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Assessment of Electronic Arbitration regarding Dispute Resolution

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Abstract

Electronic arbitration is a new issue which includes many different aspects and in the case of application, it can bring significant benefits. The most important benefits are: saving time and money and absolute impartial judgment. The scientific studies regarding the electronic arbitration and its practical benefits can reveal the strengths and weaknesses of it and the results can be used to design experimental models of electronic arbitration. In the case of its success, electronic arbitration can be used regarding the contracts and dispute resolution. The research main goal is assessment of electronic arbitration regarding dispute resolution. Therefore, the research uses library method (books, articles, theses, documents, and so forth) to study the electronic arbitration legally, identify the challenges and related issues, and discuss about them.

Keywords: Electronic arbitration, dispute resolution, e-commerce.

Introduction

The concept of e-commerce dates back to 1950 when the credit card was firstly used instead of money to buy and sell the major commodities in America. The late 20th century, the e-commerce issue was strongly paid attention, the number of companies servicing e-commerce increased and widely used throughout the world. During the 1970s and 1980s, the e-commerce was spread among the buyers and sellers as electronic messages (EDI (Electronic Data Interchange), email) in developed countries and it caused the paper trade to be eliminated. With the advent of the Internet in the 90s and developing Web, business became easier and smaller companies increased their activities and could compete with international companies. In 1994, when the web wide world was firstly spread pervasively, many researchers predicted that e-commerce would become an important phenomenon. The first electronic businesses date back to 1998. In 2005, e-commerce had been spread in most cities of America, Europe, India and East Asia. Today, the e-commerce is expanding with high speed in most countries[1].

Internet significantly affected many companies during 1999-2000. Big companies started to apply ICT in 1990 and they used the electronic exchanges of orders and information among the closed systems. Thus, the data electronic exchange became as a criterion to measure the value of e-commerce in 2000-2001. E-commerce development continued so that in 2006, its profit was about 6.75 billion$ which 3500 billion$ of it (51.8%) was related to USA, 1600 billion$ (23.7%) related to Asia and Oceania, 1500 billion$ (22.2%) to West Europe, 81.8 billion$ (1.2%) to Latin America and 68.6 billion$ (1%) to the rest places[2].

EDI was established in the mid-1960s, when the transport companies and some retail industries tried to establish paperless offices. EDI was formally recognized by the committee of confirmation of industry representatives' criteria; and during 1970s and 1980s, the number of companies applying EDI and involved in e-commerce was increased[3].

EDI as the first generation of e-commerce provided exchange of information for companies, receiving the orders and electronic transfer of funds. Anyway, the development pace of e-commerce was still slow. In the late 1980s, less than 1 percent of countries in Europe and America had accepted to use EDI[4]. The high costs of EDI and some other technical problems caused the EDI progress to be slow. The second generation of e-commerce included buying and selling the commodities and services through Internet that it was firstly as research tool, but later it changed to commercial ones. The number of Arpanet groups increased from 4 in 1969 to 15 in 1971. The word "Internet" was firstly used in 1982 when the number of Arpanet groups reached 213[5].

In Iran, according to the clause26 of the second five-year economic development plan (74-78), the ministry of commerce is responsible to develop the e-commerce at the national and international levels with the help of government institutions and agencies. The ministry of commerce has tried to provide required facilities and organizations to develop necessary standards to exchange electronic information regarding business, administrative and logistics affairs[6]. In 1995, Iran participated as an observer in EDIFACT (Electronic Data Interchange for Administration, Commerce and Transport) and in 1996, EDIFACT was formed in Iran with cooperation and participation of ministry of commerce, customs, ministry of transport, post andtelegraphdepartmentand the central bank (Bainbridge, David. I (2004)). In Iran, official activities regarding e-commerce law were begun in 2001. The draft law on electronic commerce including 5 acts was regulated in 2001,

but it was assessed by parliamentof Iran in 2003. The Council of ministers passed the law of e-commerce policy (including 16 articles, recommended by the Supreme Council of Information and according to article 138 of constitution) dated on March 20, 2003. The e-commerce law including 81 articles was passed by parliament of Iran in the open session dated on January 7, 2004; and it was approved by Guardian Council, and then it was announced to the ministry of commerce for implementation by then-president. It was expected that the Judiciary was determined as authority to resolve disputes and assess the legal aspects of e-commerce, but the ministry of commerce is the only authority regarding the disputes. A number of representatives protested to this issue, but their protests were rejected by the Board of Directors[7].

