

www.ftc.gov/bcp/icpw/lookingahead/lookingahead.htm>. The second workshop, on ADR for online consumer transactions, was sponsored jointly with the Department of Commerce in June 2000. A summary of that workshop can be found at <<http://www.ftc.gov/bcp/altdisresolution/index.htm>>.

A consensus emerged at these workshops about the need to develop and implement ADR programs to resolve online consumer disputes. Outstanding issues include whether ADR programs should be governed by minimum legal standards for fairness and effectiveness, whether ADR programs should be binding and/or mandatory for the consumer, whether results of particular ADR programs should be confidential, and what rules of decisions should apply to ADR programs. At our workshops, certain private sector organizations, including the TransAtlantic Consumer Dialogue and the Global Business Dialogue on Electronic Commerce, have made specific recommendations on these issues.

Although ADR programs will reduce the number of online disputes that result in litigation, some litigation is inevitable. Such cases will likely raise the question of which court has jurisdiction over a dispute. Currently, in cases involving contractual disputes, U.S. courts generally allow consumers to sue out-of-state businesses in consumers' home courts; however, in some domestic consumer contract cases, courts have upheld choice-of-forum clauses designating the business' home court as the applicable forum. It is unclear how U.S. courts would treat a clause designating a foreign forum in a consumer contract, as U.S. courts have not directly addressed this issue.

For several years, FTC staff has expressed concerns about the use of choice-of-forum clauses in consumer contracts concluded over the Internet. At the same time, FTC staff recognizes industry's legitimate concerns about the potential for increased costs associated with litigating disputes around the world.

The Preliminary Draft Convention on Jurisdiction and Foreign Judgments in Civil and Commercial Matters, which is currently being negotiated by the Hague Conference on Private International Law, offers one possible international resolution of this jurisdiction issue. The Convention, if ratified, would create jurisdictional rules governing international lawsuits and provide for recognition and enforcement of judgments by the courts of signatory countries. Article 7 of the draft Convention contains jurisdiction rules

for international consumer contracts. It provides that:

1. A plaintiff who concluded a contract for a purpose which is outside its trade or profession, hereafter designated as the consumer, may bring a claim in the courts of the State in which it is habitually resident, if

(a) The conclusion of the contract on which the claim is based is related to trade or professional activities that the defendant has engaged in or directed to that State, in particular in soliciting business through means of publicity, and

(b) The consumer has taken the steps necessary for the conclusion of the contract in that State.

2. A claim against the consumer may only be brought by a person who entered into the contract in the course of its trade or profession before the courts of the State of the habitual residence of the consumer.

3. The parties to a contract within the meaning of paragraph 1 may, by an agreement which conforms with the requirements of Article 4, make a choice of court—

(a) If such agreement is entered into after the dispute has arisen, or

(b) To the extent only that it allows the consumer to bring proceedings in another court. For disputes arising from cross-border consumer contracts, the court in the consumer's home country will have jurisdiction over the foreign business, regardless of the court designated in a choice-of-forum clause.

At this point, it appears that significant competing policy interests are involved, which warrant further study of Article 7.

The Public Forum

The morning discussion will focus on recommendations on ADR for online consumer transactions proposed by the TransAtlantic Consumer Dialogue and Global Business Dialogue on Electronic Commerce. The purpose of this session is to foster a dialogue between business and consumer groups and work toward finding common ground on outstanding issues related to ADR.

The afternoon discussion will focus on Article 7 of the Preliminary Draft Hague Convention as it relates to cross-border business-to-consumer disputes arising from online transactions. The purpose of this session is to inform U.S. Government views on Article 7 of the Preliminary Draft Hague Convention in preparation for several upcoming meetings, including an electronic commerce experts committee meeting in Ottawa, Canada at the end of February, and the upcoming two-part Diplomatic

Conference during 2001–02 to finalize the draft Convention.

