

Abstract

This thesis deals with out-of-court dispute resolution within international business transactions. Its goal is an analysis of those methods of dispute resolution that may be encountered both in practice and specialized literature and determination of their basic characteristics that allow comparison.

The thesis is divided into six chapters. The first two chapters are of general nature and specify the content of the given topic. The third chapter establishes the framework of relevant law and the subsequent chapters are concerned with the online dispute resolution with the help of modern technology.

The first chapter is composed of three parts. The first part defines the notions of out-of-court dispute resolution and alternative dispute resolution (ADR) and explains the relation between those two notions that are not considered synonymous. The second part describes the common features of the out-of-court dispute resolution methods. To the contrary, the third part points out the differences between them and groups the particular methods based on various criteria.

The second chapter defines the international business transactions and focuses on international or foreign element and its determination.

The third chapter provides an overview of the legal framework relevant to the topic. In its four parts it successively deals in brief with domestic, European and international sources of law and also with the rules of private organizations and institutions as another source of regulation. In the fifth part, this chapter also contains sectional conclusion with the personal views of the author.

The fourth chapter is the most extensive one. In its eight parts, it presents the particular stand-alone methods of dispute resolution, namely the negotiation, expertise, Dispute Board, mini-trial, rent-a-judge, mediation, pre-arbitral referee and arbitration. It provides their general characterization and, if relevant, their kinds or types, the course of the dispute resolution process and facts about their institutionalization.

The fifth chapter focuses on mixed out-of-court dispute resolution methods combining mediation and arbitration. In the first part, it examines med-arb and its types, out of which it mentions mainly med-aloa. The second part is dedicated to arb-med. In the third part, the author offers her opinion on the use of mixed methods.

The sixth chapter is the final one, it talks about online dispute resolution (ODR). It explicates that ODR might be distinguished as technology taking part in the dispute resolution itself or as technology facilitating the communication between the parties.

The thesis is terminated with a conclusion in which the author summarizes the thesis and presents its results. She also adds her opinion on the actual status of the out-of-court dispute resolution and its future.