

## E-COMMERCE LEGAL ISSUES

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<b>A. SELECTED SOURCES ON E-COMMERCE LEGAL ISSUES.....</b>	<b>1</b>
Asia-Europe Meeting (ASEM) .....	1
Asia-Pacific Council for Trade Facilitation and Electronic Business (AFACT).....	1
Association of Southeast Asian Nations (ASEAN) .....	1
Global E-Commerce Law Guide.....	1
International Chamber of Commerce.....	1
Pacific Islands Legal Information Institute .....	1
The Hague Conference on International Private Law (HCCH) .....	2
The Techlawed Project.....	2
<b>B. SOURCES WITHIN THE UNITED NATIONS COMMON SYSTEM.....</b>	<b>2</b>
International Trade Centre (ITC), E-Trade Development Unit.....	2
United Nations Commission on International Trade Law (UNCITRAL).....	2
United Nations Conference for Trade and Development (UNCTAD), Information and Communication Technologies and E-business Branch .....	3
United Nations Online Network in Public Administration and Finance (UNPAN).....	3
World Intellectual Property Organization (WIPO) .....	3
<b>C. SELECTED SOURCES FOR COUNTRY-SPECIFIC INFORMATION.....</b>	<b>4</b>
UNESCAP Members: .....	4
Associate Members .....	11
<b>D. SELECTED READING.....</b>	<b>12</b>
E-commerce and Development Report 2001. Part Three: electronic commerce environment and practices; Chapter 6: Overview of selected legal and regulatory developments in electronic commerce. . . . .	12
Harmonized Development of Legal and Regulatory Systems for E-commerce in Asia and the Pacific. Current Challenges and Capacity-Building Needs. . . . .	12
Legal, Regulatory and Policy Issues of E-commerce in Asia. . . . .	12
E-Primer: Legal and Regulatory Issues in the Information Economy. . . . .	12
Report on Asia-Pacific B2C e-commerce legal framework. . . . .	13
Rule of law and the international diffusion of e-commerce. . . . .	13
<b>ANNEX: OVERVIEW OF E-COMMERCE LAWS IN ASIA AND THE PACIFIC .....</b>	<b>14</b>
UNESCAP Members .....	14
Associate Members .....	17
Others .....	17

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For information sources on e-commerce in general, please consult our gateway entry on [e-commerce](#).

## A. SELECTED SOURCES ON E-COMMERCE LEGAL ISSUES

### Asia-Europe Meeting (ASEM)

<http://www.asemec.org>

The Asia-Europe Meeting is an informal process of dialogue and cooperation that addresses political, economic and cultural issues, with the objective of strengthening the relationship between Europe and Asia. ASEM's website offers access to various resources in its [policy and law topic](#), e.g. publications on electronic payment and related legal provisions or a list of relevant organizations dealing with e-commerce and legal issues. For more info on ASEM, please also refer to the [e-commerce gateway](#).

### Asia-Pacific Council for Trade Facilitation and Electronic Business (AFACT)

[www.afact.org](http://www.afact.org)

The Asia-Pacific Council for Trade Facilitation and Electronic Business is a non-profit, non-governmental organization that aims to promote the commitment and development of trade facilitation and electronic business policies and activities in the Asia-Pacific region. AFACT's activities on e-commerce in general are described in the [e-commerce gateway](#). In terms of legal issues, AFACT has formed a [legal joint working group](#) (LWG) which focuses on examining legal implications of e-commerce and proposes legal solutions. Further working groups include the [Security Working Group\(SWG\)](#) and the [Supply Chain Working Group\(SCWG\)](#).

### Association of Southeast Asian Nations (ASEAN)

<http://www.aseansec.org>

Among the priorities of ASEAN are the development and facilitation of intra-ASEAN trade and investment towards a regional economic integration. The [e-ASEAN initiative](#) establishes a region-wide approach to making comprehensive use of information and communications technologies (ITCs) in business, society and the government. It aims to develop a broad-based and comprehensive action plan including physical, legal, logistical, social and economic infrastructure needed to promote an ASEAN e-space, as part of an ASEAN strategy. In 2001, ASEAN issued the [E-ASEAN Reference framework for electronic commerce legal infrastructure](#). This reference framework provides a guide for drafting e-commerce laws; and facilitating cross-border e-commerce and the cross-recognition/cross-certification of digital certificates/digital signatures. For more info, please also refer to the [e-commerce gateway](#).

### Global E-Commerce Law Guide

<http://www.bakernet.com/ecommerce/>

This guide offers a variety of global e-commerce resources and is maintained by an international law firm. The following topics are covered: e-transactions law (including electronic signatures); privacy/data protection; information security law (including cybersecurity, public key infrastructure, cybercrime); taxes; intellectual property, e-financial services and more. The [APEC E-Com Legal Guide](#) includes a general overview of the legal issues and offers more details on the laws and legal developments for Member Economies of APEC, namely Australia; Brunei Darussalam; Canada; Chile; China; Hong Kong, China; Indonesia; Japan; Republic of Korea; Malaysia; Mexico; New Zealand; Papua New Guinea; Philippines; Russian Federation; Singapore; Taiwan Province of China; Thailand; United States of America and Viet Nam.

### International Chamber of Commerce

<http://www.iccwbo.org>

The Commission on Commercial Law and Practice (CLP) facilitates international trade and promotes a fair and balanced self-regulatory and regulatory legal framework for international business-to-business (B2B) transactions. The two areas of focus are [Electronic Contracting](#) and [Electronic Invoicing](#). The [ICC eTerms 2004](#) are designed to enhance the legal certainty of contracts made by electronic means. The website also features a [ICC Guide for eContracting](#).

### Pacific Islands Legal Information Institute

<http://www.pacii.org/>

The Pacific Islands Legal Information Institute is an initiative of the University of the South Pacific School of Law to promote access to Pacific law. It allows full text search in legal databases that cover American Samoa; Cook Islands; Northern Mariana Islands; Federated States of Micronesia; Fiji; Guam; Kiribati; Marshall Islands; Nauru; New Caledonia; Niue; Palau; Papua New Guinea; Pitcairn Island; Samoa; Solomon Islands; Tokelau; Tonga; Tuvalu and Vanuatu. Furthermore, it offers access to a number of Pacific Islands law journals and other related legal materials such as reports; links to courts, legal societies, bar associations and campuses, and much more.

