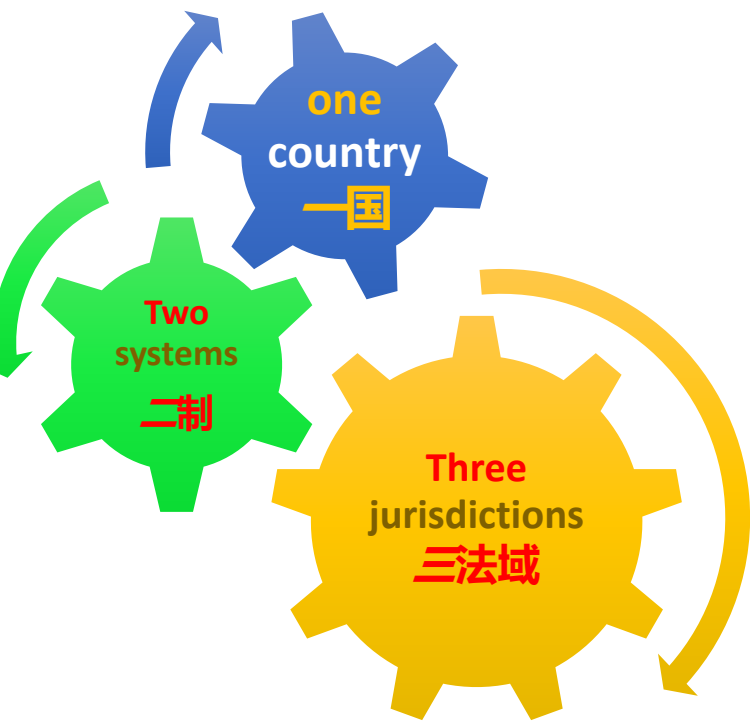


Role of “eBRAM ODR” in Greater Bay Area

“一邦国际网上仲调” 在大湾区的角色

Daniel C. Lam SBS, JP
CEO eBRAM
Chartered Arbitrator

eBRAM 行政总裁：林濬
银紫荆星章, 太平绅士
特许仲裁员



GBA'S OPPORTUNITIES

大湾区的机遇


- Hong Kong - **centre for dispute resolution services** in Asia-Pacific region
香港 - 亚太地区的争议解决中心
- To strengthen - **judicial and legal exchanges** in GBA
加强 - 大湾区内司法和法律交流
- To promote - **multi-faceted dispute resolution** mechanism
推广 - 多元争议解决机制
- To provide - **quality, effective and convenient judicial and legal services** and safeguards
提供 - 高质量、有效和便利的法律服务和保护措施

HK'S ADVANTAGES

香港的优势



1st in Rule of Law of Asia 亚洲法治独立排名首位



HK ranked #1 freest economy for **24 years** by the Heritage Foundation
香港连续24年获传统基金会列为全球最自由经济体

Asia's #1 and **World #13** for **judicial independence** (World Economic Forum: The Global Competitiveness Report 2017-18)
司法独立指数亚洲排名第1、全球第13（世界经济论坛：《全球竞争力报告2017-18》）

2018 International Arbitration Survey – HK ranked **#4** in the world
《2018國際仲裁調查》 – 香港位居全球**第四位**

Source:

2018 Index of Economic Freedom 《2018经济自由度指数》，<https://www.heritage.org/international-economies/commentary/2018-index-economic-freedom>

The Global Competitiveness Report 2017-18 《全球竞争力报告2017-1-18》，<http://www3.weforum.org/docs/GCR2017-2018/05FullReport/TheGlobalCompetitivenessReport2017%E2%80%932018.pdf>

2018 International Arbitration Survey 《2018國際仲裁調查》，<http://www.arbitration.qmul.ac.uk/research/2018/>

What is eBRAM / 何谓 “一邦仲调” ？



ACHIEVED BY / 由以下途径实现

- Blockchain
区块链
- AI + Neural Computing
人工智能 + 神经计算
- Internet of Things
物联网的身份验证
- Smart Contracts
智能合约
- Cloud Platform
云平台



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Languages / 语言

- English / 英文
- Chinese / 中文
- Arabic / 阿拉伯语
- Russian / 俄罗斯语
- Spanish / 西班牙语



Objectives of eBRAM / 一邦仲调的宗旨

- **To provide technology-enabled** international platform for dispute resolution and deal making
技术赋能的争议解决与交易撮合国际平台
- **To cost-effectively** prevent disputes - any economies, any party
具成本效益地避免争议发生 — 任何经济体，任何当事方
- For parties **with or without physical presence** – utilizing information technology means, or even in a place where any one of the parties are located
为不能亲自出席的当事人而设 — 应用资讯科技手段，或甚至在任一当事人所在地
- **To provide confidentiality** – full protection to personal and non-personal data
保密 — 全面保护对个人和非个人资料
- To provide domain-specific language **translation** technology
特定领域的翻译技术

