neutral third parties which are recognized for their expertise in the field of law in question (3). Specifically, this approach refers to the electronic migration of the various alternative methods of conflict resolution, whether the negotiation, mediation or arbitration.

2. METHODOLOGY

¹ The english traduction is from Alexandre Thibeault. As of September 20, 2013, only the first three sections are available in english.

The evaluation process of the different ODR initiatives is based upon eleven criteria :

	1	2	3	4	5	6	7	8	9	10	11
Name	Area	Language	Services	Ownership	Price	Dispute types	Amounts	Messaging / Forum	Security	Availability of Test / Demo.	User-friendliness




From a perspective of efficiency, an iconographic typology is associated with each criterion. In some cases - where applicable – more than one icon will be assigned to a given criterion.

In the beginning, it is important to identify the name of the ODR platform, as displayed in the public and electronic spaces, and refer to its URL. Then, we must determine the following criteria:

1. Geographic Area

This criterion aims to identify the areas in which the service is provided and available: national (Canada, France, etc.), regional (European Union, etc.) or international (WTO, etc.).

The country, regional area or international organization is identified by the appropriate flag icon / logo.

→ For example, Canada would be identified by the icon , the United States would be identified by the icon , while the European Union would be identified by the icon .




2. User Interface Language

This criterion refers to the language of the interface of the service, as it is accessible to users. In some cases, it is possible that the service may be available in more than one language. The language is identified by an acronym.

→ For example, the french language is identified by the acronym "Fr.", while the English language is identified by the acronym "En."

3. Available Services

This criterion aims to establish the type of services available to users: negotiation and/or mediation and/or arbitration.




→ A service providing users a negotiation feature will be identified by the icon , while a service providing users a mediation feature will be identified by the icon , whereas a service providing an arbitration feature will be identified by the icon .

4. Ownership

This criterion refers to the public or private nature of the service, that is to say its financing, its implementation, its management and its maintenance.



The ownership will be public when these attributes are exercised by a governmental, paragonmental or regulatory entity, especially when the service is provided or supported by a court or regulatory body (Superior Court of Quebec).

The ownership will be private when these attributes are exercised by a company, a business consortium, an organization, a non-governmental organization or an individual. In some cases, these attributes may be of both public (financing, etc.) and private nature (implementation, management, maintenance, etc.).

→ A public service will be identified by the icon , while a private service will be identified by the icon . A service with both public and private attributes will be identified by the icons .

5. Price





This criterion refers to the service utilisation cost for the users. Some services may be free to use.

→ A free service will be identified by the icon , whereas a paid service will be identified by the icon .

6. Dispute types



This criterion focuses on the types of disputes for which the service is offered. The dispute shall be:

- Civil, when it involves individuals or businesses within the context of any dispute of non-commercial nature;
- Commercial, when it involves businesses within the context of a trade dispute;
- Marital nature, when it involves individuals within a marital dispute;
- Administrative, when it involves individuals or businesses within the context of a dispute of a legislative or regulatory nature.

→ A service dealing with disputes of a civil nature will be identified by the icon , while a service dealing with disputes of a commercial nature will be identified by the icon , a service dealing with matrimonial disputes will be identified by the icon  and a service dealing with disputes of an administrative nature will be identified by the icon .





7. Amounts of the dispute

This criterion refers to the value of the matter in dispute.

→ A service dealing with cases which concern a disputed matter of less than \$ 500.00 will be identified by the icon , whereas a service dealing with cases which concern a disputed matter of \$ 500.00 or more will be identified by the icon .

8. The availability of a messaging system or a forum

This criterion refers to the availability of a messaging system or a forum for the benefit its users, to communicate with each others or with the service staff (mediators, administrators, etc.).




→ A service providing a messaging system or a forum for users to communicate with other users will be identified by the icon , whereas a service that does not offer this system will be identified by the icon . A service that provides a messaging system or a forum for users to communicate with the service staff (mediators, administrators, etc.) will be identified by the icon , whereas a service that does not offer this system will be identified the icon .

9. Security level

This criterion focuses on the overall level of protection provided by the service to its user's data, and to the security and stability of its web platform.