### **The Hague Conference on International Private Law (HCCH)**

[http://www.hcch.net/index\\_en.php?act=progress.listing&cat=9](http://www.hcch.net/index_en.php?act=progress.listing&cat=9)

HCCH is a global inter-governmental organization that develops and services multilateral legal instruments, which respond to global needs. The statutory mission of the Conference is to work for the 'progressive unification' of private international rules. This involves finding internationally-agreed approaches to issues such as jurisdiction of the courts, applicable law, and the recognition and enforcement of judgments in a wide range of areas, from commercial law and banking law to international civil procedure and from child protection to matters of marriage and personal status. It is now active in the field of e-commerce.

### **The Techlawed Project**

<http://www.techlawed.org>

The Techlawed Project is a website launched by a professor of the University of Ottawa following a [UNESCAP Conference on e-commerce law harmonization in Asia and the Pacific](#) held in 2004. It focuses on a range of technology law issues of interest to the developing world including intellectual property, e-commerce, domain names and Internet governance, and privacy. The website features a comprehensive search tool that allows for quick access to national laws on these and other ICT issues.

**Further organizations that deal with e-commerce in general and that are already listed in the [e-commerce gateway](#):**

[Asia-Pacific Economic Cooperation \(APEC\), Electronic Commerce Steering Group \(ECSG\)](#)

[Asia Europe Alliance for Paperless Trade \(ASEAL\)](#)

[Econsumer.gov](#), website for cross-border e-commerce complaints

[Global ePolicy Resource Network \(ePol-NET\)](#)

[Global Internet Policy Initiative \(GIPI\)](#)

[Global Trustmark Alliance \(GTA\)](#)

[International Chamber of Commerce \(ICC\): E-Business, IT and Telecoms](#)

[Organization for Economic Cooperation and Development \(OECD\), Information Economy](#)

[Organization for the Advancement of Structured Information Standards \(OASIS\)](#)

[Pan-Asian E-Commerce Alliance](#)

[Pan Asia Networking \(PAN\)](#)

## **B. SOURCES WITHIN THE UNITED NATIONS COMMON SYSTEM**

### **International Trade Centre (ITC), E-Trade Development Unit**

<http://www.intracen.org/e-trade/welcome.htm>

The International E-Trade Network Development Unit helps to put information technologies at work for developing countries and transition economies' development. For general information, please refer to the [e-commerce gateway](#). With regard to legal issues, the network offers a [Training Package on Legal and Contractual Issues in E-commerce](#) that provides the necessary legal tools and materials for those who wish to acquire expertise in the operational legal aspects of e-commerce. The kit is primarily intended for private sector operators, including SMEs, lawyers, legal counsel, professionals working in the areas of trade information, advisory and training services. It may also be of interest to public sector officials involved in making the necessary legal adjustments for an enabling and secure e-commerce environment.

### **United Nations Commission on International Trade Law (UNCITRAL)**

<http://www.uncitral.org>

The United Nations Commission on International Trade Law developed model laws related to electronic commerce and electronic signature so that countries should use them in order to favor the harmonization of e-commerce legislation. Some important soft laws that UNCITRAL has issued include [Recommendation on the Legal Value of Computer Records 1985](#); the [UNCITRAL Model Law on Electronic Commerce 1996](#); the [UNCITRAL Model Law on Electronic Signatures 2001](#); and the [United Nations Convention on the Use of Electronic Communications in International Contracts 2005](#). The website also provides access to all the documents created by the [Working Group on Electronic Commerce](#).

**United Nations Conference for Trade and Development (UNCTAD), Information and Communication Technologies and E-business Branch**

<http://r0.unctad.org/ecommerce/>

This UNCTAD branch carries out policy-oriented analytical work on the implications for developing countries of the adoption of ICT, Internet and e-business technologies. A specific website is dedicated to [e-commerce and law reform](#). It has organized a number of training workshops on e-commerce laws in recent years and undertakes research in this area.

**United Nations Online Network in Public Administration and Finance (UNPAN)**

<http://www.unpan.org/index.asp>

The Virtual Library of UNPAN offers access to legislation from the [Asia Pacific region](#) from 1985 to 2006, including the relevant e-commerce related provisions. Further features of UNPAN's Asia Pacific website include analytical reports; country and case studies; country profiles as well as serials, training materials and more.

**World Intellectual Property Organization (WIPO)**

[http://www.wipo.int/sme/en/documents/business\\_website.htm](http://www.wipo.int/sme/en/documents/business_website.htm)

The World Intellectual Property Organization offers useful advice to business owners on how to 'take care of their business' website'. As e-commerce increases, so does the risk that the look and feel of a website, some of its features or the content, may be copied. The risk also increases that business owners may be accused of unauthorized use of other people's intellectual assets. The website deals with some of the basic issues that businesspeople should be aware of before launching a website. WIPO also has a website dedicated to [e-commerce and copyright](#).

**Further organizations of the United Nations System that deal with e-commerce in general and that are already listed in the [e-commerce gateway](#):**

[Asia-Pacific Development Information Programme \(APDIP\)](#)

[International Telecommunication Union \(ITU\)](#)

[UNeTradeS.Net](#)

[United Nations Centre for Trade Facilitation and Electronic Business \(UN/CEFACT\)](#)

