

[www.ftc.gov/bcp/icpw/lookingahead/lookingahead.htm](http://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
<b>Transactions Granted Early Termination—12/26/2000</b>			
20010829 .....	Sanrise Group, Inc .....	Exodus Communications, Inc .....	Exodus Communities, Inc.
20010834 .....	Westmoreland Health System .....	Frick Health System .....	Frick Health System.
<b>Transactions Granted Early Termination—12/27/2000</b>			
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.
<b>Transactions Granted Early Termination—12/29/2000</b>			
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. Françoise 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 .....	Loislaw.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.*

[FR Doc. 01-1913 Filed 1-22-01; 8:45 am]

**BILLING CODE 6820-34-M**