

Challenges and Countermeasures of International Commercial Dispute Resolution in the Digital Age

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This study discusses the challenges and countermeasures of international commercial dispute resolution in the digital age. With the digitalization of international commercial activities, the efficiency, transparency and innovation of dispute resolution have been improved. As an alternative method of dispute resolution, the development of the Online Dispute Resolution (ODR) is closely related to the Internet. However, the rapidity of technological updates, the lag of international rules, and the digital divide also bring challenges. To address these challenges, it propose proposed to enhance technical capabilities, strengthen data security, develop online dispute resolution platforms, update procedures and physical rules, lower technical barriers and narrow the digital divide. The article stressed that in order to adapt to the development of the digital economy, the rules for international commercial dispute resolution must be updated in a timely manner to ensure that the dispute resolution mechanism can flexibly, efficiently and fairly handle new types of disputes. At the same time, the joint efforts of the international community are needed to build a more perfect environment for international commercial dispute resolution.

Keywords: International Commercial Disputes, Online Dispute Resolution, Challenge, Countermeasure

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Introduction

Literature Review.

Scholars in European and American countries began to study the online dispute resolution mechanism early. In 2001, Ethan Katsh and Janet Rifkin noticed the online dispute resolution method in cyberspace (Katsh & Rifkin, 2001). As for the way of online dispute resolution mechanism, it is generally believed that ODR evolved from ADR. Mediation and arbitration are the main ways of online dispute resolution mechanism, which can be built through the influence of the network, society and judiciary (Greyvenstein, 2020). Taking eBay's built-in online dispute resolution mechanism as an example, through a detailed analysis of its establishment process and operation of the mechanism, we can summarize the advantages of the mechanism and its huge role in international commercial dispute resolution (Schmitz & Rule, 2017). It can be seen that digitalization will drive the settlement of international commercial disputes in a more efficient and convenient direction, but at the same time, it will also face many challenges. From the current research, it can be concluded that there is still room for research in the built-in online dispute resolution mechanism of cross-border e-commerce. For example, legitimacy, ODR platform exercises "quasi-judicial power" when deciding disputes, and the quasi-judicial jurisdiction of the platform is unclear. For example, regarding the lack of standardization, the US recognizes the pre-dispute arbitration agreement, while the EU does not recognize the pre-dispute arbitration agreement to protect the rights and interests of consumers, the United Nations Commission on Trade Law advocates the adoption of a "dual-track" operation mechanism for these two countries, but it has not been recognized by all countries (Kang Yijuan, 2019: 24–24). There are also challenges faced by ODR platforms due to their own reasons, such as the online dispute resolution mechanism, lack of proximity, lack of status, difficult guarantee, difficult enforcement, and lack of privacy protection (Van Arsdale, 2015). In fact, there are many deficiencies in the traditional dispute resolution mechanism of the EU. We should refer to the development of the EU ODR system, the advantages and defects of the system, so that the new online dispute resolution mechanism has the characteristics of user friendliness, low cost, independence, implementation guarantee and overcoming the language barrier (Zou Guoyong & Li Junfu, 2015). In the face of these challenges, we must come up with effective ways to promote the integration of digitalization and international commercial dispute resolution. It is urgent is unified online dispute resolution standards and principles, first of all, by comparing the provisions of the American organization and the European Union, shall establish a unified online dispute resolution procedures, rules are relatively stable and predictive dispute resolution procedures will not only be conducive to the benign competition of services, also more convenient for relevant institutions to regulate (Xue Yuan, 2014).

Secondly, taking the most important security issue for example, the international unified regulatory standards should be formulated for the security concepts in the online dispute resolution mechanism. The issue of fairness cannot be ignored, and the online solution mechanism requires an international unified standard on the concept of "fairness" (Abedi et al., 2019). For the problems of ODR platform itself, first of all, ODR platform should actively update the technology in order to adapt to the development of The Times, such as analyzing the behavior characteristics of online consumers from the perspective of informed consumers, actively playing the role of the platform, and making consumers actively participate in the conclusion of contracts through the improvement of platform technology (Raymond, 2014).

