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“UNPLEASANT VIBRATIONS IN TRANSNATIONAL VIRTUAL WORLD - POLICING THROUGH ODR FOR SERENE ECONOMIC JUSTICE”

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ARTICLE

INTRODUCTION:

Today the global peace is mostly dependent on virtual world and relationships on line. A virtual world is an online community that takes the form of a computer-based simulated environment through which users can interact with one another and use and create objects¹. The term has become largely synonymous with interactive 3D virtual environments, where the users take the form of avatars visible to others².

The concept of virtual worlds significantly predates computers. The Roman naturalist, Pliny the Elder, expressed an interest in perceptual illusion³. In the twentieth century, the cinematographer Morton Heilig explored the creation of the Sensorama, a theatre experience designed to stimulate the senses of the audience—vision, sound, balance, smell, even touch (via wind)--and so draw them more effectively into the productions⁴

Among the earliest virtual worlds implemented by computers were virtual reality simulators, such as the work of Ivan Sutherland. Such devices are characterized by bulky headsets and other types of sensory input simulation. Contemporary virtual worlds, in particular the multi-user online environments, emerged mostly independently of this research, fueled instead by the

¹Bishop, J. (2009). Enhancing the understanding of genres of web-based communities: The role of the ecological cognition framework. *International Journal of Web-Based Communities*, 5(1), 4-17. Available online

² Cook, A.D. (2009). A case study of the manifestations and significance of social presence in a multi-user virtual environment. MEd Thesis. Available online

³ ^ Pliny: A Virtual World¹^{dead link} Biocca & Levy 1995, pp. 6–8

⁴ "A Virtual World". Itleadership.org. 2010-10-20. Retrieved 2012-07-29.

gaming industry but drawing on similar inspiration.⁵ While classic sensory-imitating virtual reality relies on tricking the perceptual system into experiencing an immersive environment, virtual worlds typically rely on mentally and emotionally engaging content which gives rise to an immersive experience.

ECONOMY & GLOBAL RELATIONSHIPS:

A virtual economy is the emergent property of the interaction between participants in a virtual world. While the designers have a great deal of control over the economy by the encoded mechanics of trade, it is nonetheless the actions of players that define the economic conditions of a virtual world.

The value of objects in a virtual economy is usually linked to their usefulness and the difficulty of obtaining them. The investment of real world resources (time, membership fees, etc.) in acquisition of wealth in a virtual economy may contribute to the real world value of virtual objects. This real world value is made obvious by the trade of virtual items on online market sites like eBay or IGE for wow gold⁶. Recent legal disputes also acknowledge the value of virtual property, even overriding the mandatory EULA which many software companies use to establish that virtual property has no value and/or that users of the virtual world have no legal claim to property therein.⁷

Some industry analysts have moreover observed that there is a secondary industry growing behind the virtual worlds, made up by social networks, websites and other projects completely devoted to virtual world's communities and gamers. Special websites for gaming, trade, business activities have launched in virtual world and are facing some crucial issue as the Data Portability

⁵ *abc* Castronova 2005

⁶ "CNN.com - Material gains from virtual world - Oct 25, 2004". CNN. 2004. Retrieved 2004-10-25. "The Decline and Fall of an Ultra Rich Online Gaming Empire". *Wired*. 2008-11-24.

⁷ Sinrod, Eric J. "Virtual world litigation for real", "Cnet News", June 13, 2007. Accessed March 6, 2008. "IGE Sued by World of Warcraft Player". *EscapistMagazine*. 2007-06-01.

of avatars across many virtual worlds and MMORPGs.⁸ Virtual worlds offer advertisers the potential for virtual advertisements.

E-COMMERCE OR ECONOMY ONLINE:

A number of virtual worlds have incorporated systems for sale of goods through virtual interfaces and using virtual currencies. Transfers of in-world credits typically are not bound by laws governing commerce. Such transactions may lack the oversight and protections associated with real-world commerce, and there is potential for fraudulent transactions. Civil and criminal laws exist in the real world and are put in place to govern people's behavior. Virtual Worlds such as Eve Online and Second Life also have people and systems that govern them⁹.

DISPUTE SETTLEMENT THROUGH ODR:

The tardy judicial locomotion compelled the evolution of alternate dispute resolution, though not displacing conventional court system, and the impatient litigation-gentry demanded the instantaneous solution and agreed-justice, on the soil and in the space. ie., through On line Dispute resolution or ODR.