Asian Academy of International Law
亚洲国际法律学会



Hong Kong Bar Association
香港大律师公会



The Law Society of Hong Kong
香港律师会



Logistics and Supply Chain MultiTech R&D Centre
物流及供应链多元科技研发中心



KEY BENEFITS / 主要优势

01



FLEXIBILITY / 灵活性

Anytime, anywhere with a computer
能够使用计算机的任何时间、地点

TIME AND COST SAVING / 节省时间与成本

02



- LESS EXPENSIVE
费用较低
- PARTIES CAN BE ANYWHERE IN REMOTE OR MULTIPLE JURISDICTIONS
当事人可以位于不同的、较遥远或多个司法区
- SAVE MANAGEMENT TIME
节省管理时间
- USE OF INNOVATIVE TECHNOLOGY THROUGH THE PLATFORM FOR SPEEDY DOCUMENT EXCHANGE
应用创新技术和平台促进文件交换

COST & TIME SAVING / 节省时间与成本

Sample Case 案例简介

Amount in Dispute / 争议金额 : **US\$ 500,000**

Number of Arbitrator / 仲裁员 : 1 (*Lawyers' fees excluded / 不包含律师费用*)

	HKIAC	SIAC	ICC	LCIA
Cost (USD)	\$71,658	\$63,024	\$61,853	\$62,478
Time (Months)	14.3 ~ 16.2	N/A	N/A	N/A

It is estimated that an ODR platform will substantially reduce the cost & time of arbitration
据估计: ODR平台将大大降低仲裁的成本和时间

FORMALITY / 法定程序

03



CHOICE ON LEVEL OF FORMALITY
不同程度的法定程序

PRIVACY / 私密

04



CONFIDENTIALITY / 保密性

CORDIAL RELATIONSHIP / 良好关系

05



MAINTAIN AMICABLE RELATIONSHIPS/
GUANXI / 保持和睦关系

Access to Justice / 享有司法公正

06



- Regardless of location
不论所在地
- Regardless of business size
不论业务规模
- Regardless of any language barrier
不论语言

EASY TO USE / 易用



"I TOLD YOU THE SITE WAS USER FRIENDLY."

Openness / 开放

- Full cooperation with APEC
与亚太经贸合作组织全面合作
- All disclosable data available
所有可披露的数据可用
- All statistics available
所有统计可用



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Party Autonomy / 当事人自主

- Parties' Common Consent Respected
尊重当事各方共同意愿
- Parties have full choice of Rules
当事各方可全权决定适用规则
- Parties have full choice of Procedure
当事各方可全权决定适用程序
- Parties have full choice of Contract Law & Seat
当事各方可全权决定适用法律和仲裁地



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Suggested e-Arb Model Clauses

建议的示范网上仲裁条款

Any dispute, controversy, difference or claim arising out of or relating to this contract, including the existence, validity, interpretation, performance, breach or termination thereof shall be referred to and finally resolved by arbitration administered by _____ [Name of the ODR Provider] under _____ [Applicable Rules] in force when the Notice of Arbitration is served.

The seat of arbitration shall be _____ [seat of arbitration].

The number of arbitrator shall be _____ [one or three], and the language of arbitration shall be _____ [specify the language].

凡因本合同所引起的或与之相关的任何争议、纠纷、分歧或索赔，包括合同的存在、效力、解释、履行、违反或终止均应提交_____ [ODR服务机构名称]，并按照送达仲裁通知时有效的_____ [适用的仲裁规则] 最终解决。