Secondly, on the question of whether ODR needs supervision and in what way, the current research believes that the lack of clear and unified government supervision in the ODR field causes the lack of legal certainty and public confidence in the system, which needs reasonable policies and perfect system to support (Morek, 2006). At present, the government's supervision of ODR platform is essential. Take Tmall International, a large e-commerce enterprise in China, as an example, because the platform ODR is lack of independence and neutrality, so the government needs to play a leading role in the construction of ODR platform (Ou Dan, 2017). As for the lack of trust in ODR, there are obvious deficiencies based on the view of reducing government intervention and regulation proposed by network liberalism. On this basis, a control structure needs to be set up, and ODR needs government regulation to be fully developed. The methods for the government to supervise ODR include: control the process of obtaining trust signs, set up a data center for users of online dispute resolution mechanism, and set up an online appeal mechanism of online dispute resolution mechanism (Schultz, 2004).

Third, for the legality of the jurisdiction of ODR, it is necessary to clearly recognize and encourage the parties to reach the agreement and enforce the jurisdiction clause from the legal level (Gao Lanying, 2008).

Fourth, the whole world should develop or improve online dispute resolution platforms. In China, for example, from the perspective of building Belt and Road cross-border e-commerce environment of the rule of law, can be dominated by China to build "Belt and Road" cross-border ODR, full development and promotion of Chinese Internet court, electric business platform online dispute resolution platform, actively participate in commercial dispute resolution of international cooperation (Zheng Weiwei & Gao Chunjie, 2018), it is destined to international commercial dispute resolution play a important role.

The positive impact of digitization on international commercial dispute resolution

In the context of the digital age, digital technology has brought about revolutionary changes to the international commercial dispute resolution. While improving the efficiency of dispute resolution and improving the transparency of the whole process, it reduces the cost, promotes the innovation in the field of dispute resolution, and adapts to the needs of users in different countries and regions. The COVID-19 pandemic has accelerated the application of digital access to dispute resolution because it allows continued dispute resolution while maintaining social distancing and remote work, and through these positive effects, it is foreseeable that dispute resolution will become more efficient, economical and user-friendly in the future.

1. The ODR plays a huge role in dispute resolution

The digital wave is reshaping the pattern of international commercial dispute resolution, giving it new development impetus. As a basic tool, digital technology provides innovative solutions for dispute resolution. With the increasing maturity of digital tools such as online live broadcasting and video conferencing, the ways of international commercial dispute resolution have become more diversified and flexible, covering various forms such as online negotiation, remote mediation, digital trial and so on.

Since the beginning of this century, Britain, South Korea, Singapore, Austria and other countries will the Internet as an important means of public touch "justice", explore the introduction of online filing, electronic file technology, "online court" also appeared in

some countries of the court reform planning, and take some concrete measures, gradually began to implement. This reflects the positive response of the judicial system to the digital transformation and provides new possibilities for international commercial dispute resolution. At the same time, China has also made remarkable achievements in the construction of digital justice. The Internet courts established in Hangzhou, Beijing and other cities, as well as the electronic litigation platforms such as China Mobile Micro court launched, are all concrete practices of the digital transformation of the judicial system. In addition, China's Supreme People's Court on June 28, 2016 issued "about the people's court to further deepen the reform of diversified dispute resolution mechanism opinion", put forward to strengthen the construction of "one-stop" dispute resolution platform, innovative online dispute resolution, improve the numerous simplified shunt mechanism, improve the judicial confirmation procedures, promote the development of legislative process (The Opinions, 2016). These platforms and systems support the courts nationwide to handle all kinds of business online, realizing the comprehensive openness and intelligent service of the trial process. Digitization not only brings convenience and efficiency to international commercial dispute resolution, but also promotes the improvement of judicial transparency and the innovation of legal services. With the continuous progress of technology, the future international commercial dispute resolution will be more dependent on digital technology, showing a more open, efficient and fair characteristics.

