

# Interchange of Ideas, Experience and Precedents for Better, Faster and More Cost-Effective Dispute Resolution

## The Telecom Dispute Resolution Database Pilot



## The importance of dissemination of precedents

The global telecommunications sector is in the process of continual change brought about by technological innovation and convergence, liberalization and dynamic private sector participation. These trends have contributed to economic growth and improved sector governance, while also producing an increasing number and variety of disputes that call for better, faster and more cost-effective resolution. The purpose of this database is to facilitate the interchange of ideas, experience and precedents among interested stakeholders around the world in order to promote a better application of effective dispute identification and dispute resolution techniques.

Telecommunications regulation and telecommunications dispute resolution are relatively new disciplines in most of the world. As a result, many regulators either do not have a developed body of domestic precedents or do not have ready access to precedents from other regulators in other countries to assist them in resolving disputes or making decisions. The result, in some cases, is that regulators and dispute resolvers labouriously reinvent the wheel, when they could be relying more on the experience and approaches developed in other jurisdictions.

Countries with a longer tradition of regulatory decision-making, as well as many with newer ones, normally publish decisions in paper format, and increasingly in electronic format, on their websites. These decisions provide important precedents for the domestic telecom sector that is governed by them.

However, more effort and resources could clearly result in improved access to precedents by regulators and other dispute resolvers. These efforts can be taken by national or international organizations. Each regulator, dispute-resolver and/or dispute resolution organization can

play a role by simply documenting and publishing information on their proceedings. As in legal jurisprudence, good precedents will be recognized by dispute resolution professionals and become international benchmarks.

Following are a summary of some statistics on the current sources and availability of telecommunications dispute resolution precedents, as well as an introduction to the searchable, web-based, multilingual database of decisions currently being developed jointly by the International Telecommunication Union and the World Bank with the assistance of LexUM and funded by PPIAF.

Access to international best practice through a global database will make decision-making processes more efficient by optimizing resources, facilitating information sharing thus improving the capacity of dispute resolvers.

A demonstration version of the database is being presented at the 2004 GSR. Comments on the database are welcome and can be directed to

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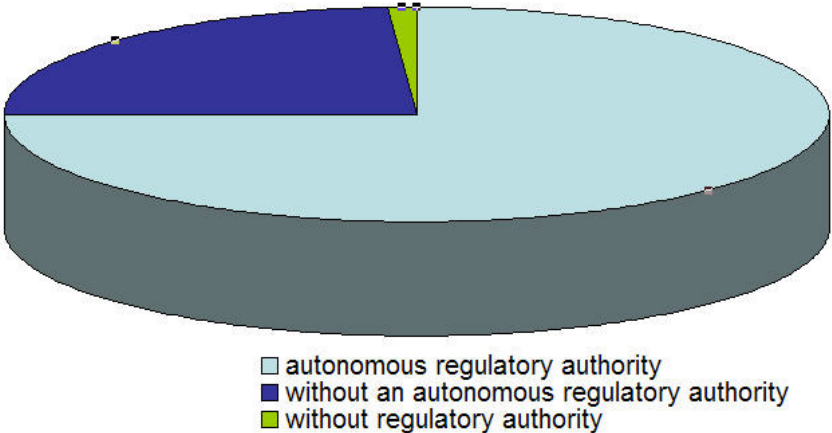
or to the e-mail list-serve at