Related Documents

For further information on these issues, please refer to the following documents: FTC Bureau of Consumer Protection Report, Consumer Protection in the Global Electronic Marketplace: Looking Ahead (September 2000) (located at <<http://www.ftc.gov/bcp/icpw/lookingahead/lookingahead.htm>>) FTC Bureau of Consumer Protection Report, Summary of Public Workshop: Alternative Dispute Resolution for Consumer Transactions in the Borderless Online Marketplace (November 2000) (located at <<http://www.ftc.gov/bcp/altdisresolution/summary.htm>>) TransAtlantic Consumer Dialogue Recommendations on Alternative Dispute Resolution (February 2000) (located at <<http://www.tacd.org/ecommercef.html#adr>>) Global Business Dialogue on Electronic Commerce Recommendations on Alternative Dispute Resolution (September 2000) (located at <<http://www.gbde.org/adr2000.html>>) Hague Conference on Private International Law, Preliminary Draft Convention on Jurisdiction and Foreign Judgments in Civil and Commercial Matters (located at <<http://www.hcch.net/e/workprog/jdgm.html>>)

By direction of the Commission.

Donald S. Clark,
Secretary.

[FR Doc. 01–2046 Filed 1–22–01; 8:45 am]

BILLING CODE 6750–01–M

FEDERAL TRADE COMMISSION

Granting of Request for Early Termination of the Waiting Period Under the Premerger Notification Rules

Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Federal Trade Commission and the Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register**.

The following transactions were granted early termination of the waiting period provided by law and the premerger notification rules. The grants were made by the Federal Trade

Commission and the Assistant Attorney General for the Antitrust Division of the Department of Justice. Neither agency intends to take any action with respect to these proposed acquisitions during the applicable waiting period.