The history of electronic arbitration**:** It is obvious how essential it is to apply the electronic arbitration due to the present world which is significantly progressed regarding the electronic issues, especially in a developing country such as Iran where the traditional courts are still running. Anyhow, it is needed to embed the new information and communication technologies to the concept of electronic arbitration to get the most benefits from it. Without new communication and information technologies it is impossible to properly implement the electronic arbitration processes such as proving the authenticity of electronic documents, electronic witness and trial and so forth[8]. It is clear that such processes cannot be done in electronic arbitration through applying traditional ways. Today, accurate, scientific, efficient and updated technologies have been introduced regarding production, saving, processing, and recording the documents in virtual space. There is no plausible reason to think that the paper documents are more valid than electronic ones. On the other hand, the physical presence at court is not comparable with electronic communication, because the electronic arbitration does not provide the possibility of physically communicating with court components and facing with judge and defenders. In fact, there are some legal activities which cannot be done through machines; for example, realization of article 63 of registration law (in Iran) is hard to imagine regarding the electronic registration. Therefore, the physical presence at court has some effects which cannot be provided by electronic arbitration and it may lead to more fraud and forging.

One of the other issues which cause electronic arbitration to become a challenge is the physical condition which is needed to be observed by judge, because the physical condition affects the judge verdict. Some legal issues are directly related to physical presence. Therefore, it seems difficult to prove the "***reluctance" of user in electronic communications. Infact, issues such as threat, coercion and reluctance cause the*** verdict to be invalid. Hence, it seems a serious challenge to overcome the absence of physical presence[9].

The primary ideas regarding the applications of electronic arbitration led to its being impractical, and the only advantage seemed to be cost reduction. In the other words, the first idea which caused the innovation of electronic arbitration to be initiated was cost reduction. Later, the other advantages were resulted too. Anyhow, it is still impractical regarding some cases. Although it is needed to use electronic arbitration regarding some claims procedure in developed countries, but in some cases, the electronic nature of electronic arbitration causes the defenders' rights to be denied.

The electronic arbitration was firstly approved in south east London in 2002. At that time, a police station could communicate with a court through this method. Later, the method developed and caused more police stations communicate with courts electronically. However, the plaintiffs tended to physically attend at courts[10].

Electronic justice system plan was one of the first complete projects in 6th Framework Work Programme which was initiated from 2004 to 2006. Electronic justice was a multi-modal authentication which ensured the labor unions to achieve the control. Also, it was the representative of the legal process which electronically controlled the validity of users through saving their face and fingerprint digital information on smart cards[11].

In Iran, the macro plan of electronic arbitration includes the activities such as: identifying the current situations of judicial cases, developing necessary software, installing, training and launching the case management system in electronic complex, launching the system primarily in some complexes in Tehran and some selected provinces and launching the system in all justiceunits. The main reasons for developing this plan are: prolonged trail processes, being unable to identify all involved factors, determining the impact of factors, not identically performed the trails procedures throughout the country, performing the procedures based on personal preferences, being missed the papers of some cases, failure to providing the necessary reports required by senior and middle managers of the judiciary and need for providing real statistics and information[12].

During the recent years, widespread acts have electronically been performed and today, all registration and archiving processes are performed electronically. Also, the trails are performed through video conferencing in public courts. Approving the act of computer crimes helped the judiciary rapidly go through the path of embedding electronic in its system. One of the most important advantages of this act is to solve the procedure prolongation problem which was the concern of previous chief who ordered the necessary acts to be done regard it[13].