## C. SELECTED SOURCES FOR COUNTRY-SPECIFIC INFORMATION

### UNESCAP Members:

Information Source	URL
<b>Afghanistan</b>	
ICT Policy, <i>Ministry of Communications</i>	<a href="http://www.moc.gov.af/Documents/Policies%20and%20Laws-MoC/ICT%20Policy-english.pdf">http://www.moc.gov.af/Documents/Policies%20and%20Laws-MoC/ICT%20Policy-english.pdf</a>
<b>Armenia</b>	
Compliance of Armenian legislation on information society with relevant standards of the Council of Europe, <i>Center for Information Law and Policy</i>	<a href="http://gipi.am/default.asp?i=251">http://gipi.am/default.asp?i=251</a>
Draft Law on Electronic Document and Electronic Signature 2002	<a href="http://www.gipi.am/?i=223">http://www.gipi.am/?i=223</a>
<b>Australia</b>	
Cybercrime Act 2001	<a href="http://scaleplus.law.gov.au/html/comact/11/6458/pdf/161of2001.pdf">http://scaleplus.law.gov.au/html/comact/11/6458/pdf/161of2001.pdf</a>
E-com Legal Guide, Australia	<a href="http://www.bakernet.com/apec/ausapec.htm">http://www.bakernet.com/apec/ausapec.htm</a>
Electronic Transactions Act 1999	<a href="http://www.austlii.edu.au/au/legis/cth/consol_act/eta1999256/">http://www.austlii.edu.au/au/legis/cth/consol_act/eta1999256/</a>
Electronic Transactions Act 2001	<a href="http://www.austlii.edu.au/au/legis/act/consol_act/eta2001256/">http://www.austlii.edu.au/au/legis/act/consol_act/eta2001256/</a>
Privacy Act 1988	<a href="http://scaleplus.law.gov.au/html/pasteact/0/157/top.htm">http://scaleplus.law.gov.au/html/pasteact/0/157/top.htm</a>
Spam Act 2003	<a href="http://www.austlii.edu.au/au/legis/cth/consol%5fact/sa200366/">http://www.austlii.edu.au/au/legis/cth/consol%5fact/sa200366/</a>
Telecommunications Act 1997	<a href="http://www.austlii.edu.au/au/legis/cth/consol_act/ta1997214/">http://www.austlii.edu.au/au/legis/cth/consol_act/ta1997214/</a>
What laws apply to e-business?, <i>Department of Communications, Information Technology and the Arts</i>	<a href="http://www.dcita.gov.au/ie/publications/2002/july/trusting_the_internet_-_a_small_business_guide_to_e-security/what_laws_apply_to_e-business">http://www.dcita.gov.au/ie/publications/2002/july/trusting_the_internet_-_a_small_business_guide_to_e-security/what_laws_apply_to_e-business</a>
<b>Azerbaijan</b>	
Electronic Document Law 2003	<a href="http://unpan1.un.org/intradoc/groups/public/documents/UNTC/UNPAN018112.pdf">http://unpan1.un.org/intradoc/groups/public/documents/UNTC/UNPAN018112.pdf</a>
Electronic Trade Law 2003	<a href="http://unpan1.un.org/intradoc/groups/public/documents/UNTC/UNPAN018113.pdf">http://unpan1.un.org/intradoc/groups/public/documents/UNTC/UNPAN018113.pdf</a>
Law on Electronic Signature 2003	<a href="http://unpan1.un.org/intradoc/groups/public/documents/UNTC/UNPAN018111.pdf">http://unpan1.un.org/intradoc/groups/public/documents/UNTC/UNPAN018111.pdf</a>
Law on information, informatization and protection of information 1998	<a href="http://www.ijnet.org/FE_Article/MediaLaw.asp?CID=25178&amp;UILang=1&amp;CidLang=1">http://www.ijnet.org/FE_Article/MediaLaw.asp?CID=25178&amp;UILang=1&amp;CidLang=1</a>
<b>Bangladesh</b>	
Computer based crime, a new legal challenge in Bangladesh	<a href="http://www.thedailystar.net/law/2006/04/03/indepth.htm">http://www.thedailystar.net/law/2006/04/03/indepth.htm</a>
Cyber Security: Bangladesh Perspectives; <i>Bangladesh Friendship Education Society</i>	<a href="http://www.itu.int/osg/spu/cybersecurity/contributions/Bangladesh_Salim_paper.pdf">http://www.itu.int/osg/spu/cybersecurity/contributions/Bangladesh_Salim_paper.pdf</a>
Final report on the law of information technology; <i>Bangladesh Law Commission</i>	<a href="http://www.bangladeshgateway.org/lawit.pdf">http://www.bangladeshgateway.org/lawit.pdf</a>

### Bhutan

- Bhutan Telecommunications Act 1999 <http://www.moic.gov.bt/pdf/telecomact.pdf#search=%22Bhutan%20Telecommunications%20Act%201999%22>
- Draft Information, Communications and Media Act 2005 <http://www.dit.gov.bt/legislations/bimact.pdf>
- E-Readiness Assessment; *Division of Information Technology, Ministry of Communication* <http://www.dit.gov.bt/publications/ereadiness.pdf>

### Brunei Darussalam

- E-com Legal Guide, Brunei Darussalam <http://www.bakernet.com/apec/brunειαpec.htm>
- Electronic Transactions Order, 2000 <http://www.bit.gov.bn/download/electronic.pdf>, and <http://unpan1.un.org/intradoc/groups/public/documents/APCITY/UNPAN006031.pdf>

### Cambodia

- Draft of Sub-Decree on electronic transactions <http://www.mptc.gov.kh/Regulation/ecommerce.htm>

### China

- China International Electronic Commerce Network (CIECN) <http://www.ec.cn/english/index.jsp>
- E-com Legal Guide, China <http://www.bakernet.com/apec/chinaapec.htm>
- E-Commerce Legal Framework Country Report: China, *APEC Study Center of Nankai University* <http://unpan1.un.org/intradoc/groups/public/documents/APCITY/UNPAN006896.pdf#search=%22e-commerce%20legal%20framework%22>
- Electronic Signatures Law of the People's Republic of China <http://www.chinaeclaw.com/english/readArticle.asp?id=2804>
- Introduction to E-Commerce Legislations in China, *East China University of Politics and Law* <http://www.bakernet.com/ecommerce/china-article1.doc>

### Democratic Republic of Korea

n/a

### Federated States of Micronesia

n/a

### Fiji

n/a

### Georgia

- Overview on IT related legislation of Georgia, *InterNews Armenia* <http://synergy.media.am/Downloads/overview-GE.htm>

### India

- India's e-commerce law heralds economic progress, but privacy issues loom; *CNN Information on Cyberlaws; Department of Information Technology, Government of Madhya Pradesh* <http://archives.cnn.com/2000/LAW/06/29/india.IT.law/index.html>
- Information Technology Act 2000 <http://www.mp.nic.in/dit/cyberlawt.htm>
- Legal and Policy Framework for ECommerce in India, *Nishith Desai Associates* [http://www.mit.gov.in/itbillonline/it\\_framef.asp](http://www.mit.gov.in/itbillonline/it_framef.asp) <http://www.giic.org/pubs/indiawhitepaper.pdf#search=%22e-commerce%20legal%20framework%22>

Report of the High Powered Committee on E-Commerce and Taxation, *Ministry of Finance* <http://www.laws4india.com/indiantaxlaws/notification/comcontent.asp>

### Indonesia

Country Report: Legal Frameworks and E-Commerce Training Program (Indonesia), *Indonesian APEC Study Center* <http://www.apec.org/au/docs/rini.pdf#search=%22INDONESIA%20LAW%20e-commerce%22>

E-com Legal Guide, Indonesia <http://www.bakernet.com/apec/indoapec.htm>

National Cybersecurity Policy and Implementation for Government of Indonesia, *ITU Conference Country Paper* <http://www.itu.int/osg/spu/cybersecurity/2006/contribution-building-national-cybersecurity-indonesia.pdf>

Securing e-commerce environment in Indonesia, *Indonesia Information Technology Federation (IITF)* <http://unpan1.un.org/intradoc/groups/public/documents/APCITY/UNPAN017961.pdf#search=%22INDONESIA%20LAW%20e-commerce%22>

