

CPA and Dispute Resolution

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1 Introduction

This note explores the options for the use of the OASIS/ebXML Collaboration-Protocol Agreement (CPA) in the dispute-resolution process.

In this note, the term “economic agreement” or “economic business process” refers to business processes whose purpose is the creation of economic value in order to distinguish between the economic business process and the dispute-resolution process.

2 Basic Premises

- Dispute resolution is a business process
- The choreography of a dispute-resolution process can be expressed by an instance document of the ebXML Business Process Specification Schema.
- A CPA can express the information-technology information governs message exchange for dispute resolution in the same way as for any business process.
- Dispute resolution applies to any business agreement (paper or electronic) including the CPA.

3 CPA Overview

The CPA contains elements and attributes that define the various aspects of message exchange such as security, packaging, message-exchange protocol, and lower-level transport protocol. Its CollaborationRole element references the BPSS instance document that defines the application program interfaces and choreography.

4 Dispute-Resolution CPA

A dispute-resolution CPA is a standard CPA that references one business process, the dispute-resolution process, which is described by a BPSS instance document. The dispute-resolution CPA points to the agreement that it governs. That agreement could be another CPA or some other kind of agreement.

Either a specific element or an extensibility element would be needed in the CPA to enable it to reference the agreement that the dispute-resolution process applies to.

A CPP might include multiple dispute-resolution processes to enable two parties to select a mutually acceptable process when they negotiation the dispute-resolution CPA.

This is the simplest case. It is especially suited to the case where the agreement that the dispute-resolution CPA governs is a paper agreement. Other options below are richer in function for electronic agreements.

5 Combined Economic and Dispute-Resolution CPA

A combined economic and dispute-resolution CPA combines the economic business process definition and the dispute-resolution definition in a single CPA. In this section, we discuss the case in which an economic CPA references a single business process (BPSS instance) or multiple business processes all of which are subject to the same dispute-resolution process.

Dispute resolution can be introduced by adding an additional CollaborationRole element that references the BPSS instance for the dispute-resolution process. For comprehensibility, it would be useful to introduce a new element name, such as DisputeResolutionRole, that enables distinguishing between the dispute-resolution process and the economic business processes. It references the dispute-resolution BPSS instance. The DisputeResolutionRole element is functionally identical to the CollaborationRole element except for the name of the top-level element.

A CPP for the combined economic and dispute-resolution agreement might contain more than one DisputeResolutionRole element. Each represents a different dispute-resolution BPSS instance that is acceptable to this party. The CPA composition/negotiation process would select one DisputeResolutionRole element that is acceptable to both parties.

Except for changing the name of the CollaborationRole element that identifies the dispute-resolution process, this approach requires no changes to the CPPA specification.

6 CPA with Multiple Economic Processes and Multiple Dispute-Resolution Processes

The case discussed in Section 0 can be extended to cover an agreement with multiple economic processes and multiple dispute-resolution processes. Each dispute-resolution process would be described by a separate DisputeResolutionRole element. Each DisputeResolutionRole element would refer to one or more CollaborationRole elements in the same CPA. ID and IDREF attributes could be added for this purpose. The addition of these ID and IDREF attributes is the only change needed to the CPPA specification for this case.

As in the case described in Section 0, each party's CPP would contain multiple DisputeResolutionRole elements. The parties would negotiate the DisputeResolutionRole element to be used with each CollaborationRole element.

7 Further Discussion of DisputeResolutionRole element

It will be observed that since the CollaborationRole and DisputeResolutionRole elements are under the PartyInfo element in the CPA, separate references to a given BPSS instance appear under parties' PartyInfo elements. This is necessary because the two parties play different roles

in each business process and the party-specific information under these elements differs for the two parties.