I describe below various ODR processes and their components in the form of questions and answers. The questions may serve as an initial checklist for the designers of ODR platforms for public civil justice systems or private ODR. This checklist is a part of the integration layer of the Open ODR, as described in Open ODR Concept available at www.openodr.org.

I divided the checklist into several parts:

(a) General set-up;
(b) Standard ODR processes;
(c) Negotiation
(d) Elevation to a 3rd party ODR;
(e) Gateways to ODR;
(f) Ensuring the flexibility of the documents/screens;
(g) List of principle online forms; and
(h) List of principle legal documents to be put on the website of the ODR platform.

There will obviously be more questions and answers than mentioned below, more ODR processes and associated options and issues. Flexibility of the design and development strategy is a key requirement.

Throughout designing and implementing ODR systems, platforms and services based on the integration layer and in each step and for every component part it is key to adhere to all applicable ethical principles.

(a) General set-up

This part describes high-level characteristics of an ODR system such as whether it is a state court, a private ODR system or a hybrid system combining both private and public elements.

What types of disputes will the ODR system resolve?

Some ODR systems are sector-specific. This is typical for traffic penalty cases (such as the TPT in UK). There are also private sector specific ODR systems, the best known are the ICANN UDRP accredited ODR providers that resolve disputes on the so called top-level domain names (TLDs). I think there will be many other sector specific ODR platforms in few years’ time assisting participants to come to a mutual agreement.

Regarding access to ODR, a number of the first online courts apply the so-called limited opt-out access regarding participants. It means that in general participants have to use the online courts for their exclusive jurisdiction with some exceptions (e.g. internet illiteracy or lack of knowledge of official language). Some online courts apply more general opt-out rights. For example, in the UK, the
judicial reform states one of its principles to be a general opt-out right. Some ODR systems on the other hand apply an opt-in approach, requiring an agreement of participants on the use of a concrete online court.

Questions describing some of these issues are the following:

**Q: Is your ODR system private or public?**

Select from the following options:

(i) Private ODR platform
(ii) Online court
(iii) Public information portal on the access to justice
(iv) Hybrid system including e.g. private negotiation platform with an option to elevate the issue to either a state online court or private ODR institution
(v) Unspecified options 1-n (other solutions)

**Q: Will the parties be obliged to use your ODR system?**

Select from the following options:

(i) Yes
(ii) Yes with few exceptions defined by law
(iii) No, any party will be able to opt-out of the use of the ODR system
(iv) No, parties will need to opt-in to use the ODR system
(v) Unspecified options 1-n

**Q: What types of disputes (issues) will your ODR system deal with?**

Select from the following options:

(i) Generic ODR system for filing any complaint in any area
(ii) Specific dispute(s) 1-n (e.g. resolution of dissatisfaction of people with public transport)
(iii) Unspecified options 1-n

**Q: What type of quality assurance/compliance will your ODR system be subject to?**

Select from the following options:

(i) Internal compliance processes or sectorial self-regulation (for private ODR systems)
(ii) Regular impact assessment audits by external parties
(iii) Certification by 3rd parties (e.g. by Conformity Assessment Bodies, CABs)
Q: In which business sector(s) will your ODR system operate (e.g. retail, healthcare, ...)?

Select from the following options:

- (vi) Generic ODR system for filing any complaint in any area
- (vii) Specific sector(s) 1-n (e.g. ODR for eat-stay-play sector)
- (viii) Unspecified options 1-n

Q: Will your ODR system use blockchain technology?

Select from the following options:

- Yes, it will be ODR system built on blockchain
- No, but it will resolve, among others, blockchain-related disputes

Q: Will your ODR system enable access by Customer Door Codes (CDC) or similar tools?

Select from the following options:

- (i) Yes
- (ii) No
- (iii) Unspecified options 1-n

(b) Standard ODR processes

This part describes common ODR processes that are used both by state online courts and private ODR platforms:

- **Advise/assessment portals** such as the Solution Explorer successfully implemented by the Canadian CRT. The Solution Explorer guides participants through their situation (e.g. a dispute with a neighbor), suggests steps to try before filing a claim with CRT (e.g. e-mediation), provides ready-made drafts of useful documents applicable to the participant’s situation and if no agreement can be found, it guides the participant on how to prepare and file a legal action with the CRT.

