Consumers, Electronic Commerce and Standards Workshop

Thursday December 2, and Friday, December 3, 1999

Valhalla Inn, Toronto

**A Multi-Stakeholder Workshop Exploring the Feasibility of Developing
ISO Electronic Commerce Standards for Consumers**

Sponsored by the Office of Consumer Affairs, Industry Canada

Audience: Consumer Representatives, Government, Industry and Standards Officials

Attached: List of attendees, and workshop agenda

Objectives:

- Obtain input on draft Feasibility Studies concerning Electronic Commerce Standards for Consumers (copies of the draft studies provided to participants in advance of the Workshop)
- Increase stakeholder understanding of the strengths and weaknesses of the standards process for the development and implementation of consumer-oriented standards
- Provide a networking opportunity for consumer, industry, government and other stakeholders vis-a-vis standards activity

THURSDAY AFTERNOON – DECEMBER 2, 1999

Introduction to the Conference:

Chris Leclair, conference facilitator, introduced **Michael Jenkin,** Director-General, Office of Consumer Affairs (OCA), Industry Canada, and **Kernaghan Webb**, Senior Legal Policy Analyst, OCA.

Michael Jenkin Briefly described OCA's interest in the areas of electronic commerce, voluntary codes and standards. He noted that increasingly governments, industry and others are looking to standards to create benchmarks for systems, products and processes in the marketplace and that it is important to ensure that systems can be relied on to protect consumers' interests. This is true of electronic commerce. Important questions in this regard remain to be answered: for instance, how many trust marks can the electronic commerce market hold, can they be standardized and if so, then how?

Kernaghan Webb provided some context for the conference, which was funded through the Standards Initiatives Programme, a fund to allow the exploration of new standards. Thanks are extended to the Regulatory Affairs and Standards Policy Branch of Industry Canada, represented here by Craig Campbell, for funding the project. In preparation for the conference, consultant Allan McChesney was hired to undertake draft feasibility studies for standards in electronic commerce. Thanks are due to Mr. McChesney and to the project's advisory committee: Jeanne Bank, Mike Bourrassa, Sondra Bruni, Pippa Lawson, Tony Schellinck, Irene Seiferling, Marg Soper. The comments of the committee and others have shaped the work to date, but there is a need to explore the wide range of activities currently underway in the market, seeing where we've gone wrong, where right. With three sessions today -- government, business/consumers, standards initiatives – we hope to be able to respond to some of these questions. The three studies will be looked at tomorrow.

First Session: Recent Government-Initiated E-Commerce Developments

David Waite, Director, Consumer Information and Coordination, OCA presented an overview of three developments:

Canadian Principles for Consumer Protection in Electronic Commerce: Over the past 15 months, the Government of Canada has been seeking a consensus on what an e-commerce framework should comprise. The Principles are the result of that consensus. They were developed by a working group of business, governments and consumer groups and are a framework of reasonable consumer protections for both business and government. Among the document's guiding principles are those of equivalent protection for consumers on- and off-line, and the importance of governments harmonizing their consumer protection laws as they apply to electronic commerce. Work proceeded on some assumptions: that voluntary measures will be very important; in an industry where there's such innovation and change, there is a need for coherence and structure; and there is a need to develop a framework based on the consensus of stakeholders.

OECD Guidelines for Consumer Protection: It is important that Canada's domestic developments fit well with activities on the international level. By chairing the committee working on the OECD guidelines (which are still in progress), OCA hopes to do just that.

Federal/Provincial Developments: At their November 1999 conference in Banff, Ministers responsible for Consumer Affairs agreed on the need for a common approach in Canada to adapting consumer law to e-commerce. The approach would be based upon the current approach to direct and distance selling in Canada, and would include: a common set of disclosure requirements; rescission rights in misdeliveries or non-deliveries; acceptance of electronic signatures; consumer access to hard copies of basic transaction documents. Ministers also agreed on the need for a coordinated approach to voluntary certification and dispute resolution programs, as well as the need for informed and intentional agreement to contract.

Peter Ferguson, Industry Canada, discussed developments in Cryptography, Digital Signatures and related areas.

Cryptography. When the US announced a strongly restrictive position in 1995, it resulted in mounting pressure on Canada. Canada's focus at the time was restrictive as well, focusing on defense and national security. Canada announced a new policy in 1998, emphasizing support for e-commerce, while continuing to be concerned for public safety through, for example, export controls to unfriendly nations. In developing the policy, the Government saw some disagreement between law enforcement and market development interests.

Digital Signatures: The use of certification services will be market-driven, with no government licensing and no key recovery program. Mr. Ferguson sees a move in some countries to the Canadian view, away from the US, e.g, UK, France, Germany. The government consulted widely, because we didn't know about what the market was thinking, and wanted discussions with end users, end service providers and the provinces (because of the need for compatibility of approaches). There was a need for views on the roles of the public policy sector.

Authentication (providing proof of origin, receipt, integrity of information, ways to identify the parties involved): Various technologies are available. Few of the players currently have an idea where the area is headed. Now there is an authentication *strategy*, but not yet a policy.
In initial consultations, there has been much lobbying for a strict business-to-business focus, but it is

impossible to ignore the need for recognition of consumer/business issues. Codes, public/private cooperation, education and federal/provincial collaboration are all needed.

International update: The United Nations Commission on International Trade law (UNCITRAL): there's a variety in the extent to which this work is accepted from country to country; EU: some anxiety in regard to how their framework will roll out, with some potential for conflict with North America; an Oganization for Economic Cooperation and Development (OECD) meeting is upcoming to discuss authentication services (it sounds like the US has agreed to stop fighting OECD as the place to discuss the matter); Asia Pacific Economic Cooperation (APEC) is lagging slightly; an International Telecommunications Union (ITU) meeting is coming up, the exact purpose of which is uncertain. Efforts and resources required to address authentication are 90% policy and only 10% technology.

Principles guiding industry: Choice, trust, and confidence; encouraging competition in authentication services and products; trust in a private-sector supplier is critical; interoperable infrastructures.

Next steps: making sure we know the issues, filling in gaps in our knowledge base, for example, how big is the market for authentication services, which companies are interestesd? etc.

Pippa Lawson, Public Interest Advocacy Centre (PIAC), discussed Bill C-6, the result of the federal government's announcement of its intention to legislate data protection by 2000
The bill is a combination of two elements: the protection of personal information; and the recognition of electronic documents, i.e., the use of electronic alternatives where federal laws call for the use of paper. C-6's protection of privacy element, a federal foray into an area of divided responsibility, are considered a bold move under the federal trade and commerce power. The privacy protection rules will apply initially to federal and interprovincial activities, then in three years, will apply to provinces that have not yet adopted similar legislation. The legislation thus aims to set a standard which other jurisdictions must follow. The federal government feels that privacy is a national concern.

The bill sets rules of collection, use and disclosure of personal information, in a way that balances privacy rights with reasonable commercial interests. This is a compromise between business and consumer desires. PIAC feels it is a good compromise.
Bill C-6 applies to organizations collecting, using and disclosing personal information during the course of commercial activities. Not covered: government institutions already covered, individuals (noncommercial), journalistic, artistic or literary purposes. The bill is based on CSA's model privacy code's ten principles: in fact, it incorporates the code word for word. Beyond these ten principles, other obligations include restricting purposes to "reasonable purposes under the circumstances". There are exceptions to the rule of knowledge and consent

The federal Privacy Commissioner will be given very broad investigative powers, and will be able to publishing findings, but will have no binding legal powers. So, if you want a binding ruling that a business has violated your rights, then you will go to federal court, which will be able to award damages in a quick and simplified hearing.