The authorities began their activities regarding the macro plan of electronic arbitration in summer 2002. Their goals included: increasing the speed and accuracy of handling lawsuits, cost reduction, avoiding the duplicated data entry, atomizing the

court operations, providing the easy and quick access to individuals' judicial records throughout the country. The team used the statistics and results provided by Shemiran complex to design the primary procedures. Then, they increased their understanding regarding the legal issues through cooperating with several expert judges from Shahid Beheshti branch. The demo of software system regarding the electroniccivil procedure was initiated in winter 2003[14].

After a month and a half assessment, and identifying the weaknesses and problems, the system was redesigned. After establishing 3 branches of Sadr complex civil courts in Edalat building, the operational application was initiated in the presence of Ayatollah Shahroodi.

In fall 2005, after finishing the pilot stage of the plan, the Edalat complex as the first electronic civil court independently began its fully mechanized activity. After launching the electronic civil court, it was the turn of criminalcourts to be mechanized. The Qom court was the first criminal court which was selected in winter 2005. Based on the experiences of electronic civil court, the planning of electronic criminal court was begun. In fact, the framework was ready and only minor changes were needed to be performed. Two judges from the criminal court were added to the team and the project was followed by the justice of Tehran prominence. The project lasted 6 month and its pilot implementation was begun in summer 2006. At that time, the development of this system simultaneously initiated in Gorgan, Zanjan, Ardebil, Yazd and Shiraz cities[15].

According to officials, the system will be installing in all cities of the country. Applying this system causes the efficiency of the judiciary to be increased as much as 50% as the result of decreasing the return of lawsuits and time of reassessing them. According to the other authorities of the judiciary, about 50% of lawsuits are returned in physical courts, but electronic courts have decreased this problem and speeded up the judicial issues.

Main body**:** It is obvious that the disputes related to e-commerce involve relatively small amounts. Therefore, going to courts for such issues is not a proper solution for most consumers and business. Hence, it is recommended to apply approaches which are more accessible and lead to easy and quick solutions. Therefore, establishing an efficient e-commerce system needs the arbitration mechanisms to be used along with it to decrease the relay on justice system. In fact, these alternative mechanisms are different solutions used to resolve the disputes out of courts. The mechanisms are classified into different categories based on the third party that has no interest in the case. The two most important of these categories are: mediation and arbitration. In the case of mediation, both sides of the case have authority to make decision and the third party only guides both sides; but in the case of arbitration, the third party has the authority to make decision and issue the vote[15].

However, any acts related to trails and done through Internet or other electronic communication devices cannot be called electronic arbitration. Defining "electronic arbitration" is not an easy job. Grisberger and Schramm (2002) believe that the question "Is the virtual space used to identify the source of disputes or to resolve them?" is the first issue which is defined regarding electronic arbitration. In fact, arbitration includes special stages such as trail and issuing the verdict[16].

Today, alternative approaches are used to resolve the disputes regarding e-commerce, and electronic arbitration is rarely used to resolve the disputes related to e-commerce. Anyhow, it is used in US more than Europe. There are some necessary issues which are defined regarding the electronic arbitration for e-commerce such as: assurance, safety, commitment, applicability, independence of third party, the way of making the final decision, and providing public and fair trial.

Virtual arbitration is the best choice to solve the international e-commerce disputes, because firstly, it includes simple procedure; secondly, the arbitrators are selected by both sides; and thirdly, it significantly saves time and money. Virtually resolving the disputes is resulted of applying information and communication technology for Non-judicial solutions. Arbitration in cyber space is known as virtual, online, cyber or … arbitration too. This nominal diversity refers to its being a new concept. The most used definition for electronic arbitration is: to use technologic tools or facilities such as monitor, recorder, Internet, and so forth regarding any stage of arbitration causes it to be called electronic one. For example, previously, the cases were physically recorded; but today, they are saved as electronic files through computers, and this causes them to get less physical space and be safer.