Trans #	Acquiring	Acquired	Entities
Transactions Granted Early Termination—12/26/2000			
20010829	Sanrise Group, Inc	Exodus Communications, Inc	Exodus Communities, Inc.
20010834	Westmoreland Health System	Frick Health System	Frick Health System.
Transactions Granted Early Termination—12/27/2000			
20010941	GMT Communications Partners II, L.P.	Formus Communications	Formus Communications Inc.
20010958	TeleCorp PCS, Inc	Marshall W. Pagon	Pegasus PCS Partners, L.P.
20010959	IVAX Corporation	Jinn Wu and Diana Wu, (husband & wife).	Xenobiotic Laboratories, Inc.
20010970	Verizon Communications Inc	James & Jean Douglas Irrevocable Descendant's Trust.	Illinois Nine Corporation.
20011007	Zhone Technologies, Inc	Ind-TeleSoft Pvt. Ltd.	Xybridge Technologies, Inc.
20011028	Leap Wireless International, Inc	Cook Inlet Region, Inc.	CIVS IV License Sub I, LLC.
20011033	Nippon Telegraph and Telephone Corporation.	AT&T Corp	AT&T Corp.
20011040	Bank of Montreal	Alexander J. Vogl	Wilton Corporation.
20011051	Mitsui Marine and Fire Insurance Co., Ltd.	American Financial Group, Inc	American Financial Group, Inc.
20011062	Universal Insurance Group, Inc	Nationwide Mutual Insurance Company.	Caribbean Alliance Insurance Company.
20011067	ABN AMRO Holding N.V	Alleghany Corporation	Alleghany Asset Management, Inc.
20011073	TSG3 L.P	The Proctor & Gamble Company	The Proctor & Gamble Company.
20011076	Deere & Company	FdG Capital Partners LLC	McGinnis Farms, Inc.
20011079	Resurrection Health Care Corporation.	Sisters of the Holy Family of Nazareth-Sacred Heart Province.	Sisters of the Holy Family of Nazareth-Sacred Heart Province.
20011080	Bank of America Corporation	CAF Holdings, Inc	CAF Holdings, Inc.
20011091	Morgenthaler Partners VI, L.P	Catena Networks, Inc	Catena Networks, Inc.
Transactions Granted Early Termination—12/29/2000			
20010975	Welsh, Carson, Anderson & Stowe VII, L.P.	OrthoLink Physicians Corporation	OrthoLink Physicians Corporation.
20010984	Sprout Capital IX, L.P	Credit Suisse Group	Focus Technologies, Inc.
20011015	SBC Communications Inc	VoiceStream Wireless Corporation	Omnipoint NY MTA License, LLC.
20011016	VoiceStream Wireless Corporation	SBC Communications Inc	Pacific Telesis Mobile Services LLC.
20011023	Internet Capital Group, Inc	Logistics.com, Inc	Logistics.com, Inc.
20011042	Silverline Technologies Limited	SeraNova, Inc	SeraNova, Inc.
20011058	DST Systems, Inc	Bank One Corporation	EquiServe Limited Partnership.
20011061	M. Francois Pinault	George A. & Kay A. Wilson	Ryall Electric Supply Company.
20011071	Lee R. Anderson, Sr	James Doody	Doody Mechanical, Inc.
20011085	Oak Investment Partners IX, Limited Partnership.	Michael J. Noonan	Fiber Optic Network Solutions Corp.
20011086	Morgenthaler Partners VI, L.P	Michael J. Noonan	Fiber Optic Network Solutions Corp.
20011093	Sun Microsystems, Inc	HighGround Systems, Inc.	HighGround Systems, Inc
20011096	VNU N.V	VNU N.V	Entertainment Marketing Information Systems.
20011101	Sanofi-Synthelabo	Atrix Laboratories, Inc	Atrix Laboratories, Inc.
20011102	Parsons Corporation	Harold W. Wyatt, Jr.	H.E. Hennigh, Inc.
20011109	Motiva Enterprises LLC	R.R. Morrison & Son, Inc	R.R. Morrison & Son, Inc.
20011112	ALZA Corporation	Pharmaceutical Development, Inc	Genupro, Inc.
20011116	2000 Riverside Capital Appreciation Fund, L.P.	Donald H. Drew	DHD Healthcare Corporation.
20011117	2000 Riverside Capital Appreciation Fund, L.P.	Bruce J. Drew	DHD Healthcare Corporation.
20011118	Sandy Springs Bancorp, Inc	Progress Financial Corporation	Progress Financial Corporation
20011121	Metro National Corporation	Saltgrass, Inc.	Saltgrass, Inc.
20011131	UBS Capital Americas II, LLC	Oresis Communications, Inc	Oresis Communications, Inc.
20011133	United Rentals, Inc	Harold W. Wiese	Wiese Planning & Engineering.
20011137	General Electric Company	General Electric Company	Curtis Power Co., LLC.
20011139	Robert Bosch Industrietreuhand KG	Detection Systems, Inc	Detection Systems, Inc.
20011142	Aegis Group plc	Stanford Nygard	Outdoor Vision.
20011143	Aegis Group plc	Sterling Pile, III	Outdoor Vision.
20011150	Hvide Marine Incorporated	Hvide Marine Incorporated	Lightship Partners, LP.
20011155	Ford Motor Company	Ford Motor Company	FRN of Rochester, LLC.
20011157	Bank of America Corporation	Cupertino Electric, Inc	Cupertino Electric, Inc.
20011163	Voting Shares Irrevocable Trust	Hans P. Utsch	Edgemont Asset Management Corporation.
20011164	Voting Shares Irrevocable Trust	Lawrence Auriana	Edgemont Asset Management Corporation.

Trans #	Acquiring	Acquired	Entities
20011166	Norman P. Creighton	Comerica Incorporated	Comerica Incorporated.
20011169	Wolters Kluwer nv	Loislaw.com, Inc	Losilaw.com, Inc.
20011172	Wolseley plc	Vernon Mountcastle, Jr	Interior Distributors, Inc.
20011174	Olympus Growth Fund III, L.P	Griffin Land & Nuseries, Inc	Griffin Land & Nurseries, Inc.
20011175	Thoma Cressey Fund VI, L.P	Phillip D. Whisenhunt	CMS Wireless, LLC.
20011186	Linsalata Capital Partners Fund III, L.P.	Kevco, Inc	Kevco, Inc.

