THE AMELIORATION OF ONLINE DISPUTE RESOLUTION FOR BUSINESS-TO-CONSUMER ELECTRONIC COMMERCE:

From a Consumer Protection Perspective

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I, TIAN ZEHUA, hereby declare that, I am the author of the above thesis and it is my original research work. This work has not been submitted anywhere else, either in part or whole, for a degree or other academic credits. I undertake the sole responsibility for any inaccuracy in this declaration.

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ABSTRACT

Nowadays, electronic commerce develops rapidly with the motivation of advanced Information and Communication Technology all over the world. At the same time, the special features of electronic commerce disputes challenge the traditional consumer protection policies, as the parties may be pretty far from each other and the claims may be a small amount. However, the online dispute resolution, as a burgeoning dispute resolution mechanism, has good effectiveness to resolve electronic commercial disputes, and is a better choice for consumers to protect their interests. At the same time, as the current online dispute resolution mechanism still needs to be further improved, it is very significant to study on the amelioration of online dispute resolution for electronic commerce.

Through analyzing the *status quo* of electronic commerce and online dispute resolution mechanism, this thesis aimed to give several useful suggestions on the further improvement of online dispute resolution, especially on the aspect of consumer protection. Taking both national electronic commerce and cross-border one as clues, the thesis put forward that online dispute resolution is the best method to resolve electronic commerce disputes. Furthermore, the advantages and imperfections of relevant systems and regulations in different countries and regions are introduced and analyzed as well. Based on a comparative study between the relevant systems and regulations of other countries and China, the thesis pointed out that the special conditions of China will influence the further development of Chinese online dispute resolution mechanism. In China, Taobao Rules and Online Arbitration Rules of CIETAC represented the current development state of Chinese online dispute resolution. The strong censorship of Internet, continued controversy over economic system and insufficient legislative supports were the possible obstacles of further improvement of it. At last, the thesis concluded that in order to resolve electronic commerce disputes better, it is necessary to make a difference between online dispute resolution for domain names and online dispute resolution for small claims. At the same time, the convergence of regulation and self-regulation was important for the development of national online dispute resolution, while the harmonization of rules was important for cross-border one.

Keywords: Online Dispute Resolution, Electronic Commerce, Consumer Protection, Government Intervention, Harmonization of Regulations

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ABBREVIATIONS

AAA	American Arbitration Association
ADNDRC	Asian Domain Name Dispute Resolution Center
ADR	Alternative Dispute Resolution
AFA	Arbitration Fairness Act 1999
B2B	Business-to-Business
BBB	Better Business Bureau
B2C	Business-to-Consumer
CAC	Czech Arbitration Court
C2C	Consumer-to-Consumer
C2B	Consumer-to-Business
CIETAC	China International Economic and Trade Arbitration Commission
CPC	Consumer Protection Commission
EAA	English Arbitration Act 1996
E-commerce	Electronic Commerce
EJC	European Court of Justice
ESCP	European Small Claims Procedure
EU	European Union
FAA	Federal Arbitration Act 1925
FCBA	Fair Credit Billing Act
G2C	Government-to-Consumer
HKIAC	Hong Kong International Arbitration Center
ICANN	Internet Corporation of Assigned Names and Numbers
ICT	Information and Communication Technology
JDNA	Japan Domain Names Association

JPNIC	Japan Network Information Center
JPRS	Japan Registry Services
METI	Ministry of Economy, Trade and Industry
NAF	National Arbitration Forum
NGO	Non-Governmental Organization
ODR	Online Dispute Resolution
Rome I	Regulation on the Applicable Law to Contractual Obligations
SCP	Small Claims Procedure
SOSA	Secure Online Shopping Association
UDRP	Uniform Domain-Name Dispute-Resolution Policy
UK	United Kingdom
UN	United Nations
UNCITRAL	United Nations Commission on International Trade Law
US	United States
USD	United States Dollar
WIPO	World Intellectual Property Organization

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