  Advise portals also assess whether the participant has a right to file the claim that he/she intends to file and in this way it limits totally unfounded claims and corrects obvious misunderstandings of the participants;

- **Negotiation/assisted negotiation** that state online court now often include as part of their processes. Negotiation may be assisted by a human mediator or advisor but in the future, participants will be increasingly assisted by AI tools
- **Elevation** to third-party ODR institution, either to state online courts or to private ODR

- **Enforcement** of the resolution. Efficient enforcement is a key element of success of any dispute resolution mechanism. This is why for example the UK justice reform includes a special project aimed at improving efficient enforcement.

In addition to standard processes, any ODR system needs to put special attention to issues that are closely connected with the processes. I would mention specifically the following issues that are quite difficult to implement and maintain in a digital form:

(i) Multiple languages;

(ii) Transformation of paper filings into the ODR platform; and

(iii) Legal representation.

These three topics are able to absorb wide development resources and costs. It is therefore necessary to carefully design each of these functions from the beginning of the design processes. Special emphasis should be placed on a future need to add new languages and to make these processes easier for legal representatives and their clients.

Questions describing some of these issues are the following:

**Will your ODR system include an advise portal for the parties which will:**

- help people to resolve their life situations;
- provide sample legal documents;
- provide online expert advise;
- provide online mediation;
- navigate through online courts for civil claims

Select from the following options:

(i) Yes, with all the options mentioned above

(ii) Yes, with selected options mentioned above

(iii) No

(iv) Unspecified options 1-n

**Q: What ODR processes will your system include?**

Select from the following options:

(i) direct negotiation

(ii) mediation

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1 UK Justice Reform Update, Summer 2019
Q: Should your ODR system include both feedbacks + complaints? Or only complaints? Or only feedbacks? Negative feedbacks usually mean that there is an issue/dissatisfaction which a person providing feedback does not want to deal with as a complaint. Feedbacks are therefore very important not only for private providers but also for public bodies.

Select from the following options:

(i) Both complaints and feedbacks
(ii) Feedbacks only
(iii) Complaints only
(iv) Unspecified options 1-n

Q: If your ODR system is to include complaints, select from the following options:

(i) Only direct negotiation between the parties (no third party ODR involved)
(ii) There will be no direct negotiation between the parties involved, all complaints will go directly to third party ODR
(iii) Both direct negotiation and escalation to a third party ODR will be possible
(iv) The complainant will decide whether to try direct negotiation with the respondent or skip the negotiation and immediately escalate to a third party ODR without negotiation
(v) Negotiation with panel supervision from the complaint filing
(vi) Unspecified options 1-n

Q: If your system is to allow escalation to independent ODR institutions, what procedures will you allow for the escalation phase?

Select from the following options:

(i) Mediation
(ii) Arbitration
(iii) Medarb
(iv) Mediation followed by adjudication
(v) Unspecified options 1-n
Q: How will you set-up appeals?
Select from the following options:
(i) Appeal Yes
(ii) Appeal No
(iii) Unspecified options 1-n

Q: If you have appeals in your system, how many appeal JOs will form the appeal panel?
Select from the following options:
(i) A single member appeal panel
(ii) More than 1 member appeal panel
   a. Number of members of appeal panel 2-n

Q: If you have appeals in your system, what will be the method of selection of the appeal panel?
Select from the following options:
(i) Same appeal panel for all appeals selected by ODR admin
(ii) Different appeal panels – same options as for JO selection – see below
(iii) Unspecified options 1-n

Q: How will the case file be organized?
- What information will be included per each case?
- Who will have access to which information on cases in the case file?
- What rules govern order of appearance of cases in the list of cases?
- How is the search of cases in the list of cases organized?

