



ONLINE-MEDIATION IN CROSS-BORDER DISPUTES

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Basics of Online Dispute Resolution, Band 2
Herausgegeben von Gernot Barth und Bernhard Böhm



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Contents

Project Introduction	6
Video-Online-Mediation using Adobe Connect (Jonathan Barth)	8
IT security of Adobe Connect and the individually designed back office application (Jonathan Barth)	21
Test Mediation Evaluation Report (Jonathan Barth)	23
Check List Online-Mediation (Jonathan Barth)	27
E-Mediator-Pool for Cross-Border Cases (Jonathan Barth)	31
Conference Report Florence (Jonathan Barth)	34
Conference Report Berlin (Jonathan Barth)	36
Intercultural Co-Mediation – Application fields and methods (Dr. Gernot Barth, Jonathan Barth, Bernhard Böhm)	38
Crossing the Border – Psychological aspects of mediation (Klaus Harnack)	48
Chances and challenges of Online-Mediation (Katalien Bollen)	51
Cross-Border Family Mediation (Christoph C. Paul)	60
Risk Management by Mediation – Implications for Cross-Border Disputes (Prof. Dr. André Niedostadek)	66
Building Bridges with Roma Mentors (Carolynn Most, Marek Demner)	74
Legal frames for Online-Mediation in Poland (Tomasz P. Antoszek)	80
Enforcing agreements resulting from mediation within the European judicial area: A comparative overview from an Italian perspective (Prof. Dr. Elena D'Alessandro)	89
Multi-Party Mediation (Silvia Pinto, Paola Ventura)	95
The Helicopter Catastrophe Mediation (Dr. Gerhard Falk, Veronika Hagleitner, Hans-Christian Obernberger)	103
Online Dispute Resolution and the future of the internet (Colin Rule)	111
Editors	116

Project Introduction

This publication is the final project report of the project “Online-Mediation in Cross-Border Disputes” co-financed by the European Commission in the framework of the Civil Justice program.

The program is designed for the purpose of improving the quality handling an increasing number of cross-border disputes. This is mainly caused by the increasing use of the rights of free movement of persons, goods and services. In a genuine European area of justice, individuals should not be prevented or discouraged from exercising their rights. The incompatibility and complexity of legal or administrative systems in EU countries should not be a barrier.¹

However, in a Europe of open borders there are diverse occasions that may lead to citizens finding themselves in front of a court of another EU member state.

For example:

- individuals may be involved in a car accident while on holiday;
- goods from abroad may be ordered using the Internet which are never dispatched or which turn out to be faulty;
- bi-national marriages get divorced, causing a dispute on child custody while one parent may have settled in another country without the consent of the other parent.

An extensive description of the project will not be delivered at this point. However, a short introduction about the main outcomes and the instruments used will be provided in the following:

The EU-Project “Online-Mediation in Cross-Border Disputes” was implemented by Steinbeis-Beratungszentrum Wirtschaftsmediation (Germany), culture.communication (Germany) and Resolutia (Italy) starting on September 1st, 2010 and ending on August 30th, 2012. The activities were primarily aiming at mediators, judges, advocates, court officials and other legal professionals. Indirectly the citizens of the European Union should participate from the project, however.

In order to reach this target group several events were hosted, e.g. two international conferences were carried out during the two years lasting project duration, both with the aim of spreading information on Online Dispute Resolution (ODR) and Cross-Border Disputes. Besides numerous trainings on

- ODR
- intercultural aspects of mediation
- co-mediation
- legislative aspects of mediation in member states of the European Union

for mediators, judges and attorneys were delivered in Italy, Germany and Poland.

Additionally an online tool has been developed based on the web-conferencing tool Adobe Connect® that enables users to host online mediations in a cross-border setting. The software has been tested together with the Steinbeis University Berlin. Know-how of experts in intercultural communication,

¹ <http://www.europa.eu>