仲裁地应为_____ [仲裁地]。

仲裁员人数为_____ 名 [一名或三名]。仲裁程序的应以_____ [选择语言] 进行。

Transforming ADR to ODR in GBA

推动大湾区的ADR向ODR转型

To enable other providers in
GBA to provide ODR
Services
赋能其他机构提供网上争
议解决服务

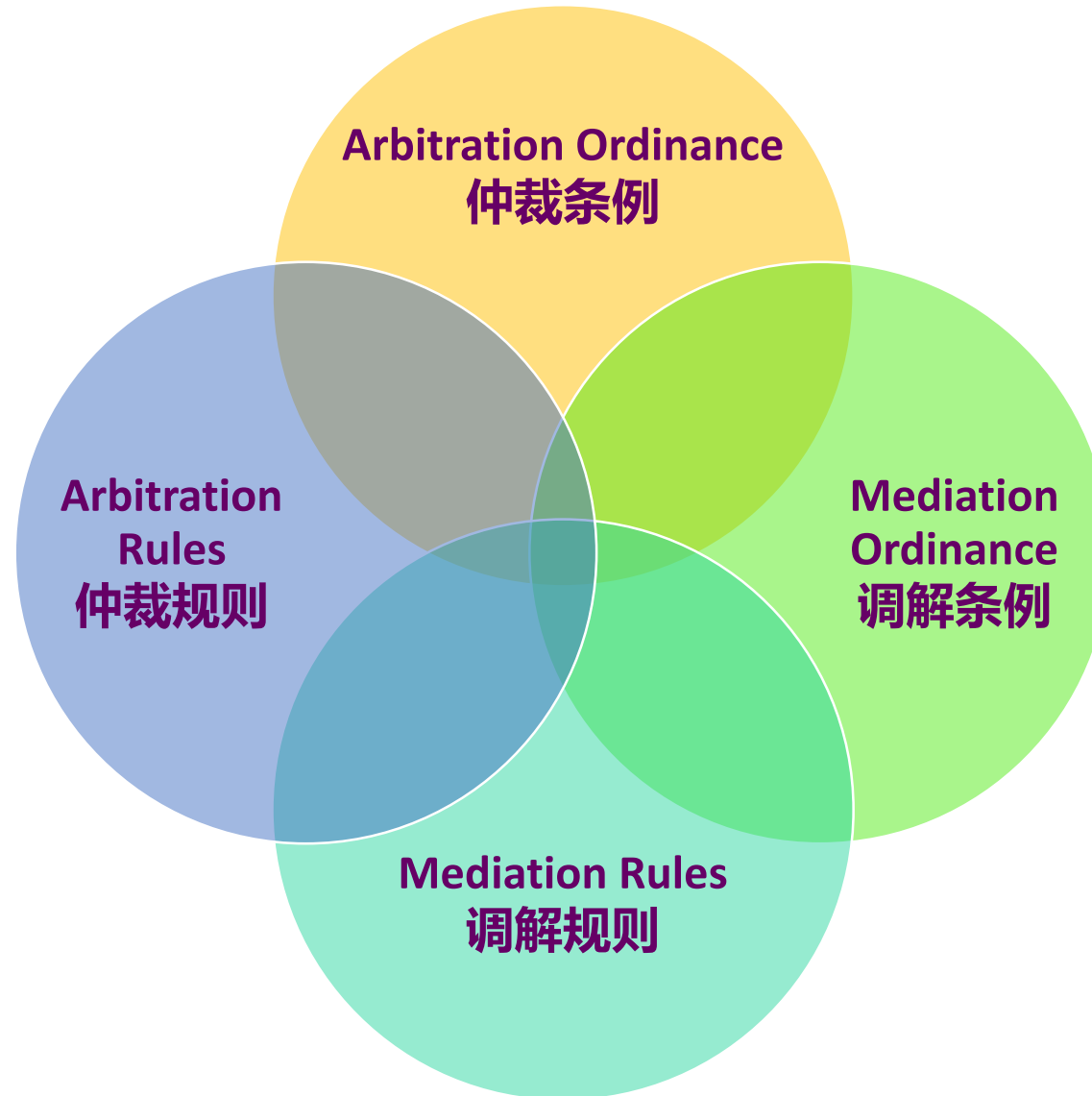
International Panels of
Arbitrators/ Mediators

