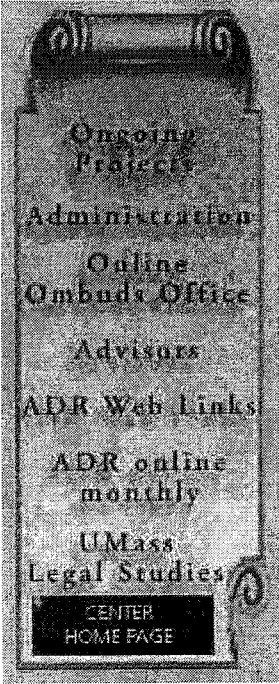


A Place for Mediation and Dispute Resolution Services



Welcome to the Online Ombuds Office, a dispute resolution service for persons and institutions who would like an online mediator to assist them in settling a dispute. If you are involved in a dispute arising from some online activity, the information you find here and the people you can communicate with here may provide the help you are looking for. We welcome you and offer our assistance.

History

The Online Ombuds Office was established in June, 1996 with a grant from the National Center for Automated Information Research (NCAIR). In July of 1997, the Hewlett Foundation provided an award to establish the Center for Information Technology and Dispute Resolution at the University of Massachusetts. The Online Ombuds Office is the dispute resolution arm of the Center, working to employ and develop online dispute resolution resources.

Getting assistance with your problem

If this is your first visit, feel free to explore the information resources for disputants and mediators below. Or, if you wish assistance quickly, please fill out a form or send us an email to find out more about our service.

- During March of 1999, we worked with the online auction sites eBay and Up4Sale to mediate disputes arising out of online auctions. If you would like our assistance with such a problem, please click here.
- We believe that domain name/trademark disputes can be mediated effectively to the benefit of both parties. Why mediate? Reflect on the statement of Rex Manz, director of business strategies for Nullsoft: "We're in the business of doing business, not litigating." Our most recent successful domain name mediation involved the site Netique.com
- We are working with the World Organization of Webmasters to resolve disputes involving webmasters. If you are involved in such a dispute, please click here.

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Overview

Since opening in July, 1996, we have not only been working to settle disputes. We have also been learning about the disputing environment of cyberspace. In general, we consider cyberspace to be an environment of opportunity. By this we mean that the online world gives us new capabilities to work with people and information and to establish relationships with people located at a distance from us. In this sense, cyberspace is an environment that provides an extraordinary impetus to creative and commercial endeavors. On occasion, however, relationships break up, plans do not work out, and hard feelings occur. It is in such situations that the Online Ombuds Office can be of assistance. Here are several common types of disputes that have come to our attention, and some pointers about what you might do if you find yourself in one of these situations.

Newsgroups and Listservers.

Two people get into an argument in a newsgroup or listserv. This is a fairly common occurrence and, usually, the individuals or the group find some resolution. What happens if it goes beyond the newsgroup and, say, one party calls the other? Or, what if one party calls the other's employer? We'd be happy to be called in to deal with such disputes but the Internet itself can provide you with information that might be a guide to problem solving. Learn how to use one of the Web sites where you can search [Usenet newsgroups](#) or [web sites](#). The very first dispute brought to our attention involved someone who had, unfortunately, become involved with a person who had achieved election as a Usenet [King of the Worm](#).

Domain Names.

During the past two years, there has been a rush to register domain names. There have also been growing numbers of disputes involving domain names. Some of these disputes may require legal assistance. Others may be appropriate for intervention by an ombudsperson or a ruling by a [Domain Administrator](#). Before you choose what route to take, you might consult two excellent information resources on domain names and the law. The first is at [Surgerstown.com](#). The second is at the law firm of [Oppmann & Lutz](#).

Competitors.

Our first successful mediation was an individual Web site developer who began competing with the local newspaper in his area. This individual developed a Web site that contained local news. He summarized some stories that appeared in the local newspaper, took some information from some other sources, and put up some links to local sites of interest. The newspaper was not really sure what to make of this, since they were just becoming aware of cyberspace and the Web. At first glance, they thought the Web site was pirating their hard work. And after a conversation or two with an editor, the Webmaster began feeling that he might become the target of a lawsuit. We were contacted before the dispute became bigger and more polarized, and were able to clarify what was happening, why people were feeling threatened, and why litigation was in no one's interest. The complainant's Web site is now back up and running, the newspaper is developing its own Web site, and both parties understand that people who may not have had the resources to compete in the physical world, may be able to do so in cyberspace.

Spamming

We have received several inquiries from people who do not like receiving commercial offers in their e-mail boxes. We're not sure we can be of much help here. Our service, to be successful, requires both parties to agree to participate in conversations with us. Persuading the second party to do this is often difficult. It is probably ev

Internet service provider is somehow involved, feel free to contact us.

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Internet Service Providers.

Most of us rely on a connection through an Internet Service provider (ISP). ISPs include large entities like America Online or CompuServe as well as small local businesses. If you are a college student, your university probably serves as your ISP. We are currently assisting an individual who logged on to his ISP one evening and found that her account had been terminated. She was told that she or someone using her account had violated the contract she had signed with the ISP when she obtained the account. She claims not to have done anything wrong. The ISP said it did not have to provide proof of wrongdoing. She feels wronged and claims to be suffering due to the loss of her e-mail account. We are working to clarify what happened here and why.

We have become aware that thousands of persons have their accounts terminated each year. Many people seem willing to do silly things in cyberspace. We would be overwhelmed if even a small percentage of such people wanted our assistance. But if you have a problem with your ISP and have not been able to settle it to your satisfaction, let us know.

Copyright.

On the Internet, it seems, everyone needs to be aware of [copyright law](#). Well, cyberspace is a creative environment and an environment in which the value of information can rise or fall dramatically fast. So a little knowledge of copyright law may not be a bad thing. Even without much study, most people are aware that there is a copyright law and that it is a copyright violation to pirate and intentionally steal someone else's work off a network. In some instances, copyright violation can even be a criminal act. We hope that you understand that while copyright law may be difficult to enforce on the Internet, the copyright law of whatever jurisdiction you live in does apply to your actions.

We do not really see much of a role for the ODR to play in cases of piracy and criminal copying. The pirate, quite simply, is unlikely to cooperate with us. But much, if not most, challenged copying on the Net, we would think is not done with an intent to hurt someone else's pocketbook. Sometimes it may not be clear whether copying is permitted, sometimes one may make incorrect assumptions about copying, sometimes one might be expected to know better but did not exercise very good judgment, and sometimes the law is just unclear.

We would welcome the kinds of cases just mentioned. For example, we have been contacted by an individual who, during his spare time, completed some work while he worked for a former employer. There is some dispute as to who owns what and whether this was a "work for hire." Lawyers may argue that copyright cases supply the answer for this case. We think, however, that a mediated solution might help the parties find a way to make the work in question more valuable than if one were declared the sole owner. We'll see.

We have also been contacted by individuals who feel that pages from their Web sites have been copied and stolen. With all the unruliness that one can find in cyberspace, we have been impressed with the reasonableness of almost all the people we have dealt with. Our last bit of advice: Don't jump to conclusions about the motive of someone you think has wronged you. You may be right but it will not help you or us achieve satisfaction for you.

Fraud. If you have lost money because of some online scam, it is, frankly, unlikely that the other party would cooperate with us. However, check out the [National Fraud Information Center](#), an impressive Web site devoted to combatting Internet fraud.