



USING TECHNOLOGY TO RESOLVE BUSINESS DISPUTES

Dr. Minas Khatchadourian

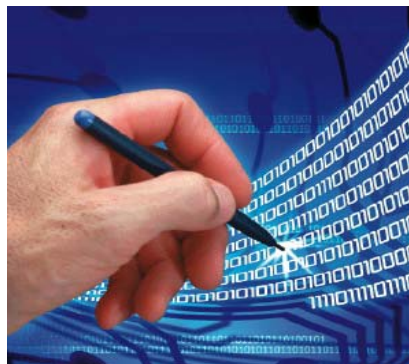
Practice of E-Arbitration in the World



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Using Technology to resolve Business Disputes

- ICC : NetCase
- AAA: WebFile



ICC NetCase

A Secure Online Environment
for ICC Arbitration



ICC NetCase

A state-of-the-art case management system that allows the Secretariat of the ICC Court to follow and to oversee more than 1000 arbitrations at the same time.



ICC NetCase

- NetCase is a case management website for participants in ICC arbitration, launched in 2005.
- Its goal is to allow participants, if **they consent to its use**, to communicate and share information rapidly and securely using the Internet
- All parties and arbitrators in an arbitration case must sign the "**Statement of Acceptance of the Conditions of Access and Use of NetCase**". If any party or arbitrator does not sign and return the Statement, NetCase will not be used.

ICC NetCase

- NetCase offers all participants in an arbitration (the parties, their counsel, the arbitrators and the Secretariat of the ICC Court) the advantages of:
 - instantaneous and efficient communication,
 - round-the-clock access,
 - security and confidentiality, and
 - organized handling and storage of documents.
- Use of NetCase in no way modifies the ICC Rules of Arbitration.

ICC NetCase offers

Instantaneous and efficient communication

- All correspondence and documents posted on NetCase are available instantaneously to all recipients and remain available throughout the arbitration.
- In addition, message alerts

inform participants when a new message or document has been posted on NetCase.



ICC NetCase offers

Round-the-clock access to information

- NetCase allows participants to access all relevant information with regard to their arbitration 24 hours a day, 7 days a week from any computer in the world wherever they are.

At your fingertips:

- Details of the parties and the arbitrators
- The procedural calendar
- The current financial situation
- Etc..

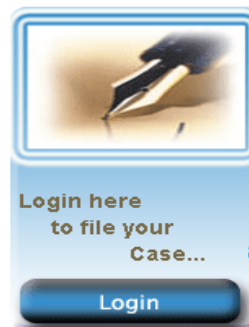


ICC NetCase offers

Security and Confidentiality

- Access to NetCase is password-protected.
- All communications and documents traveling between the user's browser and NetCase are encrypted.
- Before accepting documents for posting, NetCase first

automatically checks them for viruses and refuses any infected document.



ICC NetCase offers

Organized Handling and Storage of Documents.

- All information and documents are organized in a uniform and orderly manner (correspondence, memoranda, procedural orders, Terms of Reference or award(s)).
- The origin of the documents is indicated so as to make them easily identifiable, and all

submissions and exchanges are tracked to help participants follow the chronology of a case.

Equal Treatment of Parties...



AAA – WebFile

- The American Arbitration Association (AAA) provides an online WebFile, that allows users to:
 - file claims online,
 - make payments online (electronic transfers),
 - perform online case management,
 - access rules and procedures,
 - transfer documents electronically,
 - select neutrals,
 - use a case-customized message board,
 - check a case's status.
 - Calculate arbitration fees



AAA – WebFile

- To use the WebFile service, any party must complete a registration form and select a password.
- The username and password enable the parties to file an **online claim** and later return to view and manage the cases he has already filed with AAA.
- Filing an online claim comprises providing information about the claimant and his representative, about the claim, including the claim amount and claim details. This step also allows the user to select the number of arbitrators and the place of the hearing, and to enter the arbitration clause.