According to above, the electronic arbitration means to apply information technology in arbitration from any location (home, office or an unknown place in the world) through Internet. In electronic arbitration, arbitrator resolves the disputes using Internet through recommending the proper solutions to both sides all around the world.

In order to establish the electronic arbitration in virtual space, an appropriate system must be considered to exchange the information and communicate with both sides. It is mainly needed to use Internet to make the relation with individuals involved in the issue. The other technologies such as local networks, telephones, video confrencing, and even satellite are used.

Although arbitration techniques are not restricted to specific devices or approaches, they must include two main features: accuracy and safety. Different software are used to shorten the electronic arbitration processes, but being electronic does not mean to delete all physical communications; in fact, it means to minimize the physical presence. The quality of used techniques is the other important issue, because low quality can affect the

electronic communication and caused the evidences to be distorted. For example, the witnesses should be heard in the best possible way and the individuals' faces and voices should be clear. In fact, low quality causes the evidence quality and validity to be distorted and judge cannot accept them as obvious conditions. Therefore, the used hardware quality must be high so that the evidences are completely clear.

Chat is the other communication tool which can be used to make relation between the parties. Although this approach provides the facility of asking and answering questions, its quality cannot be compared with video conferencing or oral hearing sessions. On the other hand, electronic registration might be along with safety problems; therefore, it is needed to consider the safety as an essential issue. Video conferencing can be used to hear the evidence or confront the witnesses for interrogating. Video conferencing causes all individuals to attend the court without traveling; hence, it causes time and money to be saved. Electronic document management is the other application of electronic communication. This approach causes all documents to be saved electronically. The system includes software to recover, display, print, refer, compare, assess and search archives. It saves time and paper.

Since the parties require the trial to be confidential in most cases, the safety of electronic arbitration is considered. Internet nature causes the safety of virtual communications to be threatened. Always, there is the danger of invalid users' access (such as hackers) which may lead to disclosure of confidential information.

In electronic arbitration, there are two other challenges: authentication and forging. The best offered solution is to use encoding which are mainly known as electronic signature. It is used as an alternative to manual sign. Anyhow, the arbitration reference is the authority who confirms the validity of documents and individuals. The arbitration reference can use experts of communication and information to provide approaches of electronic authentication and confirmation of electronic evidences.

The rapid *advancement of technology* has decreased the cost of information and communication technology and new approaches are continuously introduced. Therefore, the safety of electronic arbitration and the efficiency of used software increase. Advanced software which is used to save, process, and prove authenticity causes the electronic arbitration to be safer than before. Also, artificial intelligence or human substitute causes the imagination of virtual arbitrator who assesses the evidence and asked and issues the verdict to be possible.

Methodology

The research uses library method through studying and assessing books, references, articles, and related researches. Finally, it scientifically analyzes the findings to identify the related challenges and discuss the issues.

Results and Discussion

Comparison of traditional and electronic arbitration**:** Technology advancements have changed the approaches of traditional arbitration. Electronic communication, email, video conferencing, and so forth have significantly affected the arbitration. Virtual space along with technological facilities has introduced new approaches which are challenging to traditional ones.

Today, the international activists believe that the electronic arbitration is the only solution for massive international commercial disputes. The electronic arbitration regulations are the same as traditional one. In fact, their essences are similar, but they are different from formality aspects. Therefore, the electronic arbitration will be valid if the rights of parties are respected and the principles of fair trial are followed. In the case of violating these principles and regulations, the procedure will be invalid.

As it mentioned before, the electronic arbitration does not hamper to use the traditional arbitration. In fact, it is needed to use a combination of them in most cases. In e-commerce, it is needed to separate the concept of communication among business men from the communication between business men and consumers regarding the electronic arbitration, because the parties' profits are different from each other in both cases. Since the electronic arbitration is a new issue, there is not a uniform procedure regarding its application for resolving the disputes. However, the traditional arbitration does not follow the same rules everywhere. Like the traditional arbitration, the electronic one is used by some institutes based on their own principles and formality. It seems that the processes are the same only the space have been changed.