To assess the level of security, we will use the method of the "body of evidence", based on the following elements, amongst others:

- The website of the service benefit from a "HTTPS" type protocol;
- The security certificate of the website is valid, pertains directly on the name of the website and was issued by an independent certification authority;
- The creation of a user account is required to access the service;
- The ability to extract information from files (agreement generated in PDF, email notification including personal data, etc.);
- The existence of a privacy or confidentiality policy.

→ A service whose security level is high will be identified by the icon , while a service whose security level is moderate will be identified by the icon , and a service whose security level is low will be identified the icon .




10. The opportunity to test the service

This criterion refers to the possibility to test the service before using it and, if applicable, to the availability of a demonstration of the attributes and characteristics of the service.

→ A service for which it is possible to test the characteristics will be identified by the icon , while a service for which a demonstration is available will be identified by the icon , whereas a service for which it is impossible to test the characteristics or for which no demonstration is available will be identified by the icon .

11. User-friendliness

This criterion refers to the overall ease of use of the service and its website, as well as the availability of clear and accurate information on the service and all its features, including the administration of the service, its detailed process, its safety as well as the rights and obligations of its users. User-friendliness will be considered excellent when information on all of these features is available and readily identifiable and accessible. User-friendliness will be considered average if the information on one of these characteristics is lacking. User-friendliness will be considered poor if the information on one or more of these characteristics is lacking or if it is not easily identifiable and accessible.

→ A service of which the user-friendliness is excellent will be identified by the icon  and a service of which the user-friendliness is average will be identified by the icon , whereas a service of which the user-friendliness is poor will be identified by the icon .















3. COMPILATION











The various ODR initiatives will be compiled and evaluated using the following table. The iconography used in this table is intended as a tool to easily and quickly understand the scope of each initiative. Initiatives will also be thoroughly evaluated in a subsequent section. Initiatives are listed in alphabetical order and are based on the lists provided by the book *Online Dispute Resolution: Theory and Practice*², as well as by the Odr.info website³.




LEGEND	
AREA	The flag indicates the country or region of origin of the service
LANGUAGE	Fr. – French En. – English Gr. – German Sp. – Spanish Du. – Dutch

² Mohamed s. ABDEL WAHAB, Ethan KATSH and Daniel RAINEY, dir., *Online Dispute Resolution : Theory and Practice*, La Hague, Eleven International Publishing, 2012, p. xvii.

























³ List of ODR providers, online : Odr.info, < <http://odr.info/node/32> > (page consulted on June 27, 2013).



















































	It. – Italian
SERVICES	 Negotiation  Mediation  Arbitration
OWNERSHIP	 Public service  Private service  Hybrid service (public/private)
PRICE	 Free service  Paid service
DISPUTE TYPES	 Civil disputes  Commercial disputes  Marital disputes  Administrative disputes
AMOUNTS	 Disputes worth \$0 to 499.00  Disputes worth \$500.00 and more












































































MESSAGING / FORUM	 Messaging / forum between users  No messaging / forum between users  Messaging / forum between users and service's staff (mediators, administrators, etc.)  No messaging / forum between users and service's staff (mediators, administrators, etc.)
SECURITY	 Excellent security  Moderate security  Low security
AVAILABILITY OF TEST / DEMO.	 Test of the service possible  Demonstration of the service available  No test / demonstration











































































































USER- FRIENDLINESS	 Excellent user-friendliness  Average user-friendliness  Poor user-friendliness
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	1	2	3	4	5	6	7	8	9	10	11
Name	Area	Language	Services	Ownership	Price	Dispute types	Amounts	Messaging / Forum	Security	Availability of Test / Demo.	User-friendliness

ONLINE DISPUTE RESOLUTION INITIATIVES COMPILATION		CRITERIA										
#	Name	1	2	3	4	5	6	7	8	9	10	11
		Area	Language	Services	Ownership	Price	Dispute types	Amounts	Messaging / Forum	Security	Availability of Test / Demo.	User-friendliness
1	AECE, AUTOCONTROL i Red.es							N/A				
2	Agència Catalana de Consum							N/A				
3	American Arbitration Association							N/A				
4	ADNDRC							N/A				
5	ADRoit3							N/A				
6	Appellex Bargaining Solutions							N/A				
7	ARyME							N/A				
8	Austrian Internet Ombudsman		Gr.					-				
9	Benoam							N/A				
10	Better Business Bureau Online							N/A				
11	Camera Arbitrale di Milano							N/A				
12	Camera di Commercio di Ancona							N/A				
13	Camera di Commercio di Firenze		It.					-	-			
14	CaseloadManager.com							N/A				
15	Centre de Médiation et d'Arbitrage de Paris							N/A				
16	Chartered Institute of Arbitrators							N/A				
17	Cibertribunal Peruano							N/A				
18	Concilianet		Sp.		-		-	-				
19	Conflict Resolution Software							N/A				
20	Consensus Mediation							N/A				
21	Consumer Affairs Victoria (CAV)							N/A				
22	Consumers Association of Iceland							N/A				