Q: What will be your enforcement mechanism?
Enforcement is key for the success of any dispute resolution mechanism. There are many enforcement options, we mention below only the basic ones.
Select from the following options:
(i) Monitor how parties implement outcomes of cases
(ii) Direct enforcement based on contract obligations
(iii) Direct enforcement based on statutory duties
Q: Is your ODR system designed for specific parties (e.g. for customers and vendors)?
Select from the following options:
   (ix) Generic ODR system for any complainant(s) and any respondent(s)
   (x) Specific complainant(s) 1-n
   (xi) Specific respondent(s) 1-n
   (xii) Unspecified options 1-n

Q: Will only one party be allowed to be a complainant (e.g. only a customer can file complaint against a retailer)? Or will only the other party be allowed to file complaints (e.g. only retailer can file complaint against customer)? Or either party can file a complaint against the other party?
Select from the following options:
   (i) Only party A might file complaints
   (ii) Only party B might file complaints
   (iii) No restrictions regarding who might file complaints
   (iv) Unspecified options 1-n

Q: Do you want to allow legal representatives that would represent either one or both of the parties to be included in your system?
Select from the following options:
   (i) Yes for the whole procedure
   (ii) Yes for either the whole procedure or only for specific sub-procedures
   (iii) Yes for either the whole procedure or only for specific sub-procedures or only for part of the disputed issues
   (iv) No
   (v) Unspecified options 1-n

Q: Which languages will your ODR system use?
Select from the following options:
   (i) Language(s) 1-n
   (iv) None
   (v) Unspecified options 1-n
Q: Do the documents need to be filed online only, or will you allow also paper filings?
Select from the following options:
(i) Only online filings
(ii) Both online and paper filings, according to the preferences of the users
(iii) Unspecified options 1-n

Q: If you allow paper filings, select from the following options:
(i) Paper filings will be manually converted into online forms
(ii) Paper filings will be automatically converted into online forms
(iii) Unspecified options 1-n

(c) Negotiation
This part describes direct and assisted negotiation between participants. Negotiation may be assisted by human mediator(s) or by artificial intelligence (AI). Issues considered by designers include questions like which party should propose the resolution (usually it is the complainant in his/her complaint but in some ODR systems, the resolution is first proposed by the respondent) or when should the respondent be notified that a new claim has been filed against it (usually respondents are notified immediately after a complaint is filed, nevertheless, in some systems respondents are notified only after a decision is issued and they have a right to appeal).

In addition, designers need to consider regulatory requirements connected with reaching agreement among participants (e.g. whether the ODR system should include an option for the participants to have their agreement confirmed by the judge).

ODR has brought some specific techniques that have been increasingly used during negotiation, such as the so-called blind bidding and other techniques. Blind bidding is an online technique that helps participants reach an agreement by first agreeing on the disputed monetary amount. Each party files proposals for a monetary amount with which the party would be satisfied, without knowing the exact amounts proposed by the other participant. The ODR system will record when the bids match each other – agreement is reached and this can then be confirmed by the online court.

Questions describing some of these issues are the following:

Q: If your ODR system includes complaints, when is the respondent notified?
Select from the following options:
(i) When complaint is filed
(ii) When panel issues decision
(iii) Unspecified options 1-n
Q: If your ODR system includes complaints, who prepares the first proposals how to resolve the issues?

Select from the following options:

(i) Complainant in its complaint

(ii) Respondent in its first response to a complaint

(iii) Unspecified options 1-n

Q: Do you want to allow one or both parties to get online advise from third parties (e.g. consumer or sectorial organizations)?

Select from the following options:

(i) Free advice (for either party)

(ii) Free or paid advise (for either party)

(iii) Unspecified options 1-n

Q: If you are a respondent (e.g. a retailer), do you want to be able to transfer the whole case to another entity within (e.g. a specific department) or outside (e.g. your supplier) your organization?

In some sectors the vendor is not able to resolve certain issues because they relate completely to another vendor or sub-supplier. In such cases it might be practical to transfer the whole case from the original respondent to the vendor which was responsible for the disputed issues and can resolve them more efficiently than the original respondent.

Select from the following options:

(i) Yes

(ii) No

(iii) Unspecified options 1-n

Q: If you are a respondent (e.g. a mobile shopping assistant) do you want to ask another entity within or outside your organization about certain aspects of the case? Some online vendors want to remain a single „front face“ towards their customers integrating shopping orders from a number of suppliers.

Select from the following options:

(i) Yes

(ii) No

(iii) Unspecified options 1-n

Q: If your system allows legal representatives of the parties, who will have a right to submit further filings in the case after complaint/response are filed?
Select from the following options:

(vi) Persons who submitted complaint or response, be it the complainant/respondent or their legal representative(s)

(vii) Complainant/respondent only

(viii) Legal representative(s) only

(ix) Either or complainant/respondent and legal representative(s)

(x) Unspecified options 1-n

Q: How agreement can be reached in your ODR system?