### Islamic Republic of Iran

Electronic Commerce Law of the Islamic Republic of Iran 2004 <http://www.irtp.com/laws/ec/IR%20Iran%20E-Commerce%20Law.pdf>

### Japan

E-com Legal Guide, Japan <http://www.bakernet.com/apec/japanapec.htm>

Interpretative Guidelines on Electronic Commerce, *Ministry of Economy, Trade and Industry (METI)* [http://www.asemec.org/document/document\\_view.asp?no=322&flag=all&fnd=&sfnd\\_y=&sfnd\\_m=&efnd\\_y=&efnd\\_m=&zId=2&sId=&cNo=3&cType=3&sndMenu=&sortBy=cnty&ccNo=](http://www.asemec.org/document/document_view.asp?no=322&flag=all&fnd=&sfnd_y=&sfnd_m=&efnd_y=&efnd_m=&zId=2&sId=&cNo=3&cType=3&sndMenu=&sortBy=cnty&ccNo=)

Law on Electronic Signature and Certification Services 2001 [http://www.soumu.go.jp/joho\\_tsusin/eng/Resources/Legislation/eSignLaw/eSignLaw.pdf](http://www.soumu.go.jp/joho_tsusin/eng/Resources/Legislation/eSignLaw/eSignLaw.pdf), and <http://unpan1.un.org/intradoc/groups/public/documents/APCITY/UNPAN010243.pdf>

Personal Information Protection Act 2003 <http://www.kantei.go.jp/jp/it/privacy/houseika/hourituan/> (official text in Japanese) [http://www.proskauer.com/hc\\_images/JapanPersonalInformationProtectionAct.pdf](http://www.proskauer.com/hc_images/JapanPersonalInformationProtectionAct.pdf) (unofficial English translation)

Unauthorized Computer Access Law 1999 <http://www.npa.go.jp/cyber/english/legislation/ucalaw.html> (English and Japanese)

### Kazakhstan

Law on Electronic Document and Electronic Digital Signature 2002 <http://cis-legal-reform.org/document.asp?id=8048> (in Russian only)

### Kiribati

n/a

### Kyrgyzstan

n/a

### Lao People's Democratic Republic

n/a

### Malaysia

- A comparative analysis of the Malaysia Digital Signature Act 1997 and the Singapore Electronic Transaction Act 1998, *Universiti Kebangsaan Malaysia* <http://www.bileta.ac.uk/Document%20Library/1/Electronic%20Commerce%20-%20the%20Malaysia%20Digital%20Signature%20Act%201997%20and%20the%20Singapore%20Electronic%20Transaction%20Act%201998.pdf>
- Computer Crimes Act 1997 [http://www.ktkm.gov.my/template01.asp?Content\\_ID=80&Cat\\_ID=1&CatType\\_ID=17&SubCat\\_ID=40&SubSuCat\\_ID=15](http://www.ktkm.gov.my/template01.asp?Content_ID=80&Cat_ID=1&CatType_ID=17&SubCat_ID=40&SubSuCat_ID=15)
- Consumer Protection in E-Commerce in Malaysia: An Overview; *Asia Centre, University of New England* <http://www.une.edu.au/asiacenter/KKaur.pdf>
- Digital Signature Act 1997 <http://www.mycert.org.my/bill/digisign.html>
- E-com Legal Guide, Malaysia <http://www.bakernet.com/apec/malayapec.htm>

### Maldives

- Information and communication technology in the atolls: Maldives case study 2004, *ITU* [http://www.itu.int/ITU-D/ict/cs/maldives/material/CS\\_MDV.pdf#search=%22maldives%20e-commerce%20law%22](http://www.itu.int/ITU-D/ict/cs/maldives/material/CS_MDV.pdf#search=%22maldives%20e-commerce%20law%22)

### Marshall Islands

n/a

### Mongolia

- Analysis and Critique of Mongolia's Draft Law on Information Technology, *Harvard Law School* <http://cyber.law.harvard.edu/home/uploads/307/2003-09.pdf>
- Drafts of the General Law on Information Technology; on Electronic Signature; on Electronic Governance; and on Electronic Transaction <http://www.ict.mn/midas/english/module.php#>
- Law on Telecommunications 1995 [http://www.itu.int/ITU-D/treg/Legislation/Mongolia/Mongolia\\_law.htm](http://www.itu.int/ITU-D/treg/Legislation/Mongolia/Mongolia_law.htm)

### Myanmar

- Electronic Transactions Law 2004 <http://www.ibiblio.org/obl/docs/Electronic-transactions.htm>

### Nauru

n/a

### Nepal

- Telecommunications Act 1997 [http://www.nta.gov.np/telecom\\_act\\_2053.html](http://www.nta.gov.np/telecom_act_2053.html)
- E-Transaction Act of Nepal (unofficial translation) <http://www.most.gov.np/adm/download/materials/1119415859.pdf>

### New Zealand

- E-com Legal Guide, New Zealand <http://www.bakernet.com/apec/nzapec.htm>
- Electronic Transactions Act 2000 [http://www.med.govt.nz/irdev/elcom/transactions/bill/bil1-01.html#P58\\_5577](http://www.med.govt.nz/irdev/elcom/transactions/bill/bil1-01.html#P58_5577)
- New Zealand Government E-Commerce Privacy Act 1993 <http://www.ecommerce.govt.nz/>  
<http://www.knowledge-basket.co.nz/privacy/legislation/legislation.html>

### Pakistan

Draft Electronic Crimes Act 2004	<a href="http://www.pakistan.gov.pk/divisions/ContentInfo.jsp?DivID=9&amp;cPath=81_85&amp;ContentID=407">http://www.pakistan.gov.pk/divisions/ContentInfo.jsp?DivID=9&amp;cPath=81_85&amp;ContentID=407</a>
E-Commerce Legal Framework - Pakistan's Experience; <i>IT &amp; Telecom Division, Ministry of Science and Technology</i>	<a href="http://r0.unctad.org/ecommerce/event_docs/bangkok/hayat.pdf#search=%22pakistan%20law%20e-commerce%22">http://r0.unctad.org/ecommerce/event_docs/bangkok/hayat.pdf#search=%22pakistan%20law%20e-commerce%22</a>
Electronic Transaction Ordinance 2002	<a href="http://www.tremu.gov.pk/tremu1/workinggroups/pdf/ETO%20Readable.pdf">http://www.tremu.gov.pk/tremu1/workinggroups/pdf/ETO%20Readable.pdf</a>
IT Policy, <i>Electronic Government Directorate</i>	<a href="http://pakistan.gov.pk/e-government-directorate/policy/policies.jsp">http://pakistan.gov.pk/e-government-directorate/policy/policies.jsp</a>