In traditional arbitration, there are many legal principles as prerequisites for identifying and implementing the issued verdict. These prerequisites are the same regarding the modern arbitration, but there are some additional principles which are related to the technological aspects of this arbitration such as clarity of process, equal access, and so forth.

The pros and cons of electronic arbitration**:** Although the electronic arbitration is nearly a decade old, its advancements show that it can be used as a sure arbitration reference in the future. However, there are some barriers to its path such as: identifying the electronic votes, because according to the New YorkConvention (1958), the necessary condition for arbitration agreement is its being written.

The advantages of electronic arbitration are: obtaining rapid results, low cost, the involvement of parties in determination of the arbitrator, and saving time and money. The advantages of electronic arbitration have caused the arbitration to be paid more attention in comparison with the other approaches of resolving disputes. As the result of it, the electronic arbitration has being

developed and institutionalized in local, national and international levels.

The electronic arbitration has some weaknesses too. One of the most important problems is the prolonged process of issuing the final verdict. It is expected that the technological advancements cause to shorten the process. Anyhow, the weaknesses of traditional arbitration are more than the modern arbitration so that the majority of legal entities and natural persons prefer to use the electronic arbitration regarding their disputes resolution.

The other advantages of electronic arbitration are: deleting the travelling time, more concentration on issue, flexible scheduling, 24-hour services, quick access to arbitrator and parties, quick mediation, authenticityof documents, no need for physical presence of individuals, and auto saving of documents and arbitration process. In fact, the record system of electronic arbitration is so complete that there is no alternative for it in traditional system.

Evidences and electronic documents**:** Formation of electronic documents**:** In civil courts, providing evidences is along with physical presence of witnesses. All documents are provided manually and other acts such as testimony of witness, confession, and swear needs the individuals' physical presence. The regulations related to presenting the evidences have formed based on physical presence of individuals in civil law and code of civil procedure. The absence of physical presence causes the electronic arbitration to change some aspects of traditional evidence presenting. The evidences can electronically be presented through two ways: software and online. Each of these approaches needs special facilities, equipment and arrangements.

The documents electronically formed are called electronic documents. It is not needed to apply specific formality to form such documents. In fact, as soon as a person announces his decision regarding a legal nature, and the decision is agreed, a contract will be formed between them. Different approaches are used to announce the individuals' composition. In fact, when the individuals' will is identified by electronic tools, they include legal effects and the contract is formed. The validity of such documents has being increased as the result of technology advancements.

It is obvious that regulations are needed to maintain the public order. E-commerce, electronic arbitration or any new social phenomenon needs to be defined through a legal framework. Electronic legal relations and deals need their own regulations to be established. Afterthe advent of electronic arbitration, new regulations are approved especially regarding the electronic contracts.

Each valid document includes three elements: a written format, signature and authenticity. These three elements are very important in e-commerce; although, there are still many problems regarding them. Document can be presented as formal and regular formats. The documents which are adjusted or approved by formal authorities are called formal documents. The other documents are regular ones. Each document can be delivered to the judicial system regardless of its kind. Therefore, when a document is entered in to the judicial system, it includes two levels: legal validity and titration.

The differences between regular and formal documents are related to their legal effects. The formal documents are valid regarding their parties, heirs and surrogates. Therefore, the individuals can claim forging regarding the documents. Also, the date of formal documents is another valid component of such documents, but there are not such valid components regarding the regular documents. Regarding a formal document, the person is not worried that his witnesses of document are absence, but the owner of a regular document is worried if the judge accepts the validity of the document or not. In fact, such a person has to wait for the judge verdict. The situation was not satisfactory regarding the electronic documents before approving the e-commerce law[3].