André Allard, of the *Office de la protection du consommateur* (OPC), discussed initiatives of the Government of Québec, which has participated in many projects with colleagues attending here, especially through the Consumer Measures Committee, the Working Group on Electronic Commerce and Consumers, several committees with Industry Canada. Also, OPC has worked with Cybertribunal, at Université de Montréal, and on the development of a program for certification of websites (also with the *U. de Montréal*).

Additionally, in 1998 the Government of Québec released its information highway policy, with the goal of actualizing and precipitating the development of electronic commerce in Québec. Two clear mandates of the policy are the development of information campaigns (such as through the magazine *Protégez-vous*) and the development of a voluntary certification programme for Québec-based businesses.

A great deal is at stake in the development of the certification programme, particularly in regard to the application of Québec laws. Right now, our laws are applied with difficulty to electronic commerce. OPC is striving to ensure the success of the programme, and is undertaking work to enumerate business practices of relevance to electronic commerce with a work group consisting of representatives of a number of government departments as well as the BNQ, the *Bureau de Normalisation du Québec* (the Quebec standards bureau). A document has been submitted to large businesses (Air Canada, for example) for their input, in order to develop standards that are precise. (The document was circulated to attendees.) It is difficult to achieve such precision when each business has its own ways of conducting its affairs, so there can be difficulties. The difficulty is generally one of finding a balance between efficiency and cost; the more serious the verification, for instance, the greater the cost.

Mr Allard then briefly discussed the document circulated to attendees, stating that once it is finalized, OPC would work with BNQ in order to determine the feasibility of a standard and to organize a certification committee. It is hoped that the practices may be implemented by Québec businesses.

Steve Salter, BBBOnline, discussed US government initiatives, noting first of all that the Better Business Bureau (BBB) is of course not part of government.

There are two broad tracks. Consumer education and protection; and supporting e-commerce with a laissez-faire approach.

The White House and the Department of Commerce have been in discussions with the EU in privacy matters, for the past year and a half. The US is advocating a self-regulatory approach, working with EU to allow BBBOnline and Truste to become "safe harbours" in compliance with the EU Data Protection Directive. At the World Trade Organization (WTO) Seattle conference, the US's agenda is one of moratoriums: no new taxes and freedom from unnecessary barriers, a hands-off approach essentially.

The more interesting side is the education side, which the White House is getting more involved in. There is quite a political push behind consumer protection this time of year. For instance, President Clinton gave some safe shopping tips in his last radio address. But the main actor in education has been the Federal Trade Commission (FTC), which is very active in promoting consumer protection and tips to consumers, and on the other hand in taking action based on existing laws against fraud. Surf days have happened over the past three years, with the goal of highlighting get-rich-quick schemes, and unsubstantiated medical claims. In this, the FTC tracks down the worst offenders, and follows up, by e-mailing sites, letting them know they're not complying with some laws. Mr. Salter feels it's been effective. Also, dummy websites are another technique the FTC uses, attracting potentially vulnerable consumers with an outrageous come-on, and then ultimately warning the consumer to be more careful. Yet another education initiative is the website: www.consumer.gov

As well as education, the Government is also taking on scams in the marketplace. One example is a recently announced effort against website cramming. There has been a huge rise in this activity, but the FTC has been successful in achieving refunds ($39 million in refunds to date). (Web site cramming is a scam, usually aimed at small business, where the victim is promised a free trial Web site but instead receives unauthorized charges on his or her phone bill.) The FTC is making companies understand that direct mail order rules apply to the internet In regard to Spam, the FTC has collected two million samples of fraudulent email scams to date.

Bruce Farquhar: Secretary General of ANEC, the European Association for the Co-ordination of Consumer Representation in Standardization

Mr. Farquhar provided an overview of the European situation. There, the European Union is taking the initiative in setting European policy in regard to electronic commerce. To some extent the policy is growing out of national initiatives: e.g., the law on digital signatures in Germany.

EU has been held back in many ways e.g, OECD, but in other respects as well.

Generally, EU policy in e-commerce is to rely on existing legislation, and promote industrial self-regulation. This has led to some criticism from consumer representatives and others who feel there should be a more rigorous legislative framework.

There's a body of legislation at the EU level already applying: the Privacy and Personal Data Protection Directive; the Interoperative and Secure Infrastructure Common Framework Directive; in consumer protection, there is the 1997 Directive on Distance Selling, with its cooling-off period. The EU also has an action plan to deal with illegal and harmful content on the internet.

Ground rules for a regulatory framework are being set with the new Draft Directive on Certain Legal Aspects of Electronic Commerce. The Directive adopts the country-of-origin principle, and deals with the conclusion of online contracts and the issue of cross-border redress. It is now proceeding through the European Parliament and the European Commission has promised a position by December.

Country-of-origin (i.e, the question of whether the consumer's or the business's laws and jurisdiction govern a cross-border transaction) is problematic, as there already exists the Convention on Jurisdiction in Civil and Judicial Matters, which favors the consumer. The Commission is bringing forward a revision, but industry has intervened, trying to hold back progress on this directive. The Commission held a hearing on Jurisdiction and Applicable law at the beginning of November. The Commission has not yet drawn any conclusions from this discussion.

The new draft Directive on e-commerce tries to use regulatory alternatives, seeking to encourage codes of practices. But the Directive provides no direction in terms of content of the codes, a fact which consumer representatives consider problematic.

Eric Iankelevic, Canadian Chamber of Commerce and The Canadian Council for International Business (CCIB). Starting with a discussion of the respective roles for government and business in electronic commerce, Mr. Iankelevic went on to discuss the input of business groups into a variety of national and international development. He stated that it was clear from the OECD Ministerial Conference in Ottawa, one issue was building trust, and that therefore a dialogue among business, consumer and governments had to continue. He mentioned the Joint CCIB-USCIB (US Council for International Business) Principles on Consumer Protection, calling the results a compromise between the Canadian and the US position: the Principles are market-driven, industry-led, relying on self-regulation, emphasizing the importance of international compatibility and freedom of contract. They set rules for choice of law and jurisdiction and are technologically neutral and accommodate new and emerging business models.

Mr. Iankelevic noted that there are different opinions as to whether the OECD is the proper forum for developing e-commerce consumer protection principles. He stated that business seeks a non-restrictive, broad and flexible approach, allowing OECD states to adapt that framework to their particular needs. He pointed out the tremendous differences in the respective business constituencies of the US vs. Canada vs. the EU. In regard to applicable law, business believes that the issue of jurisdiction is irrelevant if there are no effective and accessible redress mechanisms available to consumers in the first place.

Consumer protection is a particular challenge which Canadian firms face. Canadians say they are

concerned about security, but at the same time they are attracted to US sites by the greater selection. Canadians shop Canadian because of patriotism and exchange rates.   Business would like the motivation for shopping Canadian to be the assurance of security.

General Discussion

A participant lauded the fact that the OPC's draft code had specific provisions for children, recognizing that special protections are required for them.   It was also noted that the US Federal Trade Commission has special rules for children, and that BBBOnline also deals with children's privacy.

Another participant asked how is it possible to convince people that their transactions are secure, given recent major security breaches in Canada. Peter Ferguson acknowledged that there have been startling developments over the years, and that it's a never-ending game to continuously deal with the problems that arise. David Waite stated that no security system is perfect, and that therefore the important question is whether fair redress is available when systems break down.

The link between Cybertribunal and the OPC code was discussed. Cybertribunal is mentioned in the draft code as a good example of online Alternative Dispute Resolution (ADD); its mention in the document does not exclude other examples, as the provision is still very much open for discussion.   The important thing for OPC is that the body be a third party. It was also pointed out that governments elsewhere are generally recognizing the importance of online ADR: the draft EU Directive on legal aspects of e-commerce, for instance, mentions that government ADR schemes for e-commerce should be online.