### Palau

n/a

### Papua New Guinea

n/a

### Philippines

Cybercrime Prevention Act of 2004 (bill status: pending)	<a href="http://www.congress.gov.ph/bis/print_history.php?save=1&amp;journal=1&amp;switch=0&amp;bill_no=HB02093">http://www.congress.gov.ph/bis/print_history.php?save=1&amp;journal=1&amp;switch=0&amp;bill_no=HB02093</a>
E-com Legal Guide, Philippines	<a href="http://www.bakernet.com/apec/philapec.htm">http://www.bakernet.com/apec/philapec.htm</a>
Electronic Commerce Act 2000	<a href="http://www.business.gov.ph/uploads/files/Forms_File_1_104837988_RA8792.pdf">http://www.business.gov.ph/uploads/files/Forms_File_1_104837988_RA8792.pdf</a>
The Philippine E-Commerce Law: A Preliminary Analysis	<a href="http://unpan1.un.org/intradoc/groups/public/documents/apcity/unpan002704.pdf">http://unpan1.un.org/intradoc/groups/public/documents/apcity/unpan002704.pdf</a>

### Republic of Korea

2006 Korea Internet White Paper, <i>National Internet Development Agency of Korea</i>	<a href="http://eng.mic.go.kr/eng/secureDN.tdf?seq=10&amp;idx=1&amp;board_id=E_04_03">http://eng.mic.go.kr/eng/secureDN.tdf?seq=10&amp;idx=1&amp;board_id=E_04_03</a>
E-com Legal Guide, Republic of Korea	<a href="http://www.bakernet.com/apec/koreaapec.htm">http://www.bakernet.com/apec/koreaapec.htm</a>
Electronic Transactions Act and Digital Signature Act: Background, Major Provisions and Implication; <i>Ministry of Information and Communication Republic of Korea</i>	<a href="http://www.oecd.org/dataoecd/13/41/2092960.pdf#search=%22Electronic%20Transaction%20Basic%20Act%201999%20KOREA%22">http://www.oecd.org/dataoecd/13/41/2092960.pdf#search=%22Electronic%20Transaction%20Basic%20Act%201999%20KOREA%22</a>
Experiments with Cyberlaws in Korea; <i>Korea Information Society Development Institute</i>	<a href="http://www.isoc.org/inet2000/cdproceedings/8c/8c_3.htm">http://www.isoc.org/inet2000/cdproceedings/8c/8c_3.htm</a>
Framework Act on Electronic Commerce, Digital Signature Act, and Act on Promotion of Information and Communication Network Utilization and information Protection	<a href="http://www.ecommerce.or.kr/activities/policy.asp">http://www.ecommerce.or.kr/activities/policy.asp</a>

### Russian Federation (the)

E-com Legal Guide, Russian Federation	<a href="http://www.bakernet.com/apec/russia.htm">http://www.bakernet.com/apec/russia.htm</a>
E-Commerce Legal Regulation in Russia; <i>Ernst &amp; Young (CIS)</i>	<a href="http://www.eylaw.com/global/download.nsf/CIS_Law_E/EBC_EY_2004E/\$file/EBC_EY_2004_e.pdf#search=%22e-commerce%20policy%20russia%22">http://www.eylaw.com/global/download.nsf/CIS_Law_E/EBC_EY_2004E/\$file/EBC_EY_2004_e.pdf#search=%22e-commerce%20policy%20russia%22</a>
Federal Law on Information, Informatization and the Protection of Information	<a href="http://www.fas.org/irp/world/russia/docs/law_info.htm">http://www.fas.org/irp/world/russia/docs/law_info.htm</a>

Information on "Law on Electronic Digital Signatures" 2002	<a href="http://www.russoft.org/docs/?doc=166">http://www.russoft.org/docs/?doc=166</a> , and <a href="http://www.bakernet.com/ecommerce/Russia-E-Signature-Alert.doc">http://www.bakernet.com/ecommerce/Russia-E-Signature-Alert.doc</a>
The Russian approach to the international legal regime in respect to E-Commerce; <i>Ministry of Foreign Affairs of the Russian Federation</i>	<a href="http://hcch.e-vision.nl/upload/wop/e-comm_matveev.pdf">http://hcch.e-vision.nl/upload/wop/e-comm_matveev.pdf</a>
<b>Samoa</b>	
n/a	
<b>Singapore</b>	
A review of the electronic transactions act stage II, <i>Infocomm Development Authority of Singapore (IDA) and Attorney-General's Chambers (AGC)</i>	<a href="http://unpan1.un.org/intradoc/groups/public/documents/APCITY/UNPAN018651.pdf">http://unpan1.un.org/intradoc/groups/public/documents/APCITY/UNPAN018651.pdf</a>
Computer Misuse Act 1993	<a href="http://www.ida.gov.sg/idaweb/pnr/infopage.jsp?infopagecategory=infoecon:pnr&amp;versionid=1&amp;infopageid=I234">http://www.ida.gov.sg/idaweb/pnr/infopage.jsp?infopagecategory=infoecon:pnr&amp;versionid=1&amp;infopageid=I234</a>
E-com Legal Guide, Singapore	<a href="http://www.bakernet.com/apec/singapec.htm">http://www.bakernet.com/apec/singapec.htm</a>
Electronic Transactions Act 1998	<a href="http://www.ida.gov.sg/idaweb/pnr/infopage.jsp?infopagecategory=regulation:pnr&amp;infopageid=I1934&amp;versionid=1">http://www.ida.gov.sg/idaweb/pnr/infopage.jsp?infopagecategory=regulation:pnr&amp;infopageid=I1934&amp;versionid=1</a>
Legal guide to the electronic transactions act, <i>accessible at ASEM Secretariat</i>	<a href="http://www.asemec.org/document/document_view.asp?no=324&amp;flag=all&amp;fnd=&amp;sfnd_y=&amp;sfnd_m=&amp;efnd_y=&amp;efnd_m=&amp;zId=2&amp;sId=&amp;cNo=3&amp;cType=3&amp;sndMenu=&amp;sortBy=cnty&amp;ccNo=">http://www.asemec.org/document/document_view.asp?no=324&amp;flag=all&amp;fnd=&amp;sfnd_y=&amp;sfnd_m=&amp;efnd_y=&amp;efnd_m=&amp;zId=2&amp;sId=&amp;cNo=3&amp;cType=3&amp;sndMenu=&amp;sortBy=cnty&amp;ccNo=</a>
<b>Solomon Islands</b>	
n/a	
<b>Sri Lanka</b>	
Computer Crime Bill 2003 (bill status: pending)	<a href="http://www.justiceministry.gov.lk/NEW%20LEGISLATION/COMCRIME.pdf">http://www.justiceministry.gov.lk/NEW%20LEGISLATION/COMCRIME.pdf</a>
Information and Communication Technology Act 2003	<a href="http://www.icta.lk/Insidepages/downloadDocs/ICTA%20Act(e).pdf">http://www.icta.lk/Insidepages/downloadDocs/ICTA%20Act(e).pdf</a>
<b>Tajikistan</b>	
Law on Electronic Document 2002 (in Russian only)	<a href="http://cis-legal-reform.org/document.asp?id=6037">http://cis-legal-reform.org/document.asp?id=6037</a>
<b>Thailand</b>	
Articles of Department of Business Development on the Use of Certified Symbol as a Credit for E-Commerce Operation 2002	<a href="http://www.dbd.go.th/eng/e-comm/ec_trustmark.phtml">http://www.dbd.go.th/eng/e-comm/ec_trustmark.phtml</a>
Doing E-Business in Thailand	<a href="http://www.ebusinessforum.com/index.asp?layout=rich_story&amp;channelid=6&amp;categoryid=24&amp;doc_id=4165">http://www.ebusinessforum.com/index.asp?layout=rich_story&amp;channelid=6&amp;categoryid=24&amp;doc_id=4165</a>
E-com Legal Guide, Thailand	<a href="http://www.bakernet.com/apec/thaiapec.htm">http://www.bakernet.com/apec/thaiapec.htm</a>
<b>Timor-Leste</b>	
n/a	
<b>Tonga</b>	
n/a	
<b>Turkey</b>	
A new regulation field for the telecommunication board: e-signature	<a href="http://www.virtuallawjournal.net/?nodeid=29&amp;lang=en">http://www.virtuallawjournal.net/?nodeid=29&amp;lang=en</a>