Evidences and electronic documents**:** According to the article 1283 of the civil code, a document is anything written which is used for official claims or defense. According to this definition, each document includes two conditions: firstly, it is written; secondly, it is attributable in official claims or defense. As the word "written" is used in document definition; therefore, any unwritten document is invalid. Hence, the document can be defined as "anything written which is adjusted to prove a legal action". The word "written" means anything that is drawn on a paper or anything else to express content. Therefore, it is not needed for a document to be paper. In fact, based on the legal analysis, anything used to realize and prove the legal events is a document.

Now, this question is proposed: "is electronic data a regular document or formal one"? In fact, there is not a clear answer regarding it in e-commerce law, but it is stated in article 14 that all data which are created and saved through a reliable approach is considered a valid document and it can be referred in legal and judicial references regarding its content, signature, obligations of the parties, all surrogate, and implementation of its content. According to the article 14, the data is not a formal document but it is valid one. The legislator uses the word of "valid", and it shows that the legislator tends toward formal more than regular. According to the article 15, reliable data can be followed regarding their history and signature. Therefore, reliable data are considered as formal documents.

The way of taking legal action: Today, there is an effort to develop the descriptive client call in a coherent and principles manner for executing the trial. Also, this development should not be restricted during negotiation and trial. But this is true that the mediation theory has been applied widely in the court and the different perceptions as well as the various modes of the

operations require a high attention and effort. There are 4 ways of litigation. Some of them are an opportunity for the parties to negotiate, individually and in different situations, and the individual forms have been recognized more officially and the attorneys are more interested to apply this way.

Late or delayed presence in the court can also negatively affect the virtual court run and usually the virtual courts are implemented in the times similar to every other court with respect to the enough time of the arbitration flow. During the time of running the claim, a great time is spent on the prisoners transfer from the jail to the court and also during the running it is better to dedicate enough time to manage the conference through the video conferencing and it may be longer than the time of the client`s presence in the court. Note that the fast presence will be useful for all the services of the court. Also, the virtual courts and the live lines are widely used in London and the video technology in some cases is regarded as the best alternative for the trial between the witnesses' defendant and the criminal compared to the physical presence. Furthermore, the video lines from the police to the court, from the jail to the court or from any place to the court can be useful for the witnesses; it saves the time of the witnesses and decreases the risk of escaping the witnesses as well.

The way of litigation in the electronic court: The first issue to be considered in the flow of the claim is that the case building is done well and summoned by the defendant while it will has no effect during the trial and no time will be allotted to investigate the issue with the plaintiff before the court. Moreover, the plaintiff `s opinion depends on the client`s presence to object to accept the collateral considering the way of litigating the defendant`s claim and presenting the conditions of the collateral led to the plaintiff agreement. This kind of the consultant leads to more consultancies between the plaintiff and the police and finally causes the more efficient and shorter in time litigations. The attorney`s defense also needs to negotiate with the defendant`s friends and family presenting in the court, additionally, providing an appropriate collateral causes the attorney`s defense and the relatives can present useful information regarding the defense and the information should contain a collateral or anything with the legal value. The role of jail in the defendant`s call is based on this supposition that the defense causes the other courts to use it.

The virtual court, as the general court, needs a lot of officers and security guard to provide more security. In the virtual court, the security cases like SSI should be used to provide the security and maintaining the documents and the importance of using this security operating system should be emphasized. Of course, the users` education and skill makes the hackers` penetration into the hierarchy difficult since the systematic security has been improved from 2006. In Iran, many advanced efforts have been done to electronize the judiciary about 6 years ago and all the recording and archiving systems have become electronic currently. At the being time, the general court are held through the video conferencing and approving the law of the computer crimes in the judiciary and activating the office of the computer crimes have help this organization move to be electrozied quickly.