Originally, the plan for OPC was to establish contractual relationships between conforming businesses and OPC. OPC soon moved to develop a certification scheme as the better way to go about it. In regard to Cybertribunal and OPC, the important thing for OPC was to have dispute resolution services that are third-party, in order to resolve the dispute fairly without resort to the courts. Cybertribunal is the only example in Quebec that is online, as far as OPC is aware. The most important thing is that a body be independent.

The view that there is no need for jurisdictional rules when there's ADR in place was discussed. One participant noted that many feel that self-regulatory mechanisms are unable to deal with a lot of problems. Mr. Iankelevic emphasized the importance of developing principles in a cooperative manner that he is therefore happy with the Canadian e-commerce principles because of that. He would like to see the principles brought forth internationally.   David Waite stated that it was important to recognize the reluctance of consumers to go to court, which is why ADR is emphasized. In the OECD Guidelines, due to be released by the end of the year, it is recognized that legal backup is still necessary and that reasonable access to courts needs to be provided.

It was pointed out that while one can certify a website for security, what happens to the information once it is taken off of the web server is another matter. Mr. Ferguson stated that how to address the quality of information passing between institutions would be up for discussion in international meetings next week. He noted the need to ensure that information is retained long enough to exhaust recourse mechanisms. Kay Ruddeforth of the British Standard Institution (BSI) pointed to the BSI standard for information security management, which could be of some use in the matter.

Second Session: Recent Private-Sector and NGO-led Initiatives.

Steve Salter: BBBOnline. Mr. Salter discussed the origins of the BBB, noting that it was born in an emerging marketplace at the beginning of the century, an era of national advertising where no one could verify claims. This is analogous to today's emerging marketplace, which the BBBOnline is designed to deal with. BBBOnline has a reliability program, a privacy program, and a children's privacy program, as well as a new draft online code of business practices.   The advantage of these programs is the BBB's brand recognition, an important quality for success. The program is expanding to Canada this month.

Under the reliability program, where Mr. Salter works, a company applies for membership in its local BBB; that bureau then sends the application to the BBBOnline office.   A BBB representative performs a site visit for every applicant. The applicant agrees to submit to third-party dispute resolution (DR) and to cooperate with the rules of the BBB's National Advertising Division. About four thousand five hundred websites are now run by members of the reliability program. A company may be permitted to commit to another body's DR proceedings if these comply with BBB standards. BBB offers DR services ranging from binding arbitration to more informal settlement processes.

A member company displays a clickable seal which links the consumer to valuable background information on the merchant.

Mr. Salter feels that the standards for obtaining the BBBOnLine Privacy Seal are very high.   Each applicant must complete a rigorous self-assessment questionnaire of 170 items, all of which is then reviewed by a BBBOnLine compliance analyst.

Tracey Deleeuw and **Tanya Khan**, of Information Systems and Advisory Services, Ernst & Young, discussed the WebTrust program. Ms. Deleeuw and Ms. Khan have been working in the e-commerce area for several years.

WebTrust is a joint development of the Canadian Institute of Chartered Accountants and the American Institute of Certified Public Accountants.   The program is a response to consumers' concerns about security and trust.

The WebTrust principles are: business practices disclosure, transaction integrity (a big problem with many e-commerce startups that can't fulfill their promises and whose billing processes aren't working) and information protection. A second version of the principles is coming out in 2000, to cover the privacy issues.

WebTrust is an audit of processes (rather than of financial data), documenting the controls a company has implemented against the WebTrust Principles and Criteria. An audit report is issued, and the right to display the WebTrust seal is awarded if the criteria are met.   An update review is required every three months.   The seal is protected by Verisign, and is clickable, enabling the consumer to link to the Auditor's Report, stored on an independent server.

Some companies have asked to use the Ernst & Young name, a demand which has led to Ernst & Young's CyberProcess Certification. This program was designed to permit companies to attest to criteria that lie outside the scope of WebTrust. Assertions made within the framework of CyberProcess are developed in cooperation with the particular business according to its evolving needs.

Michael Barnes,   UK consumer consultant, discussed the Consumers' Association's (CA) Webtrader program.   The scheme came about as a way of responding quickly to what was perceived as a vacuum. There was a desire not to let imperfection get in the way of action. CA is well known, and has a high profile, which was very important. It operates its own website and produces some well-known magazines

in the UK. (It currently has about 30,000 online subscribers to its magazinss and services, with many more offline subscribers to its magazines.) The scheme has so far been promoted in a low profile way, and is restricted to UK organizations right now.

The Code of Practice is the price of participation. Otherwise, there is no cost. Six hundred applications are on file, and 300 organizations are qualified traders at this time. Consumers' Association provides free legal assistance to subscribers with problems. Non members will receive some help as well.

Regarding dispute resolution: companies must set out whether they belong to a trade association with an ombudsman; available customer support services must be clearly indicated. Customer feedback plays a vital role: if you become a trader you must agree to allow comments on your service to be put online in discussion groups. One international partner is involved: a Dutch consumer organization is operating a similar system with a similar seal.

Karim Benyekhlef, of the Université de Montréal, discussed Cybertribunal. Cybertribunal is a consumer/merchant mediation service that is completely online. Since June 1998, Cybertribunal has received about 400 complaints and resolved about 150 of them through mediation. About 80% of complaints received and 80% of those resolved through mediation involved consumer-to-business transactions. Developments for the very near future include a name change to "eResolution.org," recognizing the reluctance of businesses to participate in an operation with "tribunal" in its name. Also, in January 2000 a video and netphone as well as a chat line will also be available. Often we see that parties are not anxious to participate in such newer mechanisms when less than a hundred dollars is at stake, for they often don't want to speak to the other party. In such cases, chat rooms or discussion lists are often the preferred method.

Cybertribunal has from the beginning had international ambitions, seeking to implement mechanisms that take into account the global nature of the medium, with mediators on four continents (including a partnership with Online Ombuds and the Chamber of Commerce in Paris, and a mediation and arbitration centre in Singapore).

Arbitration has proven to be too complex for consumers and businesses, so mediation has been a preferred process, more adapted to consumers. Arbitration is more appropriate to disputes involving greater amounts; perhaps a threshold of 3000 dollars may be appropriate.

A seal is available to merchants agreeing to submit disputes to the process. This is a contractual relationship, not self-regulation – trademark and contract law play an important role.

Cybertribunal is soon going to offer a domain name dispute service, as well.

An advisory committee will also be in place to select arbitrators and mediators and to take complaints about them.

Bruce Farquhar, discussed initiatives in Europe, including the work of the European Consumer Organisations Office (BEUC- *Bureau européen des unions de consommateurs*) and the Transatlantic Consumer Dialogue (TACD). Mr. Farquhar first provided a general discussion of the consumer movement in Europe: there are about 100 independent consumer organizations in Europe, some large like the UK Consumers' Association, some small. The thirty largest ones are members of BEUC. Some of the 100 have their basis in trade unions. The EU brings all of them together in the Consumer Assembly, where e-commerce has been discussed. (Documents available on the DG24 website, at europa.eu.int) The Assembly is used to set up the Consumer Committee, which meets four times a year and consists of state

representatives as well as BEUC reps. The committee hasn't dealt too specifically with e-commerce yet , though BEUC has released comments on the draft Directive on certain legal aspects of e-commerce. (Comments available at www.beuc.org.) Important organizations dealing with e-commerce at the national level include Consumers' Association in the UK and *Consumentenbond* in Holland.   Also, a scheme is underway in Denmark, with the government introducing the program and the consumer groups laying down some of the criteria; an independent group will run the program.