### Turkmenistan

Law of Turkmenistan on E-Document <http://www.medialaw.ru/exussrlaw/l/tk/e-doc.htm>

### Tuvalu

n/a

### Uzbekistan

E-commerce regulation and its influence  
on competition development in  
Uzbekistan <http://www.russianlaw.net/law/doc/a203.doc>

Law on e-commerce <http://www.gateway.uz/downloads/ICT/ICT2132.pdf>

Law on electronic payment [http://www.darvoza.uz/downloads/ICT/E-payment\\_law.pdf](http://www.darvoza.uz/downloads/ICT/E-payment_law.pdf)

### Vanuatu

Bill for the Companies (E-Commerce  
Amendment) Act 2000 <http://www.vanuatu.gov.vu/government/library/Dom%20Companies%20Act.html>

Bill for the E-Business Act 2000 <http://www.vanuatu.gov.vu/government/library/E%20Business%20Bill.html>

Bill for the Electronic Transactions Act  
2000 <http://www.vanuatu.gov.vu/government/library/Elec%20Trans%20Act.html>

E-commerce in Vanuatu: Can contract law  
accommodate for new technology?  
*University of South Pacific* [http://www.vanuatu.usp.ac.fj/journal\\_splaw/Working\\_Papers/Tagini2.html](http://www.vanuatu.usp.ac.fj/journal_splaw/Working_Papers/Tagini2.html)

Explanation of the E-Commerce Acts; Bill  
for the International Companies (E-  
Commerce Amendment) Act 2000 <http://www.vanuatu.gov.vu/government/library/Explanation%20of%20the%20ecommerce%20acts.html>

Explanatory Note - Bill for the Electronic  
Transactions Act 2000 <http://www.vanuatu.gov.vu/government/library/Exp%20Note%20Elec%20Trans%20Bill.html>

### Viet Nam

E-com Legal Guide, Viet Nam <http://www.bakernet.com/apec/vietapec.htm>

E-commerce transactions legalized, *Viet  
Nam Net Bridge* <http://english.vietnamnet.vn/biz/2006/06/581847/>

## Associate Members

### American Samoa

n/a

### Cook Islands

n/a

### French Polynesia

n/a

### Guam

n/a

### Hong Kong, China

Departmental interpretation and practice notes no. 39, profits tax: treatment of electronic commerce; *Inland Revenue Department Hong Kong, China*

<http://www.bakernet.com/ecommerce/Hong%20Kong%200701.pdf>

Digital 21 website

<http://www.info.gov.hk/digital21/eng/aboutus.html>

E-com Legal Guide; Hong Kong, China

<http://www.bakernet.com/apec/hongkong.htm>

Electronic Transactions Ordinance 2000

<http://www.ogcio.gov.hk/eng/eto/eeto.htm>

Hong Kong, China e-commerce legislation

<http://www.lowtax.net/lowtax/html/hongkong/jhkeleg.html#supervision>

Personal Data (Privacy) Ordinance

<http://www.pco.org.hk/english/ordinance/ordfull.html>

### Macao, China

Basic Telecommunications Law 2001

[http://www.imprensa.macao.gov.mo/bo/i/2001/34/lei14\\_en.asp](http://www.imprensa.macao.gov.mo/bo/i/2001/34/lei14_en.asp)

### New Caledonia

n/a

### Niue

n/a

### Northern Mariana Islands

n/a

## D. SELECTED READING

**E-commerce and Development Report 2001. Part Three: electronic commerce environment and practices; Chapter 6: Overview of selected legal and regulatory developments in electronic commerce. Available online (PDF-Format, Part three: 90 pages, 1.4 Mb). UNCTAD.**

Chapter six of the E-commerce and Development Report 2001 reviews some of the most pressing e-commerce issues, such as dispute resolution, applicable law, privacy and data protection and provides an overview of other relevant legal and regulatory developments in the field of e-commerce, including e-commerce taxation. In addition, it analyzes issues pertaining to applicable law, as well as to dispute resolution through courts and through alternative techniques. An attempt is made to explain both the status of the solutions currently available, as they may be applied in courts in some countries, and the evolution of international negotiations on these matters.

Accessed on 25 September < [http://r0.unctad.org/e-commerce/docs/edr01\\_en/edr01pt3\\_en.pdf](http://r0.unctad.org/e-commerce/docs/edr01_en/edr01pt3_en.pdf) >

**Harmonized Development of Legal and Regulatory Systems for E-commerce in Asia and the Pacific: Current Challenges and Capacity-Building Needs. 2004. Available online (PDF-Format, 199 pages, 624 KB). ESCAP.**

This publication is the result of a project on the harmonization of e-commerce legal systems in Asia and the Pacific, implemented by the United Nations Economic and Social Commission for Asia and the Pacific (ESCAP). The publication compiles papers presented or prepared for the regional expert conference on harmonized development of e-commerce legal systems in Asia-Pacific held in July 2004 as well as documents related to the expert round table on capacity-building needs for harmonized development of e-commerce legal systems, held on the last day of that conference. Part one provides an overview of the e-commerce laws and regulations in some of the subregions of Asia and the Pacific, including Central Asia, South Asia, Southeast Asia and the Pacific islands. Part two is a selection of papers presented by experts during the conference on topics ranging from legal issues related to electronic contracts and security to jurisdiction and privacy protection issues. Part three focuses on the capacity-building needs for harmonized development of e-commerce legal systems in Asia and the Pacific. The conclusions and recommendations of the expert round table and related documents, including training programmes for lawmakers, regulators, lawyers and judges, are also presented.