<https://lists.lexum.umontreal.ca/mailman/listinfo/tdr-database>

# Current state of accessibility of precedents

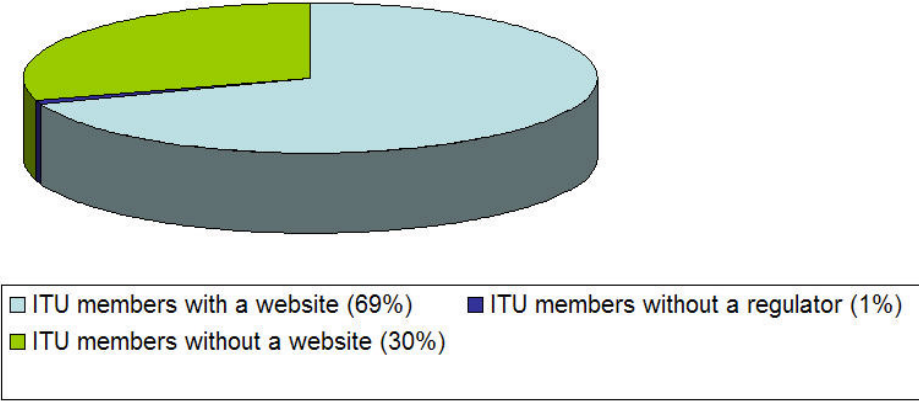
## Regulatory Authorities

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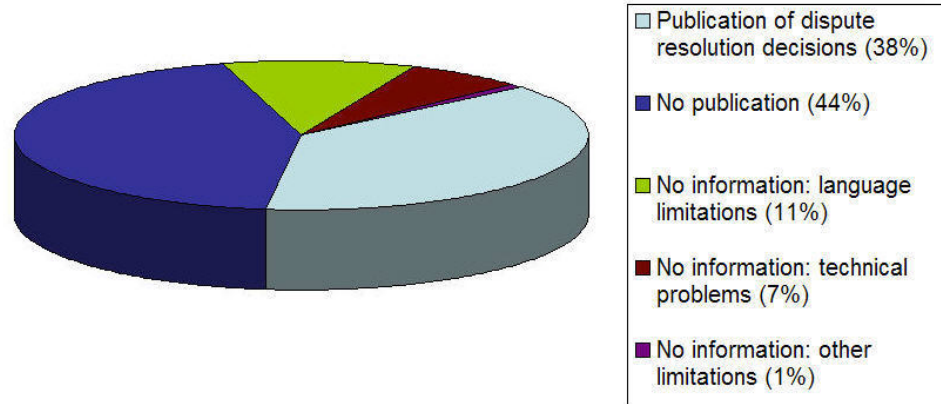
## Website Availability

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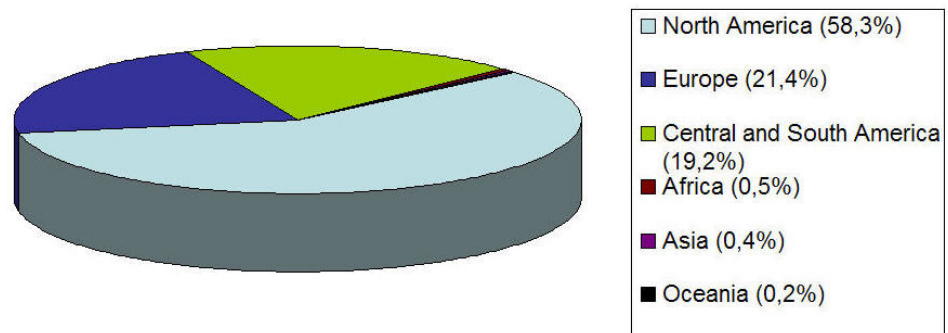
Access to Decisions: 131 countries

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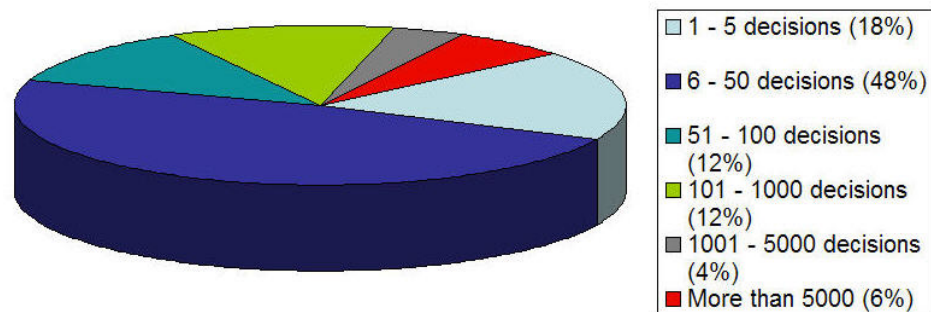
Published Decisions by Region: 38,000 decisions