Online Dispute Resolution (ODR) was first produced in the United States in the 1990s. It can be said that the generation and development of ODR are closely related to the development of the Internet. Foreign scholar Ethan Katsh matches the origin and development of ODR with the development trajectory of the Internet. He argues that "the era of online dispute resolution mechanisms is largely parallel to the development and use of the World Wide Web" (Katsh & Rabinovich-Einy, 2017). It is an alternative method of dispute resolution through the Internet, which allows parties to resolve various types of disputes through negotiation, mediation, arbitration or other dispute resolution procedures through online platforms without face-to-face contact. Its development is due to the continuous progress of digital technology, especially in the Internet, cloud computing, big data, artificial intelligence and other fields. Some famous ODR platforms have also played a huge role, such as Modria, founded in 2011, based in Palo Alto, California, is a company providing online dispute resolution technology solutions. Modria successes include partnerships with eBay and PayPal to resolve more than 60 million disputes for these platforms (Katsh & Rabinovich-Einy, 2017). Uniform Domain Name Dispute Resolution Policy (UDRP) is a set of rules and procedures for resolving domain name disputes developed by the Internet Name and Digital Address Allocation Agency (ICANN). This policy applies to all generic top-level domains (gTLDs) registered worldwide, e. g. com, net, org class. There is also the Digital Arbitration Tribunal Civil Resolution Tribunal (CRT), which mainly resolves subsidized housing disputes in Canada, and can provide dispute resolution solutions and attend court hearings if necessary. In 2005, the European Commission and various governments jointly established the European Union Consumer Centre (European Consumer Centres, ECCs), which mainly provides external services in the form of websites, namely the European Consumer Network Centre (ECC-Net). The website was formerly the non-litigation dispute resolution Mechanism network established by the European Council in 2000. ECC-Net is a network of independently managed offices, jointly funded by the European Commission and national governments. It provides free cross-border shopping dispute resolution services for consumers in the European Union. It helped more than 120,000

consumers in 2019, and it helped more than 1 million consumers in 2020, according to the commission's website (Zheng Weiwei, 2022: 34). It can be seen that these functions of ODR platform make it an effective tool to solve modern business and personal disputes, especially in e-commerce, consumer rights protection, international commerce and other fields.

2. Digital development has strengthened international cooperation

From October 28 to 29, 2021, the international Symposium on "Digital Economy Era: Cross-border Trade Regulation and Online Dispute Resolution" was held in the Study of International Law of the Chinese Academy of Social Sciences, combining online and offline. The seminar aims to discuss the theoretical and practical issues of cross-border trade regulation and online dispute resolution in the context of digital economy, and reflects the importance of international cooperation in resolving cross-border trade disputes (Digital Economy, 2021). In the digital age, the rapid development and wide application of ICT, especially the use of the Internet and online platforms, provide new ways and tools for international commercial dispute resolution. These technologies make cross-border communication and collaboration easier and more efficient, whether in the mediation, arbitration or litigation process of disputes. As some scholars pointed out: "Technology-driven arbitration procedure optimization, including the digitization of document management and submission, the application of video conferencing technology and the role of artificial intelligence in evidence review, all contribute to the cooperation and efficiency of international arbitration."

The development of an online dispute resolution platform (ODR) allows parties, lawyers and judges in different countries and regions to overcome geographic barriers and participate in the dispute resolution process, which not only accelerates the speed of dispute resolution, but also reduces related costs. In addition, digitization also improves the transparency and impartiality of dispute resolution. The online platform can provide a more open and transparent dispute resolution process, enhancing the parties' confidence in judicial justice. This increased transparency helps to build international trust and create a more stable and predictable legal environment for the settlement of international commercial disputes. More importantly, digitization has also promoted the formulation and unification of international legal standards. With the globalization of e-commerce and digital transactions, common rules and standards are required to guide and regulate these activities, prompting countries to strengthen cooperation at the legal and policy levels to jointly tackle the new challenges posed by digitization.

International organizations and national institutions use digital platforms to jointly develop international standards and protocols for online dispute resolution and promote consistency and interoperability worldwide. Such as the APEC cross-border electricity (B2B) online dispute resolution cooperation framework and the demonstration procedure rules, is in August 2019, by APEC member states, aims to cross-border e-commerce disputes between enterprises provide online settlement way and standardized operating procedures, in order to enhance the transparency and consistency of the program. The Seoul Protocol on Video Conferencing in International Arbitration, signed in Seoul in November 2018, provides guiding principles for online video conferencing in international arbitration and modernizes the arbitration process. The London Court of Arbitration (LCIA) is one of the world's leading international arbitration institutions for resolving commercial disputes. To adapt to digital trends, the LCIA released the 2020 edition of the Arbitration Rules, with important revisions to the 2014 version. It focuses on online court sessions, electronic document submission, data protection and other aspects, so as to meet the development of modern technology and the need for the flexibility of arbitration

procedures in the current context of globalization. Released in March 2019, it includes draft guidelines on forensics through video links, including the use of technical safeguards such as firewalls and ensuring that service providers do not store hearing content. Together, these international agreements and guidance documents constitute the framework for the digital transformation of international commercial dispute resolution. They not only promote international cooperation, but also provide a standardized and international methodology for online dispute resolution, ensuring the fairness, efficiency and modernity of transnational legal procedures.

