



# ICDR® Manufacturer/Supplier Online Dispute Resolution Program

## Frequently Asked Questions

### What is the International Centre for Dispute Resolution and what role does it play?

The International Centre for Dispute Resolution® (ICDR) is the international division of the American Arbitration Association® (AAA®), a not-for-profit, public service organization committed to the resolution of disputes through the use of arbitration, mediation and other alternative dispute resolution procedures. As an administrative body, the ICDR processes a case from filing to closing, appointing arbitrators, setting hearings, transmitting documents and scheduling conference calls. The goal is to keep cases moving in a fair and impartial process until completion.

### What is the ICDR Online Dispute Resolution Program for Manufacturer/Supplier Disputes (“ICDR ODR Program”)?

This program is designed to help manufacturers and suppliers to resolve small disputes quickly, fairly, and inexpensively in order to move on with their business relationship.

The process consists of two phases (negotiation and arbitration) at the end of which the dispute is either settled or decided by an arbitrator. From start to finish the entire process is designed to take no longer than 66 days.

### How does the ICDR ODR Process work?

During the negotiation phase, the parties will be given the opportunity to resolve their dispute by means of an automated online negotiation method. This online tool has been successfully used in over 200,000 disputes and is fully confidential regarding the offers made by the parties. In case of an impasse, the dispute will be automatically transferred to online arbitration.

During the arbitration phase, your case will be reviewed by a trained, expert arbitrator who will make his/her decision (called “Award of Arbitrator”) within 30 days after their appointment without sacrificing the important features of arbitration—neutrality, fairness, finality, and speed. Generally, the decision is solely based on documents submitted by the parties, that is, this program does not provide for an in-person hearing.

The process consists of five simple steps:

1. Visit the ICDR’s website at [www.icdr.org](http://www.icdr.org) and click on “*ICDR Protocol for Manufacturer/Supplier Disputes.*”
2. File your Notice of Arbitration and any documents and arguments supporting your claim online using AAA WebFile by clicking on “File a Case.” The other party will be invited by ICDR to submit its documents and arguments in response to your Notice of Arbitration within 12 days. You will then be notified by a designated ICDR Case Manager that your case is ready for submission to online negotiation. ICDR will provide you with instructions on how to initiate the negotiation phase.



3. Submit your offers using the blind bidding process.
4. If you settle, you will be notified by ICDR as to the next steps. If you do not settle, you will be notified that your case has automatically been transferred to online arbitration. The process is outlined in more detail in the *ICDR Protocol for Manufacturer/Supplier Disputes*.
5. Receive the decision of the arbitrator within 30 days from appointment.

### **What are the costs of using the ICDR ODR Program?**

The filing fee for the negotiation phase equals 500 USD and has to be advanced by the filing party by wire transfer. An additional 1,000 USD will be charged should the dispute proceed with online arbitration. The filing fee(s) cover all administrative fees and arbitrator compensation. Arbitrators may charge extra for minor expenses. If the matter proceeds to Arbitration the Arbitrator will decide the allocation of fees and expenses as part of his/her decision.

### **Can I file more than one claim against the same party?**

Yes. You can file claims arising from up to three different contracts with the same party as long as the total amount does not exceed 10,000 USD (“conjoined dispute”). Otherwise, you will have to file your claims separately. If you file such a conjoined dispute an additional filing fee of 300 USD for each additional contract has to be advanced by the filing party.

### **Can I go through arbitration without an attorney?**

Yes. Arbitration is less formal than going to court and you may represent yourself. However, you should keep in mind that arbitration is a legal proceeding that results in an award that is generally final and binding. Because your legal rights are involved, you may choose to consult with and be represented by an attorney. All parties to an arbitration proceeding, whether a business or an individual, are given the same option whether to be or not to be represented by an attorney.

### **Does ICDR help me present my claim?**

No. Your Case Manager will assist you in understanding and using the filing process. However, your Case Manager must remain neutral and so cannot assist you in the preparation or presentation of your claim.

### **What is Double Blind Bidding?**

Double blind bidding is a form of confidential dispute resolution where opponents’ offers and demands are compared “in the blind” by a neutral third party system: neither side knows the other side’s position. If the submitted numbers meet the agreed to settlement criteria, that is, one side’s offer is greater than or equal to the other side’s demand, the third party system declares a settlement and the dispute is considered resolved.



### **What are the key advantages of double blind bidding?**

1. Eliminates unnecessary posturing—both sides enter realistic numbers.
2. Non-confrontational—there is no need for hostile negotiations or emotional arguments.
3. Protects your bargaining position—If your dispute does not settle, your numbers are kept confidential and are never revealed to the other party.

### **Who are the arbitrators?**

ICDR Arbitrators are independent, impartial decision-makers chosen for their knowledge, case experience, neutrality, integrity, and dispute resolution skills. Their conduct will be guided by the *Code of Ethics for Arbitrators in Commercial Disputes* prepared by a joint committee of the American Arbitration Association and American Bar Association in addition to any local standards that may apply. All ICDR Arbitrators are required to attend periodic skills training programs.

### **How do I know the arbitrator is neutral and impartial?**

Before accepting an appointment to a case, all arbitrators are responsible for completing a review of their files for any past or present professional, financial, or social relationships with either party, potential witnesses or the parties' representatives. If the arbitrator discloses any such relationship, all parties will be provided with that information and will have an opportunity to object to the arbitrator's appointment. Arbitrators also sign an oath on each case stating that they will abide by the *Code of Ethics for Arbitrators in Commercial Disputes*.

### **Can I settle my dispute prior to the arbitration award?**

Yes. You may settle your dispute with the other party at any stage in the process. If you have settled, or believe you are close to settling your dispute with the business notify your Case Manager. If you do settle your case and withdraw your arbitration demand, the ICDR will close its case file.

### **How quickly after the online arbitration process do I get the arbitrator's decision?**

The arbitrator renders his/her decision, called the "Award of Arbitrator," within 30 days of his/her appointment or, in case of a challenge, his/her reaffirmation.

### **How do I communicate my interests regarding the case with the arbitrator?**

In order to protect the neutrality of the process all communications with the arbitrator and the other party shall be channeled through the Case Manager using email whenever possible.



## What happens if the parties do not settle?

If the parties do not settle in the confidential, password protected negotiation phase the case is immediately transferred to arbitration in accordance with the online procedures outlined in the *ICDR Protocol for Manufacturer/Supplier Disputes*.

**Questions:** Please contact the **ICDR Case Management Center at +1 212.484.4181**.

*Disclaimer: The ICDR/AAA provides the materials contained in this guide for informational purposes only. Most of the information presented here is specific to the procedures of the ICDR/AAA, although it may serve as a useful tool for arbitration processes generally. The content of this guide contains general information and may not reflect current legal developments.*

*The ICDR has a "Privacy Policy" pursuant to the Italian Rules. For IT version: D. Legs 30 giugno 2003 n. 196, "Codice in materia di dati personali" / for EN: Legislative Decree no. 196 of 30 June 2003, "Personal Data Protection Code".*