

Moura Vicente | Dias Oliveira | Gomes de Almeida (Eds.)

Online Dispute Resolution

New Challenges



Nomos

CIDP

Faculdade de Direito
Universidade de Lisboa



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João Gomes de Almeida (Eds.)

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List of Abbreviations

AAA	American Arbitration Association
CAC	Commercial Arbitration Centre (Portuguese Chamber of Commerce and Industry)
CIArb	Chartered Institute of Arbitrators
CPR	International Institute for Conflict Prevention and Resolution
ICC	International Chamber of Commerce
ICCA	International Council for Commercial Arbitration
ICDR	International Centre for Dispute Resolution
ICSID	International Centre for Settlement of Investment Disputes
ISO	International Standards Organization
LCIA	London Court of International Arbitration
NYC Bar	New York City Bar Association
ODR	Online Dispute Resolution
PAL	Portuguese Arbitration Law
ROA	Revista da Ordem dos Advogados
SCC	Stockholm Chamber of Commerce
UNCITRAL	United National Commission on International Trade Law
ZPO	<i>Zivilprozessordnung</i> (German Code of Civil Procedure)

Introduction

One of the lines of research pursued by the Private Law Research Centre at the Faculty of Law of the University of Lisbon concerns *Private Law in the Digital Age*.

This topic includes online dispute resolution, a practice which, after growing slowly but surely over several years, has been taken up much more widely as from mid-2020, due to the constraints on in-person proceedings imposed by the COVID-19 pandemic. In view of the impossibility of participants appearing safely in person for proceedings before state courts and arbitral tribunals, the response to this problem has been to use online forms of communication. Unprecedented use has thus been made of digital platforms, making it possible to maintain a reasonable pace in proceedings.

However, the shift to online means of communication in the conduct of dispute settlement mechanisms has posed a plethora of challenges, relating, *inter alia*, to questions of procedure before state courts and arbitral tribunals. This was the cue for holding a webinar on *Online dispute resolution: new challenges*, which took place on 29 June 2021 and was organised jointly by the Private Law Research Centre at the Faculty of Law of the University of Lisbon and by the Portuguese Arbitration Association.

As central topics for exploration at this event we chose “Due process guarantees and online dispute resolution”, “Online trial hearings – in particular, evidence” and “Confidentiality, privacy and security”.

In order to provide differing points of view and stimulating debate, we invited a judge, an arbitrator, a lawyer and the representative of an arbitration centre to share their knowledge and experience on each of the topics. As a result, the webinar featured illuminating contributions from António Abrantes Geraldès, Catarina Monteiro Pires, Diego P. Fernández Arroyo, Joana Soares Correia, Juan Serrada Hierro, Luís Filipe Pires de Sousa, Marc Henry, Nuno Lousa, Paula Costa e Silva, Pilar Peralles Viscasillas, Rui Vouga, and Sofia Ribeiro Mendes, who subsequently submitted their articles, which are published here.

To all contributors, whose biographies can be found below in this book, we wish to express our sincere gratitude for their collaboration. Our thanks are also due to Nomos, which promptly agreed to publish this work.

Lisbon, April 2022

*Dário Moura Vicente
Elsa Dias Oliveira
João Gomes de Almeida*

Editors

Dário Moura Vicente is a Full Professor at the Faculty of Law of the University of Lisbon, where over the past 30 years he has taught Private International Law, Comparative Law, Civil Law and Intellectual Property Law. He was the Chairman of the Scientific Council of the same Faculty between 2020 and 2022. Admitted to the Portuguese Bar (*Ordem dos Advogados*) in 1987. Has participated as arbitrator, counsel and expert in numerous domestic and international arbitrations. Member of the ICSID panels of arbitrators and conciliators and of the arbitration rosters of several arbitration centres in Angola, Brazil, Cape Verde, Mozambique and Portugal. Member of the ICC Commission on Arbitration and ADR. Chairman of the Portuguese Arbitration Association.

Elsa Dias Oliveira is an Associate Professor at the Faculty of Law of the University of Lisbon where she teaches *inter alia* Arbitration Law, Private International Law, International Contracts and Civil Law. She has published several articles and books also on arbitration, including *Arbitragem Voluntária: uma Introdução*. She is also President of the Arbitration and Dispute Resolution Center of the Faculty of Law of the University of Lisbon. She has been a member of the Board of the Portuguese Arbitration Association (APA) since July 2021 and is a member of the International Academy of Comparative Law (IACL) and of the Private Law Research Center of the Faculty of Law of the University of Lisbon.

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Bruno Sousa Rodrigues is a Brazilian attorney at law, admitted to the bar in 2012. He is a lecturer and doctoral researcher at Sciences Po Law School, with scholarly interests gravitating around international arbitration, public and private international law, transnational legal theory, and legal sociology. He regularly acts as tribunal secretary in international arbitrations and currently serves as Academic Coordinator of the Sciences Po Law School LLM in Transnational Arbitration & Dispute Settlement. Bruno is also a Director of the *Clube dos Arbitralistas Lusófonos*, a founding member of the *Instituto de Arbitragem da Bahia* and a member of the European Society of International Law.

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Joana Soares Correia was born in Lisbon, Portugal, on 5 July 1974, and graduated in Law from the Faculty of Law of the University of Lisbon in 1998. She completed a Post-Graduation Course in Forensics and Legal Counsel of Companies at the Portuguese Catholic University (2003) and attended the Postgraduate studies in Information Society Law at the Faculty of Law of the University of Lisbon (2000). After completing her internship with the Portuguese Bar Association (1998-2000), she held various positions in the area of Sports Law: Legal Advisor to the Minister of Youth and Sports (Portugal's 14th Constitutional Government); Director of the Legal Department of Portugal 2004 – Company for the Supervision and Monitoring of the Building of Stadiums and other Infrastructures for the Final Stage of the European Football Championship 2004, S.A., (2001-2005) and Legal Adviser to the Chairman of the Portuguese Sport Institute, I.P., the National Anti-Doping Council and the National Council Against Violence in Sports (2005-2009). She was a partner at the law

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65-118; and, in December 2019, the ebook *Reconhecimento e execução de decisões no âmbito do Regulamento Bruxelas I-Bis*, available at: http://www.cej.mj.pt/cej/recursos/ebooks/civil/eb_Decisoese_Bruxelas2019.pdf.

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