

Domain Name Commission NZ

Domain Name Dispute Resolution in .NZ - Portable Response

Portable is a design and technology company that tackles complex problems with government and for-purpose organisations. We are a team of 45 constantly-curious individuals with a strong interest in how technology and service design can improve access to justice.

We have worked with clients across the justice sector to research and design new and innovative ways to improve the experience of people engaging with the justice system. This work has included the development of [Courtsight](#), a court ticketing and wayfinding application and a web application called [YourCase](#) that provides guidance to people applying for Family Violence Intervention Orders,

After our success in implementing technology to improve the experience of court for Victorians, we saw an opportunity to build accessible, cost effective and user-centred methods for resolving disputes with technology. Our work in ODR has seen us:

- develop resolution workflows for the Fair Work Ombudsman (Aus) and the Liberia National Media Council
- conduct user research for the VCAT (Vic) ODR small civil claims pilot
- explore possibilities for resolving human rights complaints online with the Victorian Equal Opportunity and Human Rights Commission
- build a web app to help injured workers communicate and automatically resolve disputes with insurance agents for WorkSafe (Vic)
- and develop an [Online Dispute Resolution tool](#) to enable separated couples to reach property settlement agreements and draft parenting plans for National Legal Aid (support by the Attorney-General's Department).

1. What does an ideal user experience look and feel like?

We found through the past few years of designing, building, and testing ODR products that a good user experience is not just about applying technology--although that's an important part. Even though there are best practice techniques and principles to consider, every user experience is unique. Designing for a particular problem type or user requires an in-depth research and consultation phase in order to ensure any organisation builds technology people will actually want to use.

For this reason, we recommend implementing human-centred design in ODR product development. This can be done through a variety of methods, including user interviews, co-design workshops and user testing. In our experience, human-centred design is vital to empathise with the user in order to understand them and the problem, generate ideas to solve the problem, prototype solutions to test, and then learn and iterate based on how effectively the solution addresses their needs.

Well-designed user experiences for ODR can take many forms, but in our experience the most significant are experiences that provide context, education, structured dialogue, and support throughout the process for both parties--as well as key takeaways and offline integrations so users who aren't tech-savvy or willing to go through the process online won't be disadvantaged. This can be done through well-constructed messaging to help disputants declare the key facts, nudging to manage their timelines, prompts and reminders to include important details, and leveraging artificial intelligence to help provide guidance and objective benchmarks.

Court and government technology solutions need to create user experiences that resemble what people like about commercial technology. In our experience, this looks like tech solutions that allow for asynchronous communication that allows the parties to tell their story wherever they are, on their own time.

2. Who do you trust to hear domain name disputes, and why?

National authorities are generally considered more trustworthy and authoritative than state-based or private organisation. A challenge for the Domain Name Commission NZ will be to balance communicating authoritative, relevant content while designing a user-friendly system that's not stuffy or legalistic, as well as to build effective connections and referrals to adjacent dispute resolution agencies and jurisdictions.

3. Would you rely on a dispute resolution decision if it was machine generated?

We developed an early iteration of a machine learning algorithm in our online dispute resolution tool for recently separated couples that will automate existing court processes. At first, we were concerned that people may not trust an automated decision-making feature within the app, or that the sentiment analysis software we incorporated into the communication tool to regulate aggressive or abuse language may seem overbearing and paternalistic.

However, beta testing participants who had previously been through a property settlement process were largely receptive to the idea of an objective, automated decision-making tool. Through user testing, we learned that many people would be more trusting of an authoritative automated system than human intervention, due to the perception that automated, data-driven decision making has the potential to be more objective and consistent than what they've experienced in court or mediation.

We've since replicated this process to build machine learning models using historical data measured against user input as a way to provide automated decision making for simple claims or triage for more complex claims. We've tested this concept across multiple jurisdictions and contexts and found overwhelming support for automated guidance, triage, and decision making as long as the process was clearly explained, the model is transparent, and users are provided with the possibility to follow up with someone if they believe there's been a mistake.

For the purpose of domain name disputes, there may not be sufficient records of historical data to draw on to create machine generated guidance (unless there was a simple rules-based system). DNC NZ could explore building a custom data set that collects actual decision making data from practitioners using hypothetical scenarios.

4. What is your experience dealing with us, or with other overseas or online dispute resolution services?

We have had any experience dealing with the DNC NZ yet.

5. What are some ways to make our process more accessible, faster, more comfortable and fairer than it is today?

To make domain name dispute resolution more accessible, DNC NZ should design a process that allows for online as well as offline filing and appearances. The online process should allow for document uploads, access over multiple devices and browsers, and include support services and translation options.

Further, automating some of your existing processes, including data transfers for repeated form fields and creating user flows to expedite decisions on simple claims will help make the process far faster and more effective. This automation should be coupled with manual review when necessary to ensure fairness.

Finally, designing new technology also carries the benefit of providing opportunities for organisations to research and map out the current workflow and understand gaps and inefficiencies in order to design a better system.

6. What do you think of the current set up? Are our timeframes, fees, and handling up to scratch?

We have had any experience dealing with the DNC NZ yet.

7. Are there any self-service approaches to handling disputes that you'd recommend?

Although communicating and resolving a dispute is at the core of ODR technology, it's not the only service you can provide to users. Online dispute resolution should also be supported by online self-help resources explaining the legislation and the process as well as easily searchable materials and referrals. People who are experiencing issues around domain name registration should be able to learn more about their issue and their options for resolution from an online resource before engaging in ODR.

8. What new technologies should be trialed?

As mentioned above, machine learning models and neural networks can be really useful in leveraging existing data to automate processes and provide predictive guidance for users or decision makers. Given the unique nature of the ODR space, these solutions are best custom designed. Other kinds of technology that should be explored for an ODR product include video conferencing, messaging (with sentiment analysis), document uploads, and e-filing.