TACD really is an EU-US dialogue. It is part of the greater agenda, launched in 1995, to promote closer cooperation in trade issues, and people-to-people contacts. The Transatlantic Business Dialogue (TABD) has been the most influential of the dialogues; many feel it has short-circuited the democratic process, the dialogue being set up with government as well as business. Government routinely responds to TABD proposals.

This has resulted in the TACD being set up in Sept 1998, in Washington. The most important thing at the meeting was Americans talking to each other.   It has been effective, with two meetings, and many position papers presented. TACD has tackled e-commerce, the basic concepts agreed upon being equal protection on- and offline, establishing safe harbours and preventing anti-competitive practices. (See website: www.tacd.org) Now, a working group on e-commerce has been set up with a work plan that covers such issues as the WTO, jurisdiction, arbitration, self-regulation, privacy. Position papers on these issues are forthcoming.

The US side of the TACD is somewhat weak, partly because of the divergences within the US government. Mr. Farquhar said that his EU contacts saw the value of a consumer dialogue with Canada, feeling that there might be much more in common between the parties than there is in the EU-US relationship.

Anthony D'Alimonte. Bell Canada.
Mr. D'Alimonte discussed the Global Business Dialogue on Electronic Commerce (GBDe). Started in 1999, the initiative is a CEO-driven effort to seek international cooperation in the development of policy for e-commerce that is beneficial to consumers and business. The initiative seeks international cooperation based upon three guiding principles: free trade and free flow of information principles; openness, transparency and accountability in government decision-making in e-commerce; private-sector accountability through the development of codes, best practices standards and other private-sector initiatives.

Nine working groups were established: authentication and security; consumer confidence; content; infrastructure/access; intellectual property rights; jurisdiction (promoting freedom of contract, the adoption of rules applying the law of the seller's country, promoting ADR and self-regulatory initiatives); liability; protection of personal data; and tax/tariffs.

Bell Canada sees the WebTrust program as operationalizing the GBDe principles.

Irene Gouin of the Consumers Association of Canada discussed Consumers International's (CI) July 99 e-commerce report, *Consumers@shopping*. The European Commission asked CI to do a study to document consumers' experiences, and bring forth recommendations. Researchers in 11 countries ordered 151 items from sites based in 17 countries; eight different items were ordered by each researcher, both from their own country and from foreign sites.

Findings: sites were hard to find (though many well-known retailers have sites giving information about their companies, it can be difficult to find sites to actually buy from); product choice was limited; researchers had to call to find if the retailer delivered in their own country; poor information was provided

online; sometimes researchers were unknowingly rerouted to other sites; it was sometimes difficult to evaluate the price of items; delivery was frequently unreliable, with one item in ten not delivered at all; receipts accompanied only 44 percent of items; seldom was there a mention of applicable law; crucial contract terms were frequently missing. Privacy was a big issue as well.

Recommendations put forward by CI: a coordinated international approach is needed to formulate e-commerce guidelines; an internationally recognized labeling or certification scheme is necessary; third-party redress must be made available. Researchers generally felt there was no advantage to internet shopping, which proved more difficult and time-consuming than expected. Consumers International feels that self-regulation is good for attaining good practices, but this is only successful within a goal-setting legal framework. Furthermore, it does not in itself solve the jurisdiction problem, and the proliferation of codes and bodies can be messy. A coregulatory approach, with multi-stakeholder participation, is preferable.

General Discussion

A participant highlighted a statistic given by one of the speakers to the effect that 50% of Visa's cardholder complaints come from internet transactions though the net accounts for only 2% of card businesses. The participant noted that this shows there remains a significant problem with net shopping.

A participant asked whether anybody had done or intended to do research on what the consumer feels trust marks mean and how the perception compares to what they actually mean; there is a potential for deception. Ms Deleeuw responded that some research had been carried by Canadian Institute of Chartered Accountants (CICA) to look at the issue of how consumers feel about seals of trust; the finding was that they do indeed influence customers. The participant stated that if they are influential then that is all the more reason to study whether there is a disparity between perception and reality. Bruce Farquhar noted that it is important that consumers be able to distinguish between marks that assure the consumer of the quality of customer service and those in regard to the quality of products sold.

A participant pointed out that the CI survey was in regard to the purchase of physical goods only. There was some discussion about how bad the CI numbers really were.

A question was asked about how consumers have found out about Cybertribunal, and how many of the disputes have a cross-border element. Prof. Benyekhlef stated that the cases so far are heavily international in nature. About 80% have come from Europe. (Of those consumer-to-business disputes coming from Europe, most were between European businesses and European consumers.) There has been little publicity for Cybertribunal so far, though a greater publicity push in collaboration with Cybertribunal's partners is expected in 2000. The majority of cases are consumers vs. online merchants (including access providers).

BBBOnline's accessibility to Canadian businesses was discussed. The privacy seal is available to any complying company that sells to the US market. The Reliability program is really an extension of traditional BBB services. Canadian consumers can use the online complaints form to complain about any company. Also, various local BBBs are gradually posting all of their reports on the web; there are about 500,000 reports online right now, with 2.3 million awaiting posting.

There followed a discussion of who is involved in the development of the various codes. Ms. Deleeuw stated that a task force did some consumer surveys, and some of the businesses signing on to WebTrust have consulted with consumers. She also stated that the WebTrust auditors are specialists in information systems and assurance advisory services practices, so they are highly qualified to perform conformity assessment. Mr. Salter stated that the Reliability program was developed in 1996, by BBB's Board of

Directors. In regard to conformity assessment, that matter is left to the best judgment of the local BBBs, as well as the assessment of the national body. The Privacy program was developed with government; in this regard, the BBB also had the Trust-e model to work with and in addition spoke with some consumer groups in the Washington, D.C., area.   The draft Online Business Practices Code serves as an upgrade to the Reliability program; input and comments are welcome.

The matter of imposters and revocation was broached. Mr. Salter said that BBBOnline depends on consumer feedback to a large extent to prevent imposters and to determine whether revoking the right to use a seal is justified. Also, the clickable nature of the seal is a key to preventing fraudulent appropriation of it.

Third Session: Recent Standards Developments of Relevance to E-Commerce

Rae Dulmage, Standards Council of Canada, discussed the Canadian Standards Strategy and its relation to e-commerce. The increasing dominance of the electronic world, including e-commerce, raises issues for standards that previously were not so important; these include: service, user-friendliness and performance, after-market follow-up, warranty, and contracts. The Canadian Standards Strategy must contend with these issues. Mr. Dulmage is currently representing the SCC on the Telecommunications Standards Advisory Committee of Canada (TSACC) and is working on e-commerce standards through TSACC. Additionally, work is being carried out in the Joint Technical Committee 1 / Subcommittee 32 (JTC 1/SC32) on e-commerce standards, and through WGEC (Working Group on Electronic Commerce) of TSACC. Mr. Dulmage left it to Dr. Knoppers to provide more detail in this regard.

Pippa Lawson, Public Interest Advocacy Centre, discussed CSA-International's Model Privacy Code (CAN/CSA-Q830/96). In the early 90s, a multistakeholder process was started to develop a code for the protection of personal information. CSA took on the task. Ms Lawson said she was impressed with the way CSA ensured that it the development of the code was truly a multistakeholder process. Several long years of negotiation led to the registration of the code as a National Standard of Canada in 1996. The same year, the federal government announced its intention to legislate in the area. This probably explains why there's still only one registrant, though other organizations have adopted comparable policies.