国际化的仲裁员/调解员名册

Secure ODR platform
安全

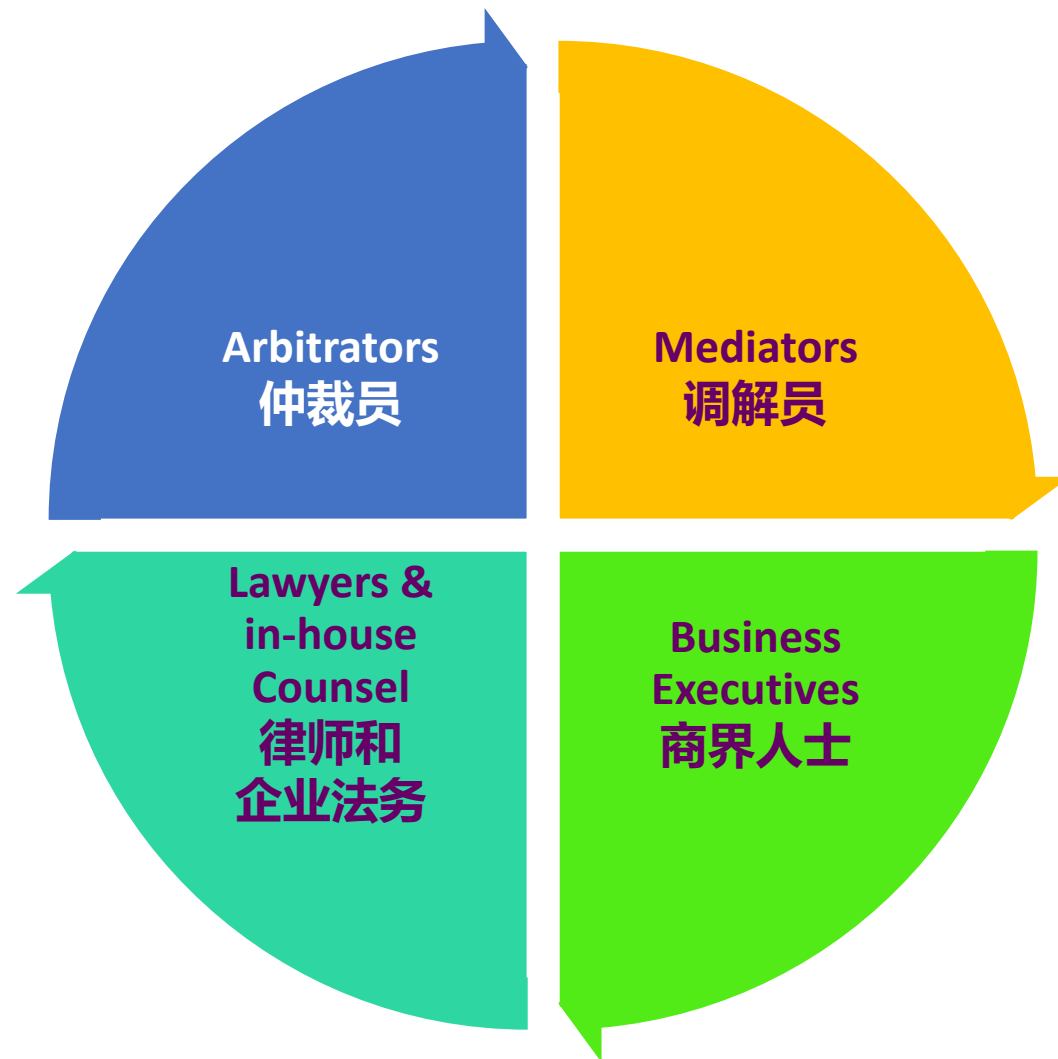
User-friendly
易用

Promote the use of **HK's Legal Framework**
推广香港仲裁和调解的法律框架的应用

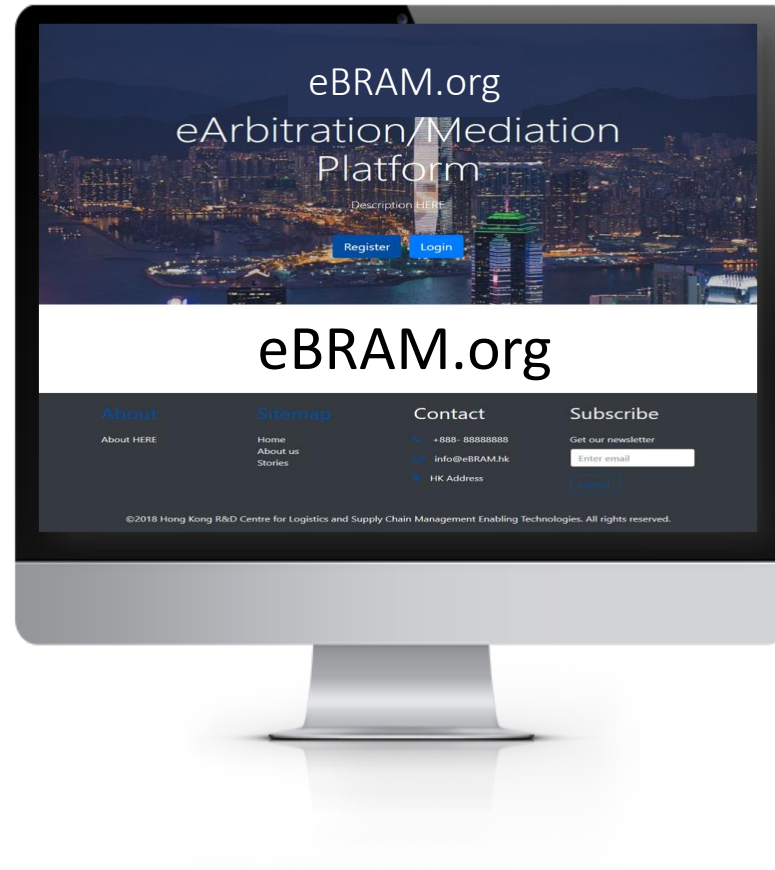


Capacity Building for Young Professionals in GBA

培育大湾区争议解决专才



More about eBRAM



THIS IS A PREVIEW AND THE FINAL
INTERFACE IS SUBJECT TO CHANGE
僅供預覽，最終版本待定



Q&A (问题解答)

eBRAM
—邦网上仲调

the LawTech Deal-Making and Dispute Resolution Platform

以法律科技为本的交易撮合与争议解决平台