The challenge of digital settlement of international commercial disputes

The application of digital technology in international commercial dispute resolution has undoubtedly enhanced the efficiency and intelligence level of the resolution mechanism, and significantly promoted the progress of international commercial laws and rules. However, this development trend also brings a series of challenges to the international commercial dispute resolution.

1. The challenge of the speed of the technology update

With the emergence of new technology, dispute resolution platform needs to upgrade to support the latest technology application, which requires the platform has a high degree of flexibility and scalability, and in order to keep pace with the pace of technology, need continuous financial and human resources, with the continuous update of technology, related legal professionals and users also need to receive regular training, to keep the understanding of the latest technology and use ability. And at present, the lack of unified technical standards may lead to compatibility issues between different platforms and systems, affecting the efficiency of dispute resolution. Data security and privacy issues are also worth noting, as technology updates can bring new security vulnerabilities and risks, and security efforts need to be constantly strengthened to protect systems and data. User acceptance is also a problem to be addressed, as users may take a wait-and-see attitude about new technologies, especially those used to traditional dispute resolution, which need time to adapt to them.

2. There is a lag in the rules of international commercial dispute resolution

Although currently in the program of the APEC cross-border electricity (B2B) online dispute resolution cooperation framework the demonstration procedure rules and the Seoul protocol and other documents, but some specific problems are still in a vacuum, such as how to ensure the confidentiality of online trial, how to ensure that the trial meets the principle of due process, evidence and check rules whether to do corresponding adjustment, online way whether affect the judicial supervision and recognition, how to use technical means to ensure that online trial is not by a third party interference, etc. And the international law appears the obvious lag sex here.

Under the background of digital, international law as the core of international commercial dispute resolution perfect path should not only include the development of digital technology and its integration with international commercial dispute resolution, more involves international law itself update, encryption currency and digital currency, for example, it does to the existing international financial law and monetary policy put forward a series of challenges. For example,

many countries have not yet made clear rules on the legal status of cryptocurrencies and digital currencies, leading to uncertainty about legitimacy. Moreover, the decentralized nature of cryptocurrencies makes it difficult for traditional financial regulators to effectively regulate them, including anti-money laundering (AML), customer identification (KYC), and anti-terrorism financing (CTF). In addition, the global and anonymous nature of cryptocurrencies makes it difficult to track and control cross-border capital flows, posing challenges to foreign exchange management and capital flow regulation. Similarly, the responsibility of automated systems such as autonomous vehicles and drones in international activities does require the clear guidance and regulation of international law. Now, when self-driving cars or drones accident, determine the responsibility may be very complex, involving manufacturers, users, software developers, and other main body, and the main body belongs to different countries, the legal and regulatory requirements of different countries may be differences, the complexity of the dispute resolution is difficult.

3. The challenge of the digital divide

Digital divide refers to the gap between different countries, regions and social groups in their access to resources, skills and the ability to use these resources in the process of global digitization. In the field of international commercial dispute resolution, the challenges of the digital divide include: First, access capacity differences. There are significant differences in network infrastructure and Internet access capacity between developed and developing countries and between urban and rural areas, which limits the latter's ability to effectively participate in online dispute resolution platforms. Second, uneven technical proficiency. Legal professionals and parties in different regions differ in the mastery and application of digital technology, which affects their performance in the process of digital dispute resolution. Third, it is the problem of economic costs. While digitization can reduce the overall cost of dispute resolution, the initial economic burden may be heavy for countries and regions with less investment in technology infrastructure. Fourth, technology dependence and loss of autonomy. Excessive reliance on specific technologies or platforms may lead to reliance on external suppliers, affecting the autonomy and impartiality of dispute resolution. Finally, the unequal opportunities for dispute resolution. In some countries and regions, infrastructure facilities are still in progress or the technological level is insufficient, which may lead to some parties cannot equally access and use digital dispute resolution resources, exacerbating the inequality in the process of dispute resolution.