Accessed on 25 September < <http://www.unescap.org/tid/publication/tipub2348.pdf> >

**Legal, Regulatory and Policy Issues of E-commerce in Asia. 2003. Available online (PDF-Format, 14 pages, 274 KB). Asia Pacific Development Information Programme (APDIP).**

This paper reviews the current status and ongoing development of ICT law and regulation and its impacts on electronic commerce and economic development in the Asia-Pacific region. In particular, the paper looks at how the countries in the region have developed their national laws to address the various legal issues of electronic commerce law and regulation. While many countries have adopted or adapted the model ICT laws, such domestic legal development will arguably be only the first of many to come. This paper also surveys the immediate regulatory issues that need to be addressed for the continued growth of e-commerce.

Accessed on 25 September < <http://www.apdip.net/projects/2003/asian-forum/docs/papers/session7.pdf> >

**E-Primer: Legal and Regulatory Issues in the Information Economy. May 2003. Available online (PDF-Format, 45 pages, 179 KB). E-ASEAN Task force and UNDP-APDIP.**

The e-primer series aim to provide readers with a clear understanding of the various terminologies, definitions, trends and issues associated with the information age. As the Internet's sphere of influence as a communications network widens to include commercial and other exchanges, legal authorities have become more interested in asserting authority over it and the activities of those who use it. The legal questions arising from the increasingly complex world of the Internet has raised questions about the role and the rule of law in this new domain. These concerns range from the nature of self-identity to national sovereignty. This primer aims to help developing nations define and determine their requirements for shaping appropriate e-commerce legislation, as well as corresponding regulatory and institutional frameworks that balance such complex issues as competition, privacy, consumer protection, equal access/opportunity and intellectual property. The primer also discusses the implications for developing countries in Asia and the Pacific of failure to or delay in putting in place the appropriate legal and/or policy and regulatory infrastructure necessary for them to participate in the information economy.

Accessed on 25 September < <http://www.apdip.net/publications/iesprimers/eprimer-legal.pdf> >

Last updated  
September 2006

**Report on Asia-Pacific B2C e-commerce legal framework. 2002. Available online (PDF-Format, size varies depending on case study). Japan External Trade Organization.**

This series is designed to give an outline of business-to-consumer (B2C) legal framework in Asia-Pacific countries. The survey was done for the Asia-Pacific Professional Meeting on Legal Framework for B2C E-Commerce held in January 2002 in Malaysia. The case studies cover Australia, Indonesia, Japan, Malaysia, Philippines, the Republic of Korea, Singapore and Thailand.

Accessed on 25 September < <http://www.jetro.go.jp/en/stats/survey/surveys/b2c/index.html> >

**Rule of law and the international diffusion of e-commerce. 2005. Available online (PDF-Format, 6 pages, 123 KB). Communications of the ACM, Vol. 48, No. 11; Association for Computing Machinery.**

In order to better understand differences in e-commerce adoption across countries, and the role that rule of law may play in the acceptance and use of e-commerce, the authors of this article analyze data from 30 countries on e-commerce transaction volumes and various national factors that may encourage or inhibit e-commerce. They then discuss the findings from the analysis in the context of other data from a set of country case studies and a large survey of business establishments.

Accessed on 25 September < <http://delivery.acm.org/10.1145/1100000/1096005/p57-shih.pdf?key1=1096005&key2=5099619511&coll=GUIDE&dl=GUIDE&CFID=664907&CFTOKEN=67632499> >

## ANNEX: OVERVIEW OF E-COMMERCE LAWS IN ASIA AND THE PACIFIC

This table consists of a compiled list of current laws related to e-commerce in the Asia-Pacific region as well as in the European Union, the United Kingdom and the United States. The types of laws are divided into four categories, namely laws on e-commerce, laws on e-signature, laws on personal data protection and laws on electronic crimes. They are indicative only, as in some cases they prove not to be fully appropriate, i.e. laws classified under “laws on e-commerce” might include provisions about e-signature, cybercrimes or data protection as well.

It is important to note that this table features legislation that is available *online* and (in most cases) in *English* as of September 2006. In some cases, relevant legislation might only be available in the local language and/or not published online so that those acts do not feature in this table. Also, in some cases, the actual act is not downloadable/accessible but reference is made instead to the legislation. Due to the fast changing nature of the matter, changes are very likely to occur on a continuous basis. Furthermore, although according to this table, a country that seems to have no law related to electronic crimes might in fact have some provisions regulating these crimes included in its criminal code. Also, this table does not include all the copyright or patent acts under the “law on personal data protection” category, as most of the countries have enacted such acts and are not exclusively related to e-commerce.

### UNESCAP Members

	e-commerce	e-signature	personal data protection	electronic crimes
<b>Afghanistan</b>				
<b>Armenia</b>		<a href="#">Draft Law on Electronic Document and Electronic Signature 2002</a>		
<b>Australia</b>	<a href="#">Electronic Transactions Act 1999</a> ; <a href="#">Electronic Transaction Act 2001</a>		<a href="#">Privacy Act 1988</a> <a href="#">Telecommunications (Interception) Act 1979</a>	<a href="#">Cybercrime Act 2001</a> ; <a href="#">Surveillance Devices Act 2004</a> ; <a href="#">Spam Act 2003</a>
<b>Azerbaijan</b>	<a href="#">Electronic Document Law 2003</a> ; <a href="#">Electronic Trade Law 2003</a>	<a href="#">Law on Electronic Signature 2003</a>	<a href="#">Law on information, informatization and protection of information 1998</a>	
<b>Bangladesh</b>	<a href="#">Draft Law of Information Technology</a>			
<b>Bhutan</b>	<a href="#">Bhutan Telecommunications Act 1999</a> ; <a href="#">Draft Information, Communications and Media Act 2005</a>			
<b>Brunei Darussalam</b>	<a href="#">Electronic Transactions Order 2000</a>			
<b>Cambodia</b>	<a href="#">E-commerce draft regulation</a> (in Cambodian) <a href="#">Draft of Sub-Decree on electronic transactions</a>			
<b>China</b>	Contract Act of the People’s Republic of China 1999	<a href="#">Electronic signature law 2004</a>		
<b>Democratic People’s Republic of Korea</b>				
<b>Federated States of Micronesia</b>				