The virtual attorney: The virtual attorney is to use the technology reasonably and to work and communicate with the attorneys and lead to low costs and provide a separated place for the attorney and the client. In the virtual proxy, it is possible to save all the extra costs of the present proxy for the clients. Many pioneers reported that the cost of the petitions is decreased to half using the virtual proxy and also using this type of proxy seems to be more efficient. Thus, the virtual proxy is regarded as an intelligent technique in AFA environment as well as in valuing. The easy accessibility and the low cost of this technique make the attorneys to use it. Furthermore, the virtual proxy will not be efficient for the conditional litigation of the lawyer homes or the main internal transactions. The virtual proxy is the only type which has no extra cost and it is recommended to use. Also, A.N.G suggest the communities to use this type because it does not need to the physical presence of the client and the attorney and the court services can communicate virtually with each other. The attorneys work virtually visit their client only through dating , work in their home, have no certain place to work, and communicate with their client using advanced technologies like cell phone. There is a common theory indicating that the attorneys should have a work office to visit the clients face to face in some necessary times. Also, a verdict has been issued indicating that executing the virtual proxy widely prevents the principles of the Supreme Court to be used.

Issuance of verdict: An acceptable verdict is a verdict included all the provisions of the court and the court issue the verdict of the freedom of the defendant as well, executes the legal authorities in the lawsuit to ensure the assignment of the claim, and the plaintiffs usually prefer to agree the issued verdicts since the agreement will be more useful and the plaintiffs preferred to avoid struggle prefer to agree mostly. Of course it is also discussed that whether the federal courts impose the conditions in the local and official governors led to take the power of the state and at this time, the court issue the reject verdict and the case is closed. Although the defendant does not act according to the recorded agreements, the plaintiff cannot act based on the previous claim flow that it is meant the case building of new claim with the court will be the end of the case to call the claim flow.

Most of the complex social lawsuits include the business and industrial cases. In this case, the court follows the legal officials and will issue the judgment of acquittal and in case of disregarding, the defendants put by the acceptance of the decision. Many specific types of the lawsuits allow the court to issue the acceptance decision. In legislation also complaining to the court and in law 23 of the federal laws of the claim flow issue a verdict which should be proved to be fair and reasonable

by the federal court. Furthermore, the court under the supervision of the price controllers and American punishment execution has to reconsider the acceptance decisions in the cases of the claim flow controlling the prices by the fair system of the administration of justice. Moreover, the law allows the court to reconsider the claim flow which should be based on the public view.

In 1954, the superior court of the United States has issued a verdict regarding the claim flow of New Jersey and New York created a fair legislation dedication under the federal public law. The claim flow between the states is an instance in which the supreme court of America discusses the trial of the claim flow that cannot lead to an appealing court.

The flow of this certain lawsuit had 5 parties. Firstly, Supreme Court of America and the rest involved the other states. Ultimately, considering the statutes, the court approved a verdict which the followings were resulted there under: i. Dedication of 800 million gallons per day to America from the storage of the city and it is sufficient when all 3 storages are entered completely. ii. A great amount of storage should be generated per year. iii. Granting the operating rights to New Jersey.

There are necessary cases of the verdicts of the supreme court of America based on the court verdicts which are considered as the statutes of the verdicts issued in 1954. Now, the legislation rights should be used in addition to the legal rights and the legislative council such as the supreme court of America dedicated the water sources among the states and 4 states possessed the water sources as well as the united states approved a famous statute called agreed on the water sources.

The way of trial and consideration: Although completing and building the electronic cases are difficult to do, they may be changed or destroyed easily. Thus, the attorneys advice their clients to take care of their files carefully in order to present the necessary evidence to the court on time to prevent the neglecting of their rights. Also, the cases should be updated using new tools to be applicable for any time. The cases are considered in the courts in two ways including by presenting the information on the electronic formats like disks, CDs, etc. or on papers.

Delivering the opinion of the court: The vote of the court is a formal written from of the claim flow in which the vote regarding interrogation or arrest is issued initially by the jury and filly by the judge. Also, the vote issued may refer to be innocent or guilty which is determined at the end of the court. Before issuing the final vote, the jury should reach to final approval. Different crimes may be followed by different punishments. The jury vote to be guilty during the criminal cases, thus the judge issues the vote of sentence. The vote of the court in the United States of America is the final approval for the vote of the jury. Hence the court receives the final vote, the judge begins to make judge and the court`s judgment is the final opinion for the claim flow.