Computers revolutionized the 20th. Century scientific advancement and Internet ignited the pace of human interaction throughout the globe. 'Citizen' is dwarfed and 'Netizen' is magnified in 21st. century. Man is replaced by machine. 'Documentation' of human activities and human relations was the tale of yester years, and 'wit and/or war in formless air' is the unique pace of the present system of negotiations and human connectivity, and we have moved from a world of calculation to a world of simulation, from an image of the computer as something that calculates and computes to an image of a machine that interacts with us continuously and helps us define our identities. With these whirl-wind changes, Law is briskly associated. Truly, Law is dynamic.

With this explosion of activity and collaboration in Cyberspace and with the corresponding rise of what many call "virtual communities" on the Internet comes the certainty of online conflict

⁸ Brady Forrest, "Wow and Cottage Industries", O'Really Radar, December 4, 2006

⁹ *a b c* Haskins, Walaika (July 31, 2008), Who polices Virtual Worlds? Access date: February 2013.

and disputes. Indeed conflicts are inevitable in any community. The fundamentally unique nature of Cyberspace, however, raises important and difficult questions for lawyers and policy-makers as to how to regulate this "virtual" space and how to resolve the disputes which have and undoubtedly will continue to occur in Cyberspace.

For many, Cyberspace is much more than a computerized Yellow Pages or a place to get a 24-hour weather update. Instead, it has taken on many of the characteristics of community, replete with community-specific customs, needs, and desires. It is crucial that the architects of a dispute design model study and understand these communities before transplanting a model of the "real world" dispute resolution into Cyberspace.

Most residents of CYBERIA "would rather be subjected to the judgments of their own virtual community than the laws of a physical place far away from where they live." As a virtual community, Cyberspace differs from real space and those differences matter in the construction of an effective dispute resolution system.¹⁰ As on-line culture has become an integral part of modern existence, so has also emerged diverse ramifications of the same- commerce, regulations, exchange of money and thoughts, leisure academics. But another extremely important feature of net civilization and web behavior is the emergence of tremendous disputes, differences, fights and controversies on the Internet relating to varied aspects of ON-LINEISM. The resolution of these cyber disputes has emerged as an extremely important challenge. Courts of law do not present a practical option for reasons more than one:-

- Firstly, because the world itself becomes a big courtroom
- Secondly, because of the global nature of the internet, the clarity as to which court would have the exclusive Jurisdiction to try the case is missing.
- Thirdly, litigation and the legal systems in different countries are different and can be extremely expensive and threatening to wipe out millions of legal entities into oblivion.

¹⁰ Robert C. Bordone, Electronic Online Dispute Resolution: A Systems approach— Potential, Problems, And A Proposal- 3 Harvard Negotiation Law Review, Spring-1998.

Cyber-arbitration is being considered inexpensive, quick and universally acceptable. At a time when the Julian calendar is being replaced by the concept of web-weeks, Cyber arbitration is the most effective, simple method for the best resolution of cyberspace disputes.

It consists following elements:

- Cyber arbitration Agreement.
- Deposits of Opening costs Adoption of cyber arbitration procedures.
- Appointment of cyber arbitrator
- Claims or counter claim along with documents.
- Framing of contentious issues.
- Leading of Evidence by way of affidavits all on-line.
- Personal hearing, in the physical world if agreed by both the parties.
- Granting of Cyber award.¹¹

During the past years, disputes concerning copyright, E-contracts, and privacy have resulted in judicial decision. Court litigations are lengthy and expensive. If consumer confidence in E-commerce is to be realized, swift and inexpensive mechanisms must be effectively developed to resolve controversies that arise from Internet-based commerce. Online Arbitration is an efficient alternative for transacting over the Internet. The European Union has taken several initiatives to promote alternative dispute resolution. Community legislation and Recommendations have been adopted to regulate e-commerce transactions and out-of-court.

Conclusion:

Dispute settlements, However, online arbitration methods have raised complex legal issues with regards to its relationship with other community legislations¹². Such evolved mechanism of dispute resolution which is *online arbitration* may run into complications in the application of traditional principles of arbitration law. An online arbitration is the change in platform rather than in essence.

¹¹ info@cyberlaws.net

¹² Sylvia Mercado Kierkegaard, Legal Conundrums in Cyber Arbitration,