Last updated  
September 2006

	e-commerce	e-signature	personal data protection	electronic crimes
<b>Fiji</b>				
<b>Georgia</b>	Draft Law on e-trade, e-signature, e-document and e-transactions 2003			
<b>India</b>	<a href="#">Information Technology Act 2000</a>			
<b>Indonesia</b>	Draft Bill on Electronic Information and Transactions			
<b>Islamic Republic of Iran</b>	<a href="#">Electronic Commerce Law 2004</a>	Draft law on Electronic Signature		
<b>Japan</b>		<a href="#">Electronic Signature Law 2001</a>	Personal Information Protection Act 2003 (into force 2005) <a href="#">in Japanese</a> (official), <a href="#">in English</a>	<a href="#">Unauthorized Computer Access Law 1999</a> (into force in 2000)
<b>Kazakhstan</b>		<a href="#">Law on Electronic Document and Electronic Digital Signature 2002</a> (in Russian only)		
<b>Kiribati</b>				
<b>Kyrgyzstan</b>	Law on Electronic Payments 1999	Law on Electronic Digital Signature 2004		
<b>Lao (People's Democratic Republic)</b>	Telecommunications Act 2001			
<b>Malaysia</b>		<a href="#">Digital Signature Act 1997</a>	Communications and Multimedia Act 1998 (part on consumer protection)	<a href="#">Computer Crimes Act 1997</a>
<b>Maldives</b>				
<b>Marshall Islands</b>				
<b>Mongolia</b>	<a href="#">Law on Telecommunications 1995</a> <a href="#">Draft law on Information Technology 2003</a>	<a href="#">Draft laws on Electronic Signature, on Electronic Governance and on Electronic Transaction</a>		
<b>Myanmar</b>	<a href="#">Electronic Transactions Law 2004</a>			
<b>Nauru</b>				
<b>Nepal</b>	<a href="#">Telecommunications Act 1997</a>	<a href="#">Electronic Transaction and Digital Signature Act 2004;</a>		
<b>New Zealand</b>	<a href="#">Electronic Transactions Act 2000</a>		<a href="#">Privacy Act 1993</a>	
<b>Pakistan</b>	<a href="#">Electronic Transaction Ordinance 2002</a>			<a href="#">Draft Electronic Crimes Act 2004</a>
<b>Palau</b>				
<b>Papua New Guinea</b>				
<b>Philippines</b>	<a href="#">Electronic Commerce Act 2000</a>			Draft Cybercrime Prevention Act 2004
<b>Republic of Korea</b>	Basic Act on Electronic Commerce 1999	Digital Signature Act 1999 (amended in 2001)	<a href="#">Act on Promotion of Information and Communications Network Utilization and Data Protection 1999</a> (into force: 2000)	
<b>Russian Federation</b>	Draft Law on Electronic Commerce (rejected)	Law on Electronic Digital Signatures 2002	<a href="#">Federal Law on Information, Informatization, and the Protection of Information 1995</a>	
<b>Samoa</b>				
<b>Singapore</b>	<a href="#">Electronic Transactions Act 1998</a>			<a href="#">Computer Misuse Act 1998</a>
<b>Solomon Islands</b>				

Last updated  
September 2006

	e-commerce	e-signature	personal data protection	electronic crimes
<b>Sri Lanka</b>	<a href="#">Information and Communication Technology Act 2003</a>			<a href="#">Computer Crime Bill 2003</a>
<b>Tajikistan</b>	<a href="#">Law on Electronic Document 2002</a> (in Russian only)			
<b>Thailand</b>	Draft electronic funds transfer law, national information infrastructure law	Electronic Transactions Act 2001 (entry into force April 2002)	Draft Data protection Law	Draft Computer Crime Law
<b>Timor-Leste</b>				
<b>Tonga</b>				
<b>Turkey</b>		Act on E-Signature, came into force in July 2004	Draft Law on Data Protection	
<b>Turkmenistan</b>	<a href="#">Law on Electronic Documents 2000</a>			
<b>Tuvalu</b>				
<b>Uzbekistan</b>	<a href="#">Law of the Republic of Uzbekistan on e-commerce 2004</a> (Russian Only); Law on Information Technology 2004; Law on Electronic Document Exchange 2003; <a href="#">E-Payment Law</a> (Russian only)	Law on Electronic Digital Signature 2003		
<b>Vanuatu</b>	<a href="#">Bill for the Companies (E-Commerce Amendment) Act 2000</a> <a href="#">Bill for the Electronic Transactions Act 2000</a> <a href="#">Bill for the E-Business Act 2000</a>	<a href="http://www.vanuatugovernment.gov.vu/inter.net.html">http://www.vanuatugovernment.gov.vu/inter.net.html</a>		
<b>Viet Nam</b>	Decree 57/2006 on E-Commerce			

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September 2006

## Associate Members

	e-commerce	e-signature	personal data protection	electronic crimes
American Samoa				
Cook Islands				
French Polynesia				
Guam				
Hong-Kong, China	<a href="#">Electronic Transactions Ordinance 2000</a>		<a href="#">Personal Data (Privacy) Ordinance 1996</a>	
Macao, China	<a href="#">Basic Telecommunications Law 2001</a>		<a href="#">Regulations on Electronic Documents and Signatures 2005</a>	
New Caledonia				

## Others

	e-commerce	e-signature	personal data protection	electronic crimes
European Union	<a href="#">Directive 2000/31/EC</a> in June 2000 ("E-commerce" Directive)	<a href="#">Directive 1999/93/EC</a> of December 1999 ("Electronic Signatures Directive")	EU Data Protection <a href="#">Directive 1995/46/EC</a>	The Council of Europe's <a href="#">Cybercrime Treaty</a> (not EU) 2001 (into force 2004)
United Kingdom	<a href="#">Electronic Communications Act 2000</a> , Completed by: <a href="#">Electronic Commerce Regulations 2002</a>	<a href="#">Electronic Signatures Regulations 2002</a>	<a href="#">Data Protection Act 1998</a> (into force 2000)	<a href="#">Computer Misuse Act 1990</a>
United States of America	<a href="#">Uniform Electronic Transactions Act 1999</a>	<a href="#">Electronic Signatures in Global and National Commerce Act 2000</a>	<a href="#">Electronic Communications Privacy Act 1986</a> ; <a href="#">Personal Data Privacy and Security Act of 2005</a> (Reported in Senate)	

*Information is taken mainly from secondary sources and UNESCAP accepts no responsibility for its accuracy.*

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