Select from the following options:

(i) If a party accepts proposal of another party on all disputed issues

(ii) If a party accepts proposal of another party on part of the disputed issues only

(iii) If a party accepts proposal of another party on all disputed issues and the agreement is confirmed by ODR provider

(iv) If a party accepts proposal of another party on part of the disputed issues only and the agreement is confirmed by ODR provider

(v) Unspecified options 1-n

Q: Can a party withdraw its acceptance of the proposal of the other party?

Select from the following options:

(i) Yes if withdrawal of party’s acceptance is made before the agreement is confirmed by the ODR provider

(ii) No

(iii) Unspecified options 1-n

Q: Will all the information in the case file be accessible to all the parties, ODR provider and panel?

Select from the following options:

(i) Yes

(ii) Yes, except for the notes marked by a party as its internal notes

(iii) To ODR provider and panel only if all the parties agree at the time of escalation

(iv) Unspecified options 1-n
Q: Will your system include the following technology for the purposes of negotiation/assisted negotiation?

Select from the following options:

- Blind Bidding
- Video-conferencing
- Chat room
- Unspecified options 1-n

(d) Elevation to a 3rd party ODR

In this part of the ODR process, designers consider several traditional issues which are to be implemented in a digital form, including e.g. questions like how judges are appointed and recalled. For example, UNCITRAL WGIII on ODR considered a possibility of automatic appointment and recall of neutrals in private ODR platforms. Any participant would have up to 3 possible objections against appointed neutrals and after each objection (whether or not justified), the neutral was to be recalled and a new one automatically appointed.

Another important structural issue to consider is what form online appeals should take.

Also, there are a number of options that describe when a decision becomes effective. Apart from more traditional options, there may be some uncommon possibilities dictated by regulatory requirements and by the inevitable combination of online and paper communications - for example, under EU ODR process, one ODR provider regulates that its decisions become effective when the presiding ODR institution confirms it.

Other important issues to design are of course administrative costs and who and when should cover them. Although most existing state online courts do not require higher fees from participants who opt-out of ODR and file their documents to the online court in traditional paper form, some online courts do this.

Costs are of course very important for private ODR platforms as well. In some private ODR systems, vendors are able to contribute to part, or all, of the administrative costs of the complainants, who are also their customers. Such innovative suggestions have not yet been tested by existing state online courts, yet – who knows, maybe they will appear in the future. In some countries, some complainants may receive a waiver of court fees etc.

There are also new ODR procedures which have been applied by the first state online courts. Among the new processes, video hearings are becoming popular among participants. As evidenced in the UK by the Traffic Penalty Tribunal (TPT), participants are able to schedule and reschedule time slots for their online hearings rather than wait for the date and time allocated to them by the court. Designers consider for example whether the online hearing may be proposed by a participant or whether this right belongs solely to the appointed judge(s), etc.

Questions describing some of these issues are the following:
Q: Do you want to elevate cases only to a state online court? Or do you want to have an option for the parties to escalate their cases with private ODR provider(s) as well? Or do you want to have both options?

Select from the following options:

(i) Only the appropriate state online court
(ii) Only specific private ODR provider(s)
(iii) Apply both options (i) and (ii) above
(iv) Allow one or both parties to send the case file to an unspecified ODR provider
(v) Unspecified options 1-n

Q: How would the parties select the ODR provider which decides the particular case?

Select from the following options:

(i): Only one ODR provider (state online court or private ODR platform);
(ii): ODR provider selected by the complainant from those pre-selected for all cases by the respondent;
(iii): any ODR provider selected by the complainant from those pre-selected based on fulfillment of the following conditions:
   - Dealing with particular types of cases (according to the sector modules);
   - Supporting arbitration;
   - Supporting mediation;
   - Supporting both arbitration and mediation;
   - Located within (EU, USA, other countries); or
   - Other.
(iv): Other

Q: A single judge or panelist (JO) or more than 1 JOs will deal with the case. How do you want to resolve the appointment of JO(s)?

The term „JO“ designates, for the purposes of this description, an independent individual Judicial Officer whose role is to resolve a civil dispute between the complainant and respondent. He or she might be a judge, mediator, neutral, arbitrator or adjudicator.