The CSA representatives on ISO COPOLCO (the International Organization for Standardization's Consumer Policy Committee) convinced COPOLCO to recommend to ISO a standard that would be based on the CSA standard (1996).   Business has resisted such attempts because of the perceived cost of a new management standard. This is a serious problem, but we're now considering alterative courses of action. The Standards Council of Canada (SCC) could (like Australia did with its complaints handling standard) put it before ISO for a vote. Also, there are processes within ISO through which it could form the basis of a future standard. Also, Europe is moving forward, making clear that it intends to develop a regional standard that it will propose to put before ISO.

Sondra Bruni, Consumers Association of Canada, and representative on ISO COPOLCO, gave a rundown on last week's ISO COPOLCO meeting in Geneva. Two comments on the privacy issue: the Europeans are going forward with a privacy standard, which we wish to support. Also, those around the table encouraged Ms. Bruni, advising Canadian consumer representatives not to give up, but rather to push the SCC to call upon ISO's Technical Management Board to move forward in developing an international standard.

Also, in January the ISO COPOLCO will decide whether the Australian complaints handling standard will form the basis for an international standard. But it's not in the area of e-commerce, unfortunately. Nevertheless, ISO COPOLCO will be doing some research in that area.

Jake Knoppers, President of Canaglobe International, Inc., discussed the Canadian Standards Framework for Electronic Commerce and developments in international standards. He detailed the work already completed by the WGEC, a private/public sector committee tasked with developing the Canadian Standards Framework. He emphasized that it is important to get the basics right, before moving into specific technologies. Standards must focus on the "what" before the "how." Also, it is important to ensure consistency among and between levels of government and to use existing standards where possible. A number of discussion papers outlining the issues are online now, with more to come. Key results of the Canadian WGEC work have already been incorporated in international standards and are now out for balloting. He noted the importance of consumer protection related standards work being based on and using these "generic" business transaction/e-commerce standards.

During dinner, **Nick Jones**, of Chapters Online Inc., described the difficulties and challenges of running an online business, based upon the experiences of Chapters Online. He indicated that merchants had originally thought that the online activity would only take a very small team, but it has in fact blossomed into a very large operation. Consumers are very demanding: if they cannot get immediate access to the site, and immediate delivery, they will go elsewhere. Success in e-commerce depends upon meeting such demands.

FRIDAY MORNING, DECEMBER 3, 1999

Complaints Handling, Dispute Resolution and Voluntary Codes: Candidates for Consumer e-commerce standards?

Allan McChesney discussed his draft papers on the feasibility of standards in complaints handling, dispute resolution and voluntary codes in e-commerce. The purpose of the four papers and summaries was to act as a background and catalyst for participants' discussion. Mr. McChesney discussed how quickly the e-commerce scene can change, and highlighted many recent developments. Mr. McChesney then provided an overview of the findings in his studies. He stated that he believed that e-commerce standards are feasible, indicating why and how some consumer-related standards may be more feasible than others. [See reports and executive summaries, provided to all participants.]

A panel discussion was then held to discuss his findings. Participants were: Steve Salter, Jim Savary, Jenny Hillard, Amanda Maltby, Bruce Farquhar, and Karim Benyekhlef.

Jim Savary, York University and Consumers Association of Canada : The papers are variations on the theme of the usefulness of standards as a way of achieving consumer protection. The question is whether standards are the best way to go about the matter. Complaints handling and dispute resolution are on a continuum; complaints that are left unresolved become disputes. Standards provide more flexibility while providing the same protection. Mr. McChesney is probably right in assuming consumers would prefer legislation, feeling there can be no confidence in the system without legal redress. In this way, consumers are shortsighted. They may not be protected anyway, given the difficulties of taking on a company through legal routes. A standard for dispute resolution would be more effective. We can agree that an international standard is the best option. Mr. McChesney makes a strong case for standards, but not a good case for separate complaints handling and dispute resolution standards. The goal should be a single standard. Mr. McChesney's paper should contain more discussion on what a standard should look like. In the three papers, the question of standards and the implementation thereof was sometimes confused. Standards specify objectives but don't tell you how to get there. Implementation is best left to the marketplace; that is why the e-commerce principles are a guideline only. It would be worthwhile to know Mr. McChesney's view on the general shape of a code, which it seems is the ultimate goal of this exercise. It might also be worth discussing how a standard might emerge.

Jenny Hillard, Consumers Association of Canada: Ms. Hillard stated that standards and voluntary codes are credible if there is adequate input and wide representation in their development, and if they are auditable. She said she thought Mr. McChesney made a good case for standards. But how the standards are going to work is an important question. For e-commerce, an overarching standard is the best approach. It is true that business hates the idea of new management system standards. But if ISO 9000 (which has some strengths, is auditable, and acceptable to business) were extended to consumers, it could provide potential performance standards for consumers. A shortcoming is that ISO 9000 does not deal with SMEs. It is very costly to get audited. Then again, many of the systems presented yesterday are quite costly. When we see how much of the retail sector falls into the SME category, we see that there's a problem. The retail sector needs a holistic approach; conformity assessment is vital as well, especially for e-commerce.

Amanda Maltby, Canadian Marketing Association (CMA, formerly the Canadian Direct Marketing Association [CDMA]): The CMA has a code of ethics that is mandatory for CMA members; it includes standards of practice, and covers off the business/consumer relationship. The Association has also dealt with e-commerce (spam, disclosure of information-collecting practices). The CMA has also looked at marketing to children. CMA has a number of programs for consumers, including a suppression list and Operation Integrity. Also, CMA promotes the use of its logo.

CMA was very involved in developing the e-commerce national principles. It is in the Association's interest to have a harmonized, flexible approach. Without one, the fear is that businesses tempted to get into e-commerce might decide not to.

The Principles should be used as a launching board for consideration of ADR and complaints handling. CMA would be pleased to look into standards, though a global standard would be preferable.

Bruce Farquhar: There is no practical difference between complaints handling and dispute resolution; a holistic approach is preferable, because CH, DR and legal mechanisms are all part of redress. The Nordic countries, for instance dislike the ISO complaints handling proposal because of this; they use CH and DR schemes extensively. There are concerns that if there's an intra-company standard, then companies will say they don't have to comply with external ombudsman schemes.

Regarding codes of practice, there are concerns about who establishes them, who enforces them, and who evaluates them. It is important that existing schemes – Webtrader, etc. - be brought into standards and rendered consistent.

Also, it is important not to ignore what is happening in ISO, where the vote on the Australian CH scheme will take place in January.

Mr. McChesney's papers show the importance of collaboration. There is a need for better and more opportunities for this. Everyone – OECD, e.g. – is doing e-commerce, and consumers have got to get a handle on it.

Karim Benyekhlef: Prof. Benyekhlef noted his surprise at the speakers' obsession with standards. Standards are not a panacea. The CSA privacy code show this, for now there is a proposed law. Prof. Benyekhlef would prefer developing a set of general principles, principles which would be the subject of arbitration and conciliation processes. Such processes vary widely according to the practitioner, so it would seem difficult to establish proper standards for them. The obsession with order is illusory; remember that the rules are already there, they are developing spontaneously. So, while a general framework for dispute resolution (along the lines of the European approach) would be desirable, to go

from there to developing standards is not the right way to go. Standards are just one way of establishing norms among many.

Steve Salter: Mr. Salter saw CH and DR as the same things. Presuming that the purpose of a standard would be to provide consumers with confidence and business with guidance, there could be a competitive advantage for Canadians in having a standard and seal linked to it. But the American experience is that a standard on CH would not take, because it would be rejected by companies with excellent reputations for having already a good CH system in place.

DR, on the other hand, does not necessarily come naturally to a business, so DR may merit a place as a subset of general e-commerce standards. Meanwhile, many businesses are taking the ball and running with it, adding arbitration clauses, for instance.