Transactions Granted Early Termination—01/02/2001

20010916	Brinker International, Inc	NERC Limited Partnership; NERC Limited Partnership II.	NE Restaurant Company, Inc.
20011126	Apax Europe IV-A, L.P	CenterBeam, Inc.	CenterBeam, Inc.
20011128	ICVF 1999, L.P	Allegro Networks, Inc	Allegro Networks, Inc.
20011129	Michael Devlin	Rational Software Corporation	Rational Software Corporation.

Transactions Granted Early Termination—01/03/2001

20010994	Macromedia, Inc	Atom Corporation	Atom Corporation.
20011069	Royal Dutch Petroleum Company	Woodside Petroleum Ltd	Woodside Petroleum Ltd.

Transactions Granted Early Termination—01/04/2001

20010960	Allied Waste Industries, Inc	Republic Services, Inc	Republic Services of Pennsylvania, LLC.
20011010	Richard E. Jordan, II	Strongco, Inc.	Strongco (USA), Inc.
20011084	Insilco Holding Co	InNet Technologies, Inc	InNet Technologies, Inc.
20011105	Siemens AG	Ramtron International Corporation	Ramtron International Corporation.
20011146	George L. Graziadio, Jr	Comerica Incorporated	Comerica Incorporated
20011148	Harvest Partners III, L.P	Frank Defino, Sr	Tukaiz Communications, L.L.C.
20011149	Harvest Partners III, L.P	Matthews International Corporation ..	Tukaiz Communications, L.L.C.
20011168	Mohawk Industries, Inc	Burlington Industries, Inc	The Bacova Guild, Ltd.

Transactions Granted Early Termination—01/05/2001

20010698	ANTEC Corporation	Nortel Networks Corporation	Arris Interactive L.L.C.
20010699	Nortel Networks Corporation	ANTEC Corporation	Newco.
20010943	Xcel Energy Inc	LS Power, LLC	Grantie Power Partners, II, L.P., LS Power Management, LLC.
20010972	Mr. Lloyd Dorfman	Preussag Aktiengesellschaft	Thomas Cook Inc.
20011047	Asyst Technologies, Inc	Advanced Machine Programming, Inc..	Advanced Machine Programming, Inc.
20011134	Morgan Stanley Dean Wittner & Co	AMR Corporation	AMR Corporation.
20011153	Safeguard Scientifics, Inc	MicroAge, Inc.	MicroAge, Inc.
200179	Artal Group S.A	Weighco Enterprise, Inc	Weighco Enterprise, Inc.
20011181	Professionals Group, Inc	Medical Assurance, Inc	Medical Assurance, Inc.
20011182	Medical Assurance, Inc	Professionals Group, Inc	Professionals Group, Inc.
20011183	A. Derrill Crowe, M.D	ProAssurance Corporation	ProAssurance Corporation.
20011189	Andrew McKelvey	Tomasz L. Schellenberg	ADEPT, Inc.

FOR FURTHER INFORMATION CONTACT:

Sandra M. Peay or Parcellena P. Fielding, Contact Representatives.
Federal Trade Commission, Premerger Notification Office, Bureau of Competition, Room 303, Washington, DC 20580, (202) 326-3100.

By Direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 01-2044 Filed 1-22-01; 8:45am]

BILLING CODE 6750-01-M

GENERAL SERVICES ADMINISTRATION**DEPARTMENT OF STATE****Office of Communications****Cancellation of an Optional Form**

AGENCY: General Services Administration.

ACTION: Notice.

SUMMARY: The Department of State is cancelling the following Optional Form because of low usage:

OF 206, Purchase Order, Receiving Report and Voucher.

This form is now a State Department form (DS Form 2076). You can request copies of the new form from:

Department of State, IS/OIS/DIR, 2201 C Street, NW; Room B264NS, Washington, DC 20520-0264.

DATES: Effective January 23, 2001.

FOR FURTHER INFORMATION CONTACT: Mr. Charles Cunningham, Department of State, 202.647.0596.

Dated: January 3, 2001.

Barbara M. Williams,

Deputy Standard and Optional Forms Management Officer.

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BILLING CODE 6820-34-M