Select from the following options:

(i) The ODR admin will appoint the JO(s)
(ii) The parties will appoint the JO(s)
(iii) Unspecified options 1-n
Q: How will the number of JOs to decide a case be determined?

Select from the following options:

(i) By legal regulation (e.g. a statute)
(ii) By ODR Rules for all the cases (e.g. a single JO appointed by ODR provider)
(iii) By a party with a right to escalate to ODR in each case from options defined in legal regulations/ODR Rules (e.g. a single JO or three-member panel)
(iv) Unspecified options 1-n

Q: If the JO(s) are to be appointed by ODR admin, do you want the appointment be automatic or manual?

Select from the following options:

(i) Automatic appointment of JO
(ii) Manual appointment of JO
(iii) Automatic proposal of a JO to be confirmed or changed by ODR admin manually within pre-defined time period
(iv) Unspecified options 1-n

Q: If the JO appointment is automatic, which criteria will decide which JO will be chosen for a given case?

Select from the following options:

(i) Alphabetical order
(ii) Least number of pending cases
(iii) Language of both parties
(iv) Area of expertise
(v) Least number of black points
(vi) Combination of more criteria above
(vii) Other

Q: If the JO is to be appointed by the parties, which method will be used?

Select from the following options:

(i) Each party scores JOs and the JO with the highest score gets invited. If he/she does not accept, the second highest score gets invited etc.;
(ii) For three JOs only: each party selects a JO and the two JOs select the third one;

(iii) Another method

**Q:** Do you want to have the possibility of the parties to challenge the appointed single JO to be included directly in the ODR system? Challenged JO will be automatically terminated and a new one will be appointed.

Select from the following options:

(i) Yes

(ii) No

(iii) Unspecified options 1-n

**Q:** How many JO challenges per case should each party have?

Select from the following options:

(i) One

(ii) Two

(iii) Three

(iv) Unspecified options

**Q:** Will the decision/recommendation include its summary?

Select from the following options:

(i) Yes, summary in English

(ii) Yes, summary in the language of the dispute

(iii) Yes, summary in the language of the dispute and in English

(iv) Unspecified options

**Q:** When does a JO’s decision/recommendation become effective?

Select from the following options:

(i) When decision/recommendation is issued

(ii) When decision issued unless either party appeals to a common court within a prescribed time period

(iii) When ODR provider confirms that the decision/recommendation is effective (e.g. where special formalities are necessary for the decision to become effective and ODR provider certifies that the formalities occured)
Q: If both parties need to accept the decision/recommendation and one or both parties do not accept it, do you want to enable parties to continue with another ODR process?

Select from the following options:

(i) Yes such new ODR process will end with a decision effective on issuance
(ii) Yes such new ODR process will end with a decision effective once accepted by the weaker party (e.g. customer)
(iii) Unspecified options 1-n

Q: When will the ODR costs be payable?

Select from the following options:

(i) Before the case is accepted by ODR provider (cost allocation is part of ODR elevation or outside ODR platform)
(ii) After decision is issued (cost allocation is part of decision)
(iii) Unspecified options 1-n

Q: Who will cover costs of ODR?

Select from the following options:

(i) Only Complainant
(ii) Only Respondent;
(iii) Either one or both parties according to the cost allocation in the Decision
(iv) If Complainant is a consumer, only Respondent
(v) Combination of (iii) and (iv) (if each party might be Complainant as well as Respondent) and/or
(vi) Respondent might decide to pay all or part of the costs of Complainant for all cases
(vii) Same as in (vi) above but for each case separately
(viii) Payment of ODR costs is separate from this app (e.g. special price packages by Partner or ODR provider)
Q: How will a change of the procedural rules be implemented?
Select from the following options:
   (i) All pending cases will be under previous ODR rules
   (ii) Parties can agree that their case will be under new rules
   (iii) Unspecified options 1-n

Q: Do you want to allow parties to be able to set/change the time for an online hearing?
Select from the following options:
   (i) Yes
   (ii) No
   (iii) Unspecified options 1-n

Q: Do you want to include in your ODR procedure interlocutory injunctions?
Select from the following options:
   (i) Yes but only via Messages functionality
   (ii) Yes but only as separate online forms
   (iii) Yes via either Messages or separate online forms
   (iv) No, only a quick decision based on initial submissions of the parties
   (v) Unspecified options 1-n.