23	ConflitResolution.com														N/A
24	Convirgente.com														N/A
25	Core														N/A
26	CPR Institute for Dispute Resolution														N/A
27	Cyberlaws.net														N/A
28	Cybersettle		En.					-							
29	Demander Justice														N/A
30	Der Internet Ombudsmann														N/A
31	Dispute Manager														N/A
32	Eadrline		En.					--							
33	eCourtroom Federal Law		En.	-		-		-	-						
34	eBay Resolution Center		En. Fr. (Etc.)					-							
35	eConfianza		Sp.			-		-							
36	Electronic Consumer Dispute Resolution														N/A
37	Electronic Courthouse														N/A
38	Emissary Mediation														N/A
39	eQuibbly		En.					-							
40	Eurochambres														N/A
41	European Institute for Conflict Management														N/A
42	Fair Outcomes														N/A
43	Family Mediation Canada														N/A
44	Federal Mediation and Conciliation Service														N/A
45	Financial Ombudsman Service (FOS)														N/A
46	Fiserv														N/A

47	FSM											N/A
48	GWMK											N/A
49	Hong Kong International Arbitration Centre											N/A
50	ICANN Ombudsman Office											N/A
51	iCourthouse		En.				-	-				
52	International Chamber of Commerce											N/A
53	The Internet Ombudsman											N/A
54	Intersettle											N/A
55	Iris Mediation											N/A
56	IVentures											N/A
57	JAMS											N/A
58	Judge.me		En.					-	-			
59	Juripax		En. Gr. Du.					-				
60	JusticeBox		En.					-	-			
61	Mediar Online											N/A
62	Mediate.com											N/A
63	Mediation Arbitration Resolution Services (MARS)											N/A
64	Mediation in the Clouds		En.					-	-			
65	Mediation Now											N/A
66	The Mediation Room											N/A
67	MESUTRAIN	 	En. Gr.					-				
68	Michigan Cybercourt											N/A
69	Modria		En.	 		 	 	 				
70	Money Claim Online		En.	-				 				
71	National Arbitration Forum											N/A

72	National Mediation Board	N/A										
73	Net-ARBitration Works		En. Sp.					-				
74	NetNeutrals		En.					-				
75	ODR.NL	N/A										
76	ODR Exchange	N/A										
77	Online Arbitrators	N/A										
78	Onlinearbitration		En.			-		-				
79	Onlineombud		En.					-				
80	PARLe		Fr.					-				
81	Paypal Resolution Center		En. Fr. (Etc.)					-				
82	PeopleClaim		En.					-				
83	Possession Claim Online		En.	-				-				
84	Private Judge	N/A										
85	Resolution Canada	N/A										
86	Resolution Forum Inc.	N/A										
87	RisolviOnline		En. Fr. It.									
88	SettleOnline	N/A										
89	SettleTheCase	N/A										
90	SettleToday		En.					-				
91	SmartSettle		En.			-		-				
92	South African Institute of Intellectual Property Law (SAIPL)		En.					-				
93	Sports Dispute Resolution Centre of Canada	N/A										
94	SquareTrade	N/A										
95	Telecommunication Industry	N/A										

	Ombudsman (TIO)											
96	The Claim Room	N/A										
97	TRUSTe	N/A										
98	Ujuz		En.	-				-				
99	Uniform Domain Names Dispute Resolution Policy (UDRP) at ICANN	N/A										
100	VirtualCourthouse		En.					-				
101	The Virtual Magistrate	N/A										
102	WebAssured	N/A										
103	Webmediate	N/A										
104	World Intellectual Property Organization (WIPO)	N/A										