Resolution path of international commercial disputes in the digital age

1. Enhance technical capabilities and the popularity of dispute resolution digital products

In order to improve technical capabilities and increase the popularity of dispute resolution digital products, the following comprehensive strategies can be adopted: First, strengthening technical education and training is the foundation. Targeted training for legal professionals, business leaders and ordinary users through online courses, seminars and workshops to enable them to master and use digital dispute resolution tools. Second, improving the user experience is crucial. Design a simple and intuitive user interface to ensure the ease of use of the product can reduce the fear and rejection of the technology, especially for those who are not familiar with the new technology. In addition, policy advocacy and regulatory support are also

indispensable. Cooperate with the government to develop policies that encourage the adoption of digital dispute resolution tools to provide legitimacy and legitimacy for digital products.

Strengthening data security and privacy protection is also a top priority, enhancing users' trust in digital products and thus increasing their popularity. The use of electronic evidence in modern society is already very common, but maintaining fairness and justice when using cloud storage and electronic bundles that provide documented evidence, ensuring the confidentiality and security, sensitivity and transparency of the evidence. At the same time, you can set the corresponding standardization conditions for electronic evidence, such as the type and size of files, limited to text files (pdf, doc, docx, txt, odf, and ooxml format) and allow some types of picture files (jpg and tif). By setting standards, strengthen the management and preservation of electronic evidence. In addition, the list of arbitrators and information can be input into the database, virtual space trial cases, electronic bundled solutions and other ways to improve procedural efficiency, and use technologies such as automated adjudication and block chain to ensure implementation (Liu Yichang & Zhang Xianyou, 2021).

2. All international commercial dispute resolution agencies should develop or improve online dispute resolution platforms

It is essential for international commercial dispute resolution agencies to develop or improve online dispute resolution platforms, as this initiative can meet the needs of global business activities and use digital technology to improve the efficiency and transparency of dispute resolution. The online platform makes it easy for parties across regions to participate in the mediation and arbitration process, no matter where they are, with an Internet connection. Moreover, online dispute resolution helps reduce costs and save time and resources, especially during the outbreak, and it ensures the continuity and accessibility of dispute resolution services. Through the online platform, organizations can provide more flexible and user-friendly services, while it also supports a data-driven decision-making process, helping to improve the quality of dispute resolution. At the same time, the operation mechanism of the ODR procedure in the court determines that it can provide a strong national guarantee for breaking the development dilemma of the traditional ODR. For example, in many aspects, such as working capital support, technical innovation, personnel selection and training, the court, as a judicial institution of a country, is not dependent on any enterprise or investor, and it is worth looking forward to both in terms of independence and development potential (Schultz, 2003). Therefore, in the context of the digital age, in order to maintain competitiveness in the global market and provide efficient, economic and fair dispute resolution services, international commercial dispute resolution agencies must develop or improve the online dispute resolution platform.

Specifically, the establishment of ODR by international commercial dispute resolution agencies can provide the following services: first, electronic filing, that is, the parties are allowed to log in the court system, fill in basic information, file a lawsuit or respond to the lawsuit. The second is "case flow management", which automatically or semi-automatically controls the process of each case.

The third is the online education process, including providing information to the parties concerned. How to file a lawsuit, what information and documents need to be provided, and providing targeted information in relevant fields during the filing.

Fourth, automatic or auxiliary consultation.

Fifth, the case decision is made through the algorithm, that is, the algorithm program makes a procedural or substantive judgment based on the information of the system input by the parties concerned (Ebner & Geenberg, 2020: 75).

3. Update and refine procedural and entity rules

The global digitization process has impacted the existing rules of international commercial dispute resolution procedures, and it is necessary to adjust them in the digital age. In terms of dispute resolution, it is not feasible to translate only from the existing procedure model to the online platform. The digital technology as a dispute resolution tool is also gradually changing and affecting the dispute resolution mechanism and the rules themselves, so the standardized procedure model must be explored and reconsidered. Whether the online dispute resolution platform or the specific dispute resolution steps combined with digital technology need to be supported by corresponding procedural rules, so as to realize digital technology to reshape the dispute resolution process and deal with the deficiencies and bottlenecks in dispute resolution by digital means (Chen Jia, 2020).