Standard on voluntary codes: There's remarkable agreement on what these standards should contain. BBBOnline and the CSA privacy code have many common points, for example.
As well, there is agreement on critical elements: a recognizable seal, with a code of practice, access to redress and checks on the back end. Mr. Salter felt that an outcome worth considering would be to have the proliferation of national programs benchmarked against an international standard. In this way trusted local/national organizations could evaluate websites against a common global set of standards for e-commerce.

Allan McChesney provided his reaction to the comments of the speakers.
- Regarding implementation versus development of the standards, Mr. McChesney said he had been reluctant to discuss implementation at all, but found it difficult not to touch on it somewhat in order to discuss feasibility of the standards in the real world.
- Mr. McChesney noted that he had approached the issue in terms of a comprehensive standard when he first wrote on the subject in a 1998 paper.
- Pursuing links to ISO 9000 seems like a good idea. In Quebec, one thing that makes it easier for SMEs is the support of public bodies for standards.
- Amanda spoke of seals on online; it must be possible to take away the seal for non-compliance.
- Regarding the European Directive, Mr. McChesney is curious to hear to what extent there's meant to be cross border dispute resolution.
- It was interesting to hear the Cybertribunal perspective, given that it would seem to stand to gain from the proposed link to Cybertribunal in the Quebec document.
- Regarding Mr. Salter's point of view, it is notable that a great advantage of BBB is the recognizability of that logo (unlike, say, ISO or OECD).
- If there are to be many seals and only one standard, one must be sure that the international aspect of the standard does not result in its being less robust than it needs to be.

Questions, Comments from Participants:
Vic Boersma, Information Technology Association of Canada (ITAC), sympathized with Prof. Benyekhlef: we should not concentrate on the "how" -- rather, just establish what it is that consumers want and let businesses determine how to deliver that. This can create an environment such that Canadian business would really take off on the web. ITAC would like to work with consumers to achieve that. Mr. Boersma also stated that schemes such as WebTrust, ISO 9000, etc. are too costly for existing SMEs and those entering the market for the first time via the Internet.

Kay Ruddeforth, British Standards Institution (BSI), provided a British perspective. Regarding BS8600 and AS4269 (complaints handling), nowhere does it say that this standard is irrelevant for e-commerce.

They are designed for use by organizations of all sizes regardless of the nature of their activities or the nature of their complaint (citing BS standard). In the context of e-commerce, for instance, we would expect that complaints be accepted by email, and that information be given over the internet.

Regarding ISO 9000: SMEs are the big clientele in the UK (they do not seem to find it too expensive); we see companies specialized in e-commerce going for ISO9000, seeing it as a solution to give their consumers confidence.

Also, BS7799, Information Security Management, has already been adopted by several other countries, and by GTE in the US; it is on the fast track with ISO. It addresses the subjects being discussed today: confidentiality, integrity, availability of written, spoken and electronic information. There are ten sections; three are specific to IT, but other issues are also covered, such as security of personnel and physical security of information systems. It is being promoted by the Data Protection Commissioner fulfilling the new UK law in fulfilment of the European Data Protection Directive. BS 7799 realizes that can't get 100% security, so it is based on risk assessment, concentrating on organizations identifying risks in the organization. BSI is offering 3rd party certification to the standard. The BSI logo is being employed as a sign of security and trust. BSI is currently certifying the first internet bank to the standard.

Philippe Tousignant, Action réseau consommateur, felt that the driving force of a standardization initiative should be consumer protection, rather than branding. Laws remain important. Laws and standards should work together and not replace one another. Laws are not flawless, so standards can play a role in dealing with international aspects. Regarding seals, there is no meaning in ISO for consumers generally; we need to raise consumer awareness. What's different in the digital world is privacy. Privacy is very important; there should be more discussion of it in the paper, especially in regard to business-to-business transactions, which frame the business-to-consumer relationship. This is especially important, now that information can be moved across borders.

Mike Bourassa, SCC: A standard is a tool to assist the marketplace, so the supply and demand sides of this borderless market must both be assessed. Standards development is simply a platform, a process for players coming to agreement – both the supply side and the demand side. The trick for this group is to form a consumer voice in both sides. We want standards from the Canadian perspective to permit entry into the marketplace and address consumer confidence, and they must be borderless.

Jake Knoppers, Canaglobe International: Standards and seals are not new, there have been many examples throughout history. An open international market requires common rules. There is a need for an overarching framework: get agreement on the basics, respective of the type of business and then build layers upon that. Technology does not matter; agree on the whats, let business take care of the how.

John Buchanan, consumer/standards consultant, asked why we are even promoting e-commerce in Canada. It is not profitable for businesses, not easy for consumers, and 60% of every dollar goes abroad.

The goal of consumer protection policy generally is to balance inequalities in the marketplace. There are many commonalities between e-commerce and other traditional types of businesses, so of course BSI and Standards Australia don't exclude e-commerce! A standard should be a performance standard, dealing with privacy and security, include consumer redress mechanisms, some requirements for accuracy of information provided, some sort of conformity assessment and certification. It should also be international. So, where to go? ISO? It is probably not prepared to take it up unless we have a national standard, then bring it to them. This is not a difficult thing to do.

Martin Grosskof, CSA International: It is important to ask what the market drivers are. In business-to-

consumer e-commerce, there are two different business models: the brick and mortar ones that go online, as well as the web-based ones, the exciting ones, the ones that don't care about process issues. Many of the latter get their principal revenue from advertising, not consumers. Which type of model are we talking about? The good, traditional businesses resent the standards, feeling they don't need it. The standards like ISO 9000 are for supplier relationships, a model where the supplier is required to conform with the customer's requirements. So what are the market drivers in business-to-consumer e-commerce? Who is requiring the standard? If the goal of a company is just to attract eyeballs in order to sell advertising, then the ISO model may not be appropriate.

Jenny Hillard wished to emphasize that even though bad businesses will not last, they will hurt consumers in the meantime. And once they're out of business, consumers will have no access to redress. So we have to worry about the bad businesses.

Bob Kerton, Consumers Association of Canada: It is important to look for targets where standards will work, and where they will not. Where they will not, then other models may be more appropriate. For instance, we have "Quack Watch" to deal with some kinds of medical information on the web; that was the solution, rather than standards. Also, it is important to remember that an international solution will have to be found.

John McInnis, Consumer and Public Interest Committee (CPIC): Consumers want to be protected, but they want to have choice also. The costs of some of the web marks are very high. The dilemma is that if the costs are too high, competitiveness will go down. Why are those costs so high with existing net marks? There should be a cheaper way.

Steve Salter responded that there are less costly ways. E.g., WebTrust is extremely comprehensive assessment of complaint handling, processes, privacy , everything – it is truly an audit and is therefore quite costly, $10,000 for a small business. BBBOnline will cost about $400 for a small busienss. Privacy starts at $225, and goes up to max of $3000. Truste is similar in cost. I would credit Web Trust as the most thorough, but how effective it is is a good question, as in a year in business they've only got a few registrants.

Margo Langford, Canadian Association of Internet Providers, stated that consumers are in the driver's seat in many ways; they are clicking off from bad websites.

There was some discussion of the Ziff-Davis process, which is facilitating discussion among a broad range of groups with much business representation, and some consumer representation. This is endorsed by the US Commerce Department. People are allowed to vote online on a standard. The online visitors' vote is advice, however, not binding. The document is similar to that which was endorsed in Canada in November.