A great cost is spent over collecting the electronic evidence. Some state that the cost of finding information should be provided by the person referred to that information. According to the statutes of the federal civil trial principles, if any of the parties refer to the electronic evidence, the person hold the inferred information should retrieve the information.

Previously, there were some criteria to determine the person who should find and retrieve the information. These case contain the determining the person who should undertake the costs of finding evidence. The criteria include the importance of finding request, the feasibility of successful search and the accessibility of the requested information. The utility of the obtained information for the parties, the ability and intend of controlling the costs and the financial resources for the parties are the objectives of finding the information. Of course, some of these criteria are changed in the elementary lawsuits. For example, the importance of the request is not regarded no more. In these cases, the party wanted to refer to the electronic evidence of the other side must present a written request to maintain the evidence. In the rights of Iran, the costs of findings and collecting the evidence derive from the proof or defense. Of course, the party who is in charge of this cost can take the cost from the other side by proving that side`s fault. In fact, the failure of the other side in the lawsuit and issuing the vote in favor of the referee to such reason can imply the failure side`s fault[1].

Today, according the technological and economic situation of the world, an individual can convert into an expert business man only by using a computer and an Internet connection. Technology advancements have caused electronic devices to be used in business domain widely. E-commerce includes its own communications and relations which may lead to disputes too. Therefore, electronic business needs new approaches regarding its legal issues. Firstly, it was doubtfully proposed if the virtual space could be applied to resolve the e-commerce disputes and in the case of application, if it is safe.

Vienna conference is the most important reference regarding the international business, but there is no consideration regarding the contracts which are based on computer technologies. This issue can be a deficiency for such an international contract, because e-commerce has significantly been developed and it is needed to be considered in international levels. On the other hand, electronic contracts providing rapid commercial approaches have caused international business contract to be more practical.

The nature of online arbitration has caused the related issues to be interpreted without relying on a certain judicial reference; in fact, the new theory of “delocalization of arbitration” is used for interpretation of issues. The theory can be applied to solve many analytical problems which are resulted of some unknown aspects of online arbitration. However, the theory needs to be modified to be completely matched with the online arbitration.

For example, the implementation of verdicts should be ensured or there should be the possibility of protesting to the verdicts.

As the electronic arbitration is gradually extended, the related regulations are spread too. One of the most important issues regarding the electronic regulations and arbitration is electronic evidences. These evidences have been validated along with traditional evidences in the e-commerce law. Also, the evidences values have been determined according to the safety level of technology. Therefore, the electronic evidences are classified as: ordinary and certain evidences. The ordinary evidences are the equivalent oftraditional ordinary documents and the certain evidences are the equivalent oftraditional formal documents.

New technologies have caused different countries to communicate with each other easily in e-commerce domain, but the shortage of legal background made them try to approve appropriate regulations which are internationally uniform and harmonic. Hence, the e-commerce law has advanced toward a uniform system faster than the other tendenciesof International commerce.

The large capital exchanged through e-commerce is the other reason which caused the countries to move toward a global alliance. In fact, the countries have found that the large profit of e-commerce can be shared among them only in the case of their alliance regarding the issue and the starting point is approving regulations to systematize e-commerce. Therefore, regarding the regulations of e-commerce, the global developments and its transnational boundaries should be considered.

Conclusion

Courts interference in arbitration includes a combination of supervision and assistance. For example, the court plays an assistance role besides the supervision aspect regarding issuance of interim injunction, considering a referee for abstain party, addressing the assaults on referee, and implementation of verdicts. Another example for supervision role of court can be the judicial supervision on referee verdict when there is a protest against it. When there is a request regarding the annulment of arbitration verdict, the court assesses the request carefully. As the result of it, there are rarely successful protests which can be able to change the issued verdicts. Regarding the international commercial arbitration, the interference of governmental courts is restricted in most cases. For example, act 5of example anesthesia codes states: “no court can interfere in the issues included in the codes, unless the itemis anticipated”.

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