Not only procedural rules, but also substantive rules for international commercial dispute resolution need to be updated and adjusted to match this rapidly changing economic environment. Although some international agreements, such as CPTPP, ASEAN E-commerce Agreement and WTO e-commerce negotiations, have begun to regulate new issues such as digital trade, the current update speed of existing rules has failed to keep up with the rapid development of the digital economy, which limits the effectiveness of the dispute resolution mechanism. In areas such as data localization, digital investment review, government procurement of digital products, and digital product taxation, many countries' legislation is either still blank, or its regulations are vague. Even in the existing relevant provisions, such as the RCEP provisions on the digital economy, may differ from the domestic laws of member states, leading to diversified and differentiated challenges in international dispute resolution. As for ODR, there is a question of whether and how supervision is not clear and unified government supervision in the field of ODR, which resulting in the lack of legal certainty and public confidence in the system and needs reasonable policies and perfect system to support (Morek, 2006).

In order to adapt to the development of the digital economy, the following principles should be followed when formulating physical rules: First, the new rules should be comprehensive. The new rules should fully cover the needs of regional integration and the interests of developing countries, and achieve a balance between the existing rules and the new dispute resolution mechanisms. Second, we should consider the inclusiveness and fairness of the new rules. This means that the establishment of rules for new disputes should be in the interests of regional integration as well as the interests of developing countries. Third, consider the flexibility and foresight of the new rules. Rules should be flexible, leave room for new legal issues that may arise from the development of digital technology, and improve the universal applicability and acceptance of rules. It should also be forward-looking to adapt to the rapid development of the digital age (Wang Xiaojie, 2023).

To sum up, in the face of the sustainable development of the digital economy, the rules for international commercial dispute resolution must be updated in a timely manner to ensure that the dispute resolution mechanism can effectively handle new types of disputes in a flexible, efficient and fair manner.

4. Lower the technology barriers and narrow the digital divide

In order to cope with the challenge of digital divide while promoting the modernization of international commercial dispute resolution methods, and to achieve digital equity, a series of comprehensive measures must be taken. “The digital divide is ultimately the development gap first, and then the technology gap.” The World Summit of Tunisia Information Society paid high attention to this issue. With the development of economic globalization and information network today, the gap between the rich and the poor between developed countries and developing countries has not narrowed, but is still expanding. If the development problem is not solved, nothing is out of the question. Solving the problem of “digital divide” requires the joint efforts and cooperation of the international community. Since developed countries started early in technological development and have obvious technological advantages, they have the responsibility to play a leading role in narrowing the digital divide. This includes, but is not limited to, providing technical support, sharing best practices, investing in infrastructure, and helping developing countries raise the level of information and communication technology (ICT) development. Developing countries also play an important role in this process. They need to actively adapt to the needs of the information age, and develop and implement a series of strategies to narrow the technological gap with the developed countries. For example, first, education and training must be strengthened. To improve the public’s awareness and ability to use information technology, especially the digital literacy of adolescents and children. Second, policy support. Develop policies for ICT development, encourage private sector investment and provide incentives for innovation. Third, infrastructure construction. Invest in infrastructure such as broadband networks and mobile communications to increase Internet penetration and access speed. Cooperate with international organizations and other countries to share resources, learn and learn from advanced ICT development experience. Finally, to promote innovation. We will encourage local innovation and entrepreneurship, and support local enterprises in developing technologies and services that for their domestic markets.

Conclusions

With the rapid development of digital technology, the international commercial dispute resolution mechanism is facing unprecedented opportunities and challenges. The continuous progress of technology has brought new types of disputes, but also made updated requirements for the existing legal rules and settlement procedures. In this context, the international community needs to take proactive steps to ensure that dispute resolution mechanisms adapt to the needs of the digital age. First, the legal rules for international commercial dispute resolution need to keep pace with The Times to cover emerging technologies and business models. This includes updating and improving the legal framework in e-commerce, data protection, cyber security and other fields. Second, strengthening international cooperation is crucial to resolving cross-border disputes. All countries should work together to formulate unified international standards and rules to promote the effective settlement of international commercial disputes. In addition, the training of professionals is also the key. Legal professionals need to have a deep understanding of digital technology in order to better handle technology-related disputes. Finally, as the digital divide exists, special attention needs to be paid to ensure equal access to and utilization of digital dispute resolution resources and avoid inequity due by technical thresholds.

To sum up, despite the challenges of the digital age, the international commercial dispute resolution mechanism will be able to overcome these challenges through continuous rule updating, procedural innovation, international cooperation, talent development and fairness guarantee to provide more just, efficient and transparent solutions for global commercial activities. This requires the joint efforts and wisdom of the international community to build a more perfect environment for international commercial dispute resolution.