Q: Do you want to include in your ODR procedure a right of either party to request online hearing with a judge?
   (i) Yes
   (ii) Yes, but judge has a discretion to allow such request(s)
   (iii) No

Q: Will a judge have a right to order online or physical hearing?
   (i) Yes
   (ii) Yes, but only online hearing
Q: Do you want to allow in your ODR system additional procedures mentioned below?

Select from the following options:

(i) Interlocutory measures
(ii) Unspecified options 1-n

Q: Do you want to implement the following technology?

Select from the following options:

(i) Blind Bidding
(ii) Video-conferencing
(iii) Chat room
(iv) Unspecified options 1-n

(e) Gateways to ODR

This part includes consideration of a number of key business and usability issues. For example, even such simple questions like whether to have user registration in the system upfront, before a participant starts preparing an online complaint or alternatively, whether to have it rather before filing the prepared complaint, can influence how many users will eventually use the ODR platform. In my personal view, quite complex registration procedures in the EU ODR platform may be one of the reasons why so many people look at the EU ODR platform but so few actually use it.

CRM systems are key for private ODR platforms because they enable access to ODR to be incorporated in systems of potential users – vendors, service providers or public institutions. Similarly important are plugins into online systems for companies (e.g. e-shops). I can imagine an online court developing its plugin into the major open source systems for e-commerce (e.g. Magento, Prestashop, Shopify etc.). CRM systems may also be used by state online courts as a case management system. This has been the case of the CRT.

I believe that there will be a new type of mass-market personal online tool in the form of smart software agents acting on behalf of individual users in matters like ODR or privacy (or even cyber-security). Such online tools or apps will not depend on any vendor or producer but instead, they will be open source personal tools of the users who use them. Any future ODR system including online courts will need to consider such tools. Such tools have been discussed in detail earlier in this chapter.

Questions describing some of these issues are the following:

Q: Will your ODR system share Open Statistics?

Select from the following options:
Q: Will your ODR system share Open Data?
Select from the following options:

(i) Yes
(ii) No
(iii) Unspecified options 1-n

Q: When should user registration/sign-in be requested?
Select from the following options:

(vi) Sign-in at the very beginning of the “filing a complaint” process
(vii) Sign-in at the very end (usually one step before completion) of the “filing a complaint” process
(viii) Unspecified options 1-n

Q: Do you want to illustrate issues in the complaint/response or other documents by sounds or pictograms for increased understandability for the parties involved?
Select from the following options:

(i) Pictograms/sounds yes
(ii) Pictograms/sounds no
(iii) Unspecified options 1-n

Setting-up integration and interconnection

Q: Where do you want to have access gates to your system – from where will your ODR platform be accessed by the parties?
Select from the following options:

(i) On my website as the ODR system organizer
(iii) On websites of potential respondents (e.g. vendors or public bodies)
(iv) On both
(v) Unspecified options 1-n
Q: How would you like to integrate your ODR system with the systems of its users?
Select from the following options:

(i) Plugins
(ii) User access app
(iii) Full integration
(iv) Unspecified options 1-n

Q: Which systems of the parties or potential parties would you like to interconnect with your ODR system?
Select from the following options:

(i) CRMs of the potential respondents (e.g. vendors)
(ii) Mobile apps of individual users
(iii) Payment/billing module(s)
(iv) Unspecified options 1-n

Q: If you want to interconnect your ODR system with CRMs of the users, please select in which cases you are interested:
Select from the following options:

(i) Confirm with CRM customer status (e.g. VIP customer, customer with special preferences, etc.)
(ii) Confirm with CRM concrete project status (e.g. applicability of special promotions to a concrete customer)
(iii) Connection between customer/project status and automatic retailer response (e.g. always accept what customer wants)
(iv) Import statistics to CRMs of the parties
(v) Other use cases

Q: Do you want to use CRM system as your case management system?
Select from the following options:

- Yes – which CRM?
- No

Q: Do you want to add user review after the ODR procedure ends?
Select from the following options:

(i) Yes
(ii) No
(iii) Unspecified options

(f) Ensuring the flexibility of the documents/screens

Flexibility is a key prerequisite of success for any ODR system whether it is a state online court or private ODR platform. The lack of maximum flexibility usually leads to much more development costs than were planned and also to time delays. The reason is that online dispute resolution is still quite new and was not yet proven in practice. Therefore, the system will necessarily need to be resilient to constant changes as well as to adaptations to new technology and new laws etc.