Dorothy Buchanan, consumer representative: Standards are great tools – the CSA hockey helmet logo, for instance is something to look for. But consumers do not look for ISO, even if it's important in business-to-business relationships.
Given the difficulty in regulating internet transactions, consumer education is vitally important. Since government is probably not willing to pay for this, then business should put some of the money they'd otherwise spend on standards into education. Money that it put into standards development is simply money spent by business for business, not for consumers.

Eric Iankelevic said that as far as he knew there is no general standard in the retail sector for return

policies, e.g,. Consumers have the choice, to choose which they prefer. There needs to be a differentiation among the products supplied (downloaded software is different from physical goods, for example.). The Canadian Chamber of Commerce would like to see a best practices seal encompassing three elements: best practices (based on the Canadian guidelines), privacy (based on the CSA code) and ADR mechanisms (where the consumer and business can't resolve the issue themselves). Thus, we get away from a confusing and cumbersome plethora of different seals.

Sue McGregor, consumer representative and educator, observed that the group is leaning to soft-law standards. She called upon the federal government to lobby the provinces strongly to implement consumer education. The number of internet purchasers is going to grow, so it is necessary to get ahead of the game which we can.

Rob Harper, Ontario Ministry of Consumer and Commercial Relations, responded to Mr. Iankelevic, saying that one role of government is to push back sometimes, to where the basic level is simply fairness, you need all different kinds of stores, different means of delivering services. Government has to recognize that sometimes it is impossible to regulate such matters too closely.

We are moving to a mass consumer market, we want to be ahead of the game, have it all in place (including education) for when the mass market comes. Time pressures are important: so an important question needs to be asked: in terms of what's developing, what's the need to develop high level standards and principles, versus low-level on the ground processes in the marketplace? There is a need for a process moving in both of those directions in a coherent fashion.

Pippa Lawson, as rapporteur: Summarizing the points of the preceding discussion:
- What is the goal: some points are made about our goal as consumer advocates. Some said we're not here to promote e-commerce: it's happening, so we don't need to promote it -- rather, we need to reduce the cost to consumers.
- Standards are already being developed, by industry, governments and multi-stakeholder groups, so the real question is, Do we need formal national or international standards for consumer protection in e-commerce, and do we want them?
- There is a need for standards which are useful and which can be used.
- Pippa had thought it was yes before the discussion began, but some people provided a note of caution to international standards: Karim spoke of what he perceived as the fetishism for standards that he saw among conference participants and the misplaced obsession with order, when spontaneous norms are developing as a result of consumer demand. Margot Langford seemed to indicate that market forces are sufficient. Dorothy Buchanan and Sue McGregor felt that education was also important.
- On the other side of the issue, there was a strong sense that there was a need for international standards, in particular standards *for standards*. Four points were made in that regard:
  - there is a confusing array of logos, and a need for standards for these;
  - an international standard would bring discipline to industry-developed standards, bringing them into line with multi-stakeholder developed standards which ensure consumer input;
  - they would bring consistency to nationally developed standards;
  - given that the issue is borderless, international standards are all the more important, helping us get around jurisdictional differences.
- Three specific elements came out of the discussion:
  - *1st issue: should it be process or outcome standards?* The consensus is that we should focus on results, that we focus on what we want, not how we achieve it. Leave process to the market. Pippa added that it's difficult to determine the

difference. Eg. Getting consent for personal data use: is that an outcome or process? Conceptually we agree to focus on results, but may differ on what is what.

- *2nd : a single standard or many?* The consensus is that we need a holistic approach, that a global standard is preferable, that it's difficult to separate CH from DR, and that they're part of a continuum. At the same time, there may be particular difficulties in regard to DR that may require its own separate subsection in a standard.

- *3rd: enforcement.* There is a need for an effective compliance mechanism; this is key, be it auditing, or complaints-based. Also, it is important to link all elements of consumer protection standards so that consistency and compliance are ensured. We also must make sure the standard is workable. There may be a need for different standards for different types of products; business needs to know in advance whether they will be used and useful.

Where to go from here?
- Bruce spoke of co-regulation in Europe. On the national level, Canada should look at this more closely. Internationally, we know the vote on the Australian CH standard will happen. It was noted that CH could be made part of ISO9000.
- Bruce spoke of other, less than full consensus-based processes, maybe we could come up with some principles that are less than full standards.
- It is important also to develop a platform for developing a domestic position to bring to ISO, as well as domestic implementation strategy.
- It will still be necessary to develop a way to handle the interjurisdictional legal question, for when consumers do end up in court.
- Education too is vital.

Kernaghan Webb wrapped up the conference, noting that a revised report would be forthcoming from Allan McChesney, as well as a summary of the workshop proceedings from Industry Canada. In conjunction with consumers, industry, government and standards officials, the Office of Consumer Affairs will be continuing work on the operationalization of the E-Commerce Principles in the New Year.

APPENDIX I

LIST OF PARTICIPANTS/LISTE DE PARTICIPANTS	
NAME/NOM	**ORGANIZATION/ORGANISATION**
Allard, André	Office de la protection du consommateur
Angers, Gilles	Office de la protection du consommateur
Bank, Jeanne	CSA International / CPIC
Barnes, Michael	Consumer Consultant
Barry, Colin	Office of Consumer Affairs, Industry Canada
Benyekhlef, Karim	Université de Montréal-Cyber-Tribunal
Bériault, Francine	Industry Canada
Boersma, Vic	Information Technology Association of Canada
Bourassa, Mike	Standards Council of Canada
Brown, Erika	CSA International
Bruni, Sondra	Consumer & Public Interest Committee
Buchanan, Dorothy	Consumer Representative, CSA International
Buchanan, John	Consultant
Burger, Dalton	Competition Bureau, Industry Canada
Campbell, Craig	Industry Canada
Clarke, David	Office of Consumer Affairs, Industry Canada
D'Alimonte, Anthony	Bell Canada
Deleeuw, Tracey	Ernst & Young / WebTrust
Desforges, Jannick	Option Consommateurs
Dulmage, Rae	Standards Council of Canada
Everhardus, Elizabeth	Consumer & Public Interest Committee
Farquhar, Bruce	ANEC - European Consumer Standards Organization
Ferguson, Peter	Industry Canada
Flood, Tony	Consultant, A.J. Flood & Associates

NAME/NOM	ORGANIZATION/ORGANISATION
Goudge, Bert	Consumer Representative / CSA International
Gouin, Irene	Consumers' Association of Canada
Grosskof, Martin	CSA International
Handfield, Lyle	Certified General Accountants
Harper, Rob	Ontario Ministry of Consumer and Commercial Relations
Hillard, Jennifer	Consumers' Association of Canada
Iankelevic, Eric	Cdn Council for Int'l Business/Cdn Chamber of Commerce
Illingworth, Jay	Industry Canada
Jenkin, Michael	Office of Consumer Affairs, Industry Canada
Jones, Jean	Consumers' Association of Canada
Jones, Nick	Chapters Online Inc.
Kerton, Bob	Consumers' Association of Canada
Knoppers, Jake	Canaglobe International Inc.
Langford, Margo	Canadian Association of Internet Providers
Lawson, Pippa	Public Interest Advocacy Centre
LeClair, Chris	Facilitator, Strategic Policy Choices
Maltby, Amanda	Canadian Marketing Association
McChesney, Allan	Consultant
McGregor, Sue	Mount Saint Vincent University
McInnis, John	Consumer and Public Interest Committee
Melnyk, Max	Consumer Representative-CAC/CSA International
Nielsen, Elizabeth	Health Canada
Radford, Judith	Consumer Representative - CSA International
Ringor, Cheryl	Industry Canada
Routledge, Linda	Canadian Bankers Association
Royer, Alain	Bureau de normalisation du Québec
Ruddeforth, Kay	British Standards Institution