References

- Abedi, F., Zeleznikow, J. and Brien, C. (2019) Universal Standards for the Concept of Fairness in Online Dispute Resolution in B2C E-Disputes. *Ohio State Journal on Dispute Resolution*, 34(2): 357-392.
- Chen Jia (2020) The construction of smart contracts and their online dispute resolution mechanism. *Internet World*, 1: 40-43.
- Digital Economy Era: Cross-border Trade Regulation and Online Dispute Resolution (2021) *China Law Network*. Available online: http://iolaw.cssn.cn/xshy/202111/t20211104_5371728.shtml
- Ebner, N., Geenberg, E. E. (2020) Strengthening Online Dispute Resolution Justice. *Washington University Journal of Law and Policy*, 63: 65-118. Available online: https://openscholarship.wustl.edu/cgi/viewcontent.cgi?article=2166&context=law_journal_law_policy.
- Gao Lanying (2008) An Analysis on the Jurisdiction of ODR. *Hebei Law*, 10: 132–136.
- Greyvenstein, L. (2020) Online Dispute Resolution. *Servamus Community-Based Safety and Security Magazine*, 113(6): 78-79.
- Kang Yajuan (2019) Research on Legal Issues of Cross-border E-commerce Online Arbitration, Guangzhou. Master's Dissertation of Guangdong University of Foreign Studies.
- Katsh, E., Rabinovich-Einy, O. (2017) *Digital Justice: Technology and the Internet of Disputes*, Oxford University Press.
- Katsh, E., Rifkin, J. (2001) *Online Dispute Resolution: Resolving Conflicts in Cyberspace*. Jossey-Bass.
- Liu Yichang, Zhang Xianyou (2021) Online mediation problem and its countermeasures in network consumption dispute resolution. *Journal of Hunan University (Social Science Edition)*, 35(03): 120-127. DOI:10.16339/j.cnki.hdxbskb.2021.03.0 00.
- Morek, R. (2006) The regulatory framework for online dispute resolution: a critical view. Symposium on Enhancing Worldwide Understanding through Online Dispute Resolution. *University of Toledo Law Review*, 38(1): 163-192.
- Ou Dan (2017) The Current Situation and Countermeasures of Cross-border E-commerce Dispute Resolution. Take Zhejiang as an example. *Journal of Heilongjiang Political Science and Law Management Cadre Institute*, 1: 69-72.
- Raymond, A. H. (2014) Yeah, But Did You See the Gorilla? Creating and Protecting an Informed Consumer in Cross-Border Online Dispute Resolution. *Harvard Negotiation Law Review*, 19: 129-172.
- Schultz, T. (2003) An Essay on the Role of Government for ODR. Theoretical Considerations about the Future of ODR. Available online: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=896678

- Schultz, T. (2004) Does Online Dispute Resolution Need Governmental Intervention? The Case for Architectures of Control and Trust. *North Carolina Journal of Law & Technology*, 6(1): 71-106.
- Schmitz, A. J., Rule, C. (2017) The new handshake online dispute resolution and the Future of Consumer Protection. ABA Book Publishing.
- The Opinions of the Supreme People's Court on Further Deepening the Reform of the Diversified Dispute Resolution Mechanism of the People's Courts (2016) *China Court Website*. Available online: <https://www.chinacourt.org/law/detail/2016/06/id/148740.shtml>
- Van Arsdale, S. (2015) User Protection in Online Dispute Resolution. *Harvard Negotiation Law Review*, 21(1): 07-142.
- Wang Xiaojie (2023) The development dilemma and countermeasures of international commercial dispute resolution in the digital age. *Journal of Hubei Vocational and Technical College*, 26(02): 69-74.
- Xue Yuan (2014) The Construction of a Global Online Dispute Resolution System for Cross-border E-commerce Transactions, International Business. *Journal of the University of International Business and Economics*, 4: 95-103.
- Zheng Weiwei, Gao Chunjie (2018) Research on cross-border e-commerce – focuses on the enlightenment of EU ODR Regulation. *Legal System and Social Development*, 4: 190-204.
- Zheng Weiwei (2022) Research on online dispute resolution Mechanism: Theory, Rules and Practice. *Network Law Reading Club* (Series 4). Beijing: Law Press, 2022.
- Zou Guoyong, Li Junfu (2015) Research on Consumer Dispute Resolution Mechanism in EU, centered on 2013 and Consumer ODR Regulations. *China Private International Law and Comparative Law*, 18: 153-182.