Below, I provide lists of typical features which may or may not be designed as flexible when designing an ODR system, depending on the strategy behind the ODR design and the available technology.

Rights of system admin:

- flexibly set up the case file so that the case file for all the parties involved correspond with the then current structure of the whole ODR system;
- hide on the selected screens some of the issues, sub-issues, proposals, comments to issues or counter-proposals;
- add new issues, sub-issues, proposals, comments to issues or counter-proposals;
- add additional transaction-related data lines/items on the forms (e.g. number of insurance contract of the Complainant to be filled in on the Complaint form);
- edit existing informative texts (More/Less);
- add new informative texts (More/Less);
- edit the texts on the selected screens;
- setup different time limits than default ones;
- setup who will see the messages sent within your ODR system;
- hide/show the Feedback feature;
- add or delete some motivations/reasons for a JO’s proposal/decision or otherwise edit the ODR elevation screens you assembled;
- right to de-activate the Decision review feature;
- right to allow one or more parties to add new issues, defenses, proposals to procedural forms;
- set default options for selected functions (e.g. case transfer option);
- allow maximum flexibility on branding; and
Potential rights of participants:

Online Courts or private ODR platforms provide a number of new rights of participants, including:
- option to set the system so that all the issued recommendations are automatically accepted by the respective party;
- option to schedule/reschedule date(s) of an online hearing;
- option to challenge appointed panelist(s) via the ODR platform;
- comprehensive rights to set-up user dashboard and profile;
- option to add new types of issues or defenses through requests to system admin;

(g) List of principle online forms

Online courts use many online forms on their platforms. I mention below only the principle ones, with very brief description. Private ODR platforms also use these forms. More detailed description of selected online forms is included in Annex 2 of this book.

The principle online forms to be designed and implemented in any online court are the following:
- Complaint and connected documents/functions;
- Response and connected documents/functions;
- Resolution-related online forms, in principle:
  (i) settlement agreement; (ii) decision; or (iii) recommendation; the recommendation becomes binding when it is accepted by both parties or, exceptionally only weaker party’s acceptance is sufficient;
- Enforcement of the resolution-related online forms (such as information provided to the parties, online execution or similar orders or online monitoring of implementation of the issued resolution by online court or private ODR platform);
- Case file (collection of case-related documents, notifications and associated data); issues to consider in designing a case file include e.g. slightly different structure and organization of case files for participants, JOs and court admins;
- Case management systems (also called dashboards); dashboards also tend to differ depending whether its a dashboard of an individual participant or a legal entity or their legal representative(s) or JOs or ODR admin; and
- Statistics which include data important for participants (e.g. average length of time from start of dispute to resolution) and also data for management (e.g. how long complainants and respondents on average spent doing specific procedural steps such as reviewing proposals of the other party or preparing a counter-proposal).

(h) Legal documents:

Online courts as well as private ODR platforms will include on their websites a number of legal documents governing use of their online services by participants. Such documents may include the following:

- Privacy Policy containing information about personal data processing, including which personal data are being processed, how data subjects can exercise their rights under privacy legislation or with whom personal data are shared (e.g. online court’s service providers), cookie notice etc.;

- Terms of Use of the ODR platforms, e.g. grant of use rights, IP notices or info that there will be regular service outages for maintenance purposes, etc.;

- ODR Rules implementing applicable legislation;

- Website information about cookies

- Website information about online court administrative fees;

- Website information about how to conclude online contract with the (private) ODR provider;

- Website information about how to withdraw from online contract with the (private) ODR provider;

- Information about potential service limitations (e.g. limited enforcement);

- AI assisted functions like smart online assistants (e.g. Singapore online civil courts employ such a digital assistant) or advanced case search functions;

- Information about the participants’ right to “opt-out” of online court procedures;

- Information on communication of online court with personal communication tools (smart SW agents) of the participants.

Private ODR platforms contain typically more legal documents governing their use, in addition to those mentioned above, for example:

- Acceptance notices;

- Consents to use personal data;

- ODR agreement with the ODR provider; or

- Information about possibility to go to a court