NAME/NOM	ORGANIZATION/ORGANISATION
Salter, Steven	BBBOnLine
Savary, Jim	York University
Schellinck, Tony	CAC/DEVCO-Dalhousie School of Business
Shepherd, Jennifer	Consumers' Association of Canada
Simpson, Marjorie	Manitoba Ministry of Consumer & Corporate Affairs
Soper, Marg	Consumer Representative - CSA International
Tousignant, Phillipe	Action réseau consommateur
Vallée, Marie	Videotron
Waite, David	Office of Consumer Affairs, Industry Canada
Webb, Kernaghan	Office of Consumer Affairs, Industry Canada
Wilson, Allan	Standards Council of Canada
Woolford, Peter	Retail Council of Canada

APPENDIX II

Agenda – Final Version

Consumers and Standards Workshop

Thursday Afternoon, December 2, and Friday, December 3, 1999 (morning)

Valhalla Inn, Toronto (near Pearson International Airport)

A Multi-Stakeholder Session Exploring the Feasibility of Developing ISO Electronic Commerce Standards for Consumers,

Sponsored by the Office of Consumer Affairs, Industry Canada

Note: simultaneous translation will be provided throughout the workshop

Audience: Mix of 50 - 60 Consumer Representatives, Government, Industry and Standards Officials

Objectives:

!   Obtain input on draft Feasibility Studies concerning Electronic Commerce Standards for Consumers (copies of the draft studies will be provided to participants in advance of the Workshop)
!   Obtain input on draft Handbook for Consumer Volunteers in the Standards Process (a copy of the draft Handbook will be provided to participants in advance of the Workshop)
!   Increase stakeholder understanding of the strengths and weaknesses of the standards process for the development and implementation of consumer-oriented standards
!   Provide a networking opportunity for consumer, industry, government and other stakeholders vis-a-vis standards activity
!   Provide general information about the standards system, standards development organizations, the Standards Council of Canada, the ISO Consumer Policy Committee (COPOLCO), Industry Canada, Health Canada (in relation to consumer policy and standards activity)

Exploring the Feasibility of Developing Consumer Electronic Commerce Standards Through the Standards System

(Workshop is divided into two parts: on Thursday afternoon, panel discussions will take place concerning recent developments in consumer protection in electronic commerce, from governmental, consumer group, private sector and standards perspectives. This will serve as a context-setting session for the Friday morning examination of three draft feasibility studies exploring the viability of consumer complaints handling, dispute resolution, and voluntary codes ISO standards for e-commerce. On Friday afternoon, a workshop concerning a draft Handbook for consumer standards volunteers will take place. It is recognized that the audience for the Friday afternoon session might differ in some respects from that for the preceding e-commerce feasibility session).

Thursday Afternoon, Dec. 2, 1999 – Setting the Stage: Recent Consumer E-Commerce Developments

12:00 - 1:00   ***Registration and Lunch*** – Scandia Room

1:00 - 1:05 pm   ***Welcome/Introductions*** – Michael Jenkin, Director-General, Office of Consumer Affairs (OCA)

1:05 - 1:10 pm   ***Context Setting, and Genesis and Process of the E-Commerce Standards Feasibility Project*** (Kernaghan Webb, OCA)

1:10 - 2:20 pm   ***Recent Government-Initiated E-Commerce Developments***
      - ***The OECD Consumers and E-Commerce Guidelines, and Canadian "Principles of Consumer Protection for E-Commerce"*** (David Waite, OCA)
      - ***Digital Signatures, Cryptography and other Incidental Legal/Policy Developments*** (Peter Ferguson, Industry Canada)
      - ***The Federal Personal Information Protection Bill (C-6)*** (Pippa Lawson, Public Interest Advocacy Centre
      - ***Québec Consumer Protection Office (OPC) initiatives*** (André Allard, OPC)
      - ***United States Government Consumer E-Commerce Initiatives*** (Steven Salter, BBBOnLine)
      - ***Draft European Union E-Commerce Directive and other Euro-Governmental developments*** (Bruce Farquhar, ANEC, the European Consumer Standards Organization)
      - ***Business Perspective on Implementation of the OECD Principles and the Canadian Principles*** (Eric Iankelevic, Canadian Council for International Business/Canadian Chamber of Commerce)

2:20 - 2:50 pm   ***Questions Concerning Government Initiatives***

2:50 - 3:00 pm   ***Break***

3:00 - 4:00 pm   ***Recent Private Sector and Non-Governmental Organization-led Initiatives***
      - ***The Better Business Bureau's BBBOnLine Program*** (Steven Salter, BBBOnLine)
      - ***The Canadian Chartered Accountant's Web Trust Initiative*** (Tracey DeLeeuw, Ernst & Young)
      - ***UK Consumers Association's Web Trader Initiative*** (Michael Barnes, U.K. Consumer Consultant)
      - - ***University of Montreal's Cyber-Tribunal/eResolution Project*** (Karim Benyekhlef, Universite de Montreal)
      - ***Trans-Atlantic Consumer Dialogue*** (Bruce Farquhar, ANEC)
      - ***Global Business Dialogue*** (Anthony D'Alimonte, Bell Canada)
      - ***Consumers International E-Commerce Survey*** (Irene Gouin, Consumers' Association of Canada)

4:00 - 4:30 pm   ***Questions Concerning Business/NGO-led Initiatives***

4:30 - 5:15 pm   ***Recent Standards Developments of Relevance to E-Commerce***
      - ***The Standards System, the Canadian Standards Strategy, and Consumers*** (Rae Dulmage, Standards Council of Canada)
      - ***The Consumers and Standards Global Marketplace Standards Project, and recent developments concerning ISO fast-tracking of the Australian Complaints Handling Standard*** (Sondra Bruni, CPIC)
      - ***The CSA Privacy Standard, and efforts towards an international privacy standard*** (Pippa Lawson, PIAC)
      - ***Other recent consumer-relevant developments in e-commerce and international standardization*** (Jake Knoppers, Canaglobe International Inc.)

5:15 - 5:35 pm   ***Questions Concerning Recent Standards Developments***

5:35 - 5:45 pm   ***General Discussion Concerning Recent Initiatives and Wrap-up***

6:00 - 7:00 pm   ***Cash Bar/Reception***

7:00 - 9:00 pm   ***Supper – Guest Speaker: Nick Jones, Chapters Online Inc. E-Commerce Evangelist***

Friday Morning, December 3, 1999 – Complaints-Handling, Dispute Resolution, and Voluntary Codes: Candidates for Consumer E-Commerce Standards?

8:00 - 9:00 am   *Breakfast*

9:00 - 9:05 am   *Overview of Morning Process* – Facilitator (Chris LeClair, Strategic Policy Choices)

9:05 - 9:45 am   ***Presentation: The Feasibility of Developing Standards on E-Commerce Complaints Handling, Dispute Resolution and Voluntary Codes*** (Allan McChesney, Consultant)

9:45 - 10:30 am   ***Comments from Steve Salter*** (BBBOnLine), ***Jim Savary /Jenny Hillard*** (CAC), ***Amanda Maltby*** (Canadian Marketing Association), ***Bruce Farquhar*** (ANEC), ***Karim Benyekhlef*** (Cyber-Tribunal/eResolution)

10:30 - 10:45 am *Break*

10:45 - 12:00 pm ***Questions from Floor concerning the feasibility of Developing Standards Pertaining to E-Commerce Complaints Handling, Dispute Resolution, and Voluntary Codes***

12:00 - 12:30 pm ***Rapporteur's General Comments*** (Pippa Lawson, PIAC) ***and Wrap-up***

12:30 - 1:30 pm   ***Buffet Lunch*** -- Scandia Room