AAA – WebFile

- Calculating the initial administrative fee. The claimant must pay an initial administrative fee when he files a new claim.
- Completing the payment form. WebFile accepts credit card payments only. Payments may be made by check if the user prints the «Summary» page and mails it with the check to the nearest AAA office.
- After a claim has been filed online, the user receives a confirmation number from AAA WebFile via e-mail, and the claim is listed under «Pending Claims» in the «View Claims/Cases» page of the WebFile site. A **case manager** then reviews the claim and notifies the user by e-mail if it is approved, usually within 2-3 days.

AAA – WebFile

- Once a claim has been filed and approved by a case manager, a list of neutrals will be prepared and can be accessed by a link from the «Filed Case Information» page. The user can view the curriculum vitae of the arbitrators, rank them, and submit his selection to AAA.
- Finally, the AAA WebFile site provides a message board where the case manager posts non-urgent messages about a case. Only the case manager, the parties and the arbitrator(s) involved in a case can access the message board for that case.

AAA Home • Rules • AAA Office

 **American Arbitration Association**
Dispute Resolution Services Worldwide

Login

Please enter your User Id and Password.

User Id

Password

[Click here](#) if you are a neutral on the AAA's National Roster and would like to access Neutrals' eCenter.

New User

If you are new user please register now.

AAA WebFile

File New Claim - Step 1 of 9: Where am I in the filing process?

PLEASE NOTE: CONSUMER CASES MAY NOT BE FILED ONLINE. The AAA applies the Supplementary Procedures for Consumer-Related Disputes to arbitration clauses in agreements between individual consumers and businesses where the business has a standardized, systematic application of arbitration clauses with customers and where the terms and conditions of the purchase of standardized, consumable goods or services are non-negotiable or primarily non-negotiable in most or all of its terms, conditions, features, or choices. The product or service must be for personal or household use. The AAA will have the discretion to apply or not to apply the Supplementary Procedures and the parties will be able to bring any disputes concerning the application or non-application to the attention of the arbitrator. Consumers are not prohibited from seeking relief in a small claims court for disputes or claims within the scope of its jurisdiction, even in consumer arbitration cases filed by the business. The procedures on how to file these cases may be found on our website at www.aaa.org.

Please [click here](#) for the Association's Health Care Policy Statement

Are you filing this claim as a:

Claimant 1st, select who is filing the claim.

Claimant's Representative

In your dispute in accordance with:

Commercial Dispute Resolution Procedures [View](#) 2nd, select the set of rules to apply and whether you're filing an arbitration or mediation.

Arbitration Mediation

Construction Industry Dispute Resolution Procedures [View Rules/Procedures](#)

Arbitration Mediation

International Arbitration Rules View Rules/Procedures You can view the AAA rules and procedures by clicking on the View Rules/Procedures link.

Arbitration

Employment Arbitration Rules [View Rules/Procedures](#)

Arbitration Mediation

Employer Promulgated Plans [View Rules/Procedures](#)

Arbitration - Employer Arbitration - Employee Mediation

The Association may decline to administer this case if the employment dispute plan has not been approved by the AAA. Please refer to Section 2 of the [National Rules for the Resolution of Employment Disputes](#).

Check Yes if your agreement has an American Arbitration Association clause providing for administration by this Association or if all parties consent to using the services of the AAA. If there is an arbitration provision in your contract but it does not specifically name the American Arbitration Association, please contact the [AAA office nearest you](#) for more information.

Yes* 3rd, review your agreement to determine whether the American Arbitration Association is named in your arbitration or mediation clause. You must check this box to proceed.

Please note that by checking this box you are certifying that you have read and understand the AAA's Supplementary Procedures for Consumer-Related Disputes.

An initial filing fee is payable in full by the filing party when a claim or counterclaim is filed.

No checks accepted. At this time we only accept credit card payments made by VISA, MasterCard.

4th, to proceed click the Next Step button.

[Save & Continue](#) [Cancel](#)

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THANK YOU

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