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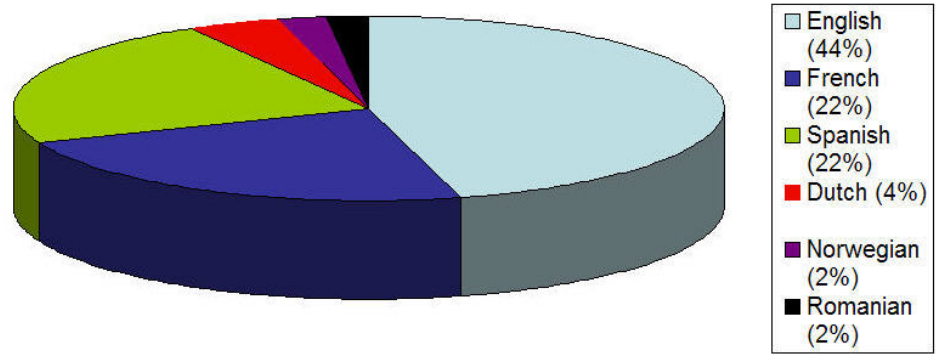
Number of Published Decisions (50 countries)

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Language of Published Decisions (50 countries)

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## The Telecom Dispute Resolution Database Pilot Project

<http://itu.lexum.umontreal.ca>

Database Main Features:

- Decisions from all ITU members' Regulatory Authorities
- Global web search engine
- Database local search engine
- Multi-Lingual facility
- Chronological and topical access
- Distant and central content management possibilities
- Uniform reference system

TDR Database  
 TDR Web  
  
  
[\[Advanced Search\]](#) [\[Help\]](#)

**News**

[Global Symposium for Regulators, Geneva, Switzerland \(8-10 December 2004\)](#)

[Growth in Telecom continues in October 2004 \(8 November 2004\)](#)

[High-speed Market Analysis \(5 November 2004\)](#)

**Thesaurus**

Enter a word specific to telecommunication regulation to obtain its definition and translation in English, French and Spanish

   
[\[Browse thesaurus\]](#)

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**Norms**

Access ITU Dispute Resolution Committee documentation:

- [Decision Preparation Committee](#)
- [Neutral Citation Committee](#)
- [Syndication Committee](#)

This website uses RDF technology

### Browse Database by Theme

- |  |   |  |
|--|---|--|
| <p><u>Government authorization</u></p> <ul style="list-style-type: none"> <li>▪ <a href="#">Licenses, Concessions and Authorizations</a></li> <li>▪ <a href="#">Auctions</a></li> <li>▪ <a href="#">Payments</a></li> </ul>  | <p><u>Interconnection</u></p> <ul style="list-style-type: none"> <li>▪ <a href="#">Agreements</a></li> <li>▪ <a href="#">Tariffs / Prices / Charges</a></li> <li>▪ <a href="#">Technical and Operational Issues</a></li> <li>▪ <a href="#">Quality of Services</a></li> </ul> | <p><u>Limited Sources</u></p> <ul style="list-style-type: none"> <li>▪ <a href="#">Numbering</a></li> <li>▪ <a href="#">Frequencies</a></li> <li>▪ <a href="#">Spectrum</a></li> <li>▪ <a href="#">Payments</a></li> </ul> |
| <p><u>Anticompetitive Behaviors</u></p> <ul style="list-style-type: none"> <li>▪ <a href="#">Abuse of dominant position</a></li> <li>▪ <a href="#">Unfair competition</a></li> <li>▪ <a href="#">Discrimination</a></li> <li>▪ <a href="#">Mergers and acquisitions</a></li> </ul> | <p><u>Technical Issues</u></p> <ul style="list-style-type: none"> <li>▪ <a href="#">Quality of Services</a></li> <li>▪ <a href="#">Technical Standards</a></li> <li>▪ <a href="#">Equipment approvals</a></li> </ul>  |  |

### Browse Database by Region or Member Countries

<p><a href="#">Africa</a></p> <p><a href="#">Australia and Oceania</a></p> <p><a href="#">East Asia and the Pacific</a></p>	<p><a href="#">Eastern Europe and Central Asia</a></p> <p><a href="#">Latin America and the Caribbean</a></p> <p><a href="#">Middle East and North Africa</a></p>	<p><a href="#">North America</a></p> <p><a href="#">South Asia</a></p> <p><a href="#">Western Europe</a></p>
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