



Electronic Secure Cross-Border Trade

Legal Framework of PAA

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Challenges of Cross Border Legal Framework and PKI Mutual Recognition



Probable worries of companies who have interest in e-Trade

Our trade partner is at the opposite side of Internet under different PAA Service Provider. How can we have a guarantee that our partner would also obey the same PAA e-trade rule? We don't know our partner's Service Provider and can't claim them directly even when our partner offend the rule. Can we claim our Service Provider in order to make our business partner abide the rule through their Service Provider ?

- Legal effectiveness of **Interconnect Agreement** among PAA Service Providers
- Legal effectiveness of **Subscriber Agreement** between each Service Provider and end-users

We have replied in time for the validity of selling offer, but the seller sold the goods to other buyer, saying that our reply was late.

In such case, how can you prove that we were not late?

What solution do you have if such case would really happen ?

- Time lag for processing data by Service Provider shall be defined clearly.

In case of dispute, can Service Provider prove that THIS is the e-document that we have received ?

- Storage of Data log before and after format conversion.

In the electronic document, we can't find digital signature of our partner, but only of our Service Provider. Can we insist our rights against our partner on such electronic document with the digital signature of our Service Provider instead of our partner ?

- Format conversion by Service Provider will damage the original digital signature of the sender.

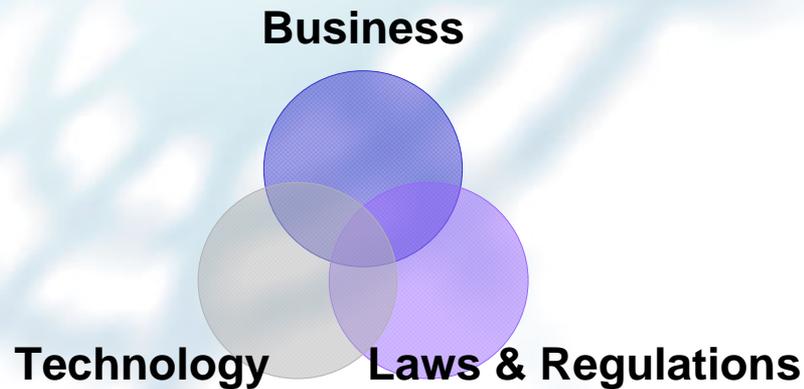
therefore **PAA Legal Framework** is important to protect the full transaction and to build all users'

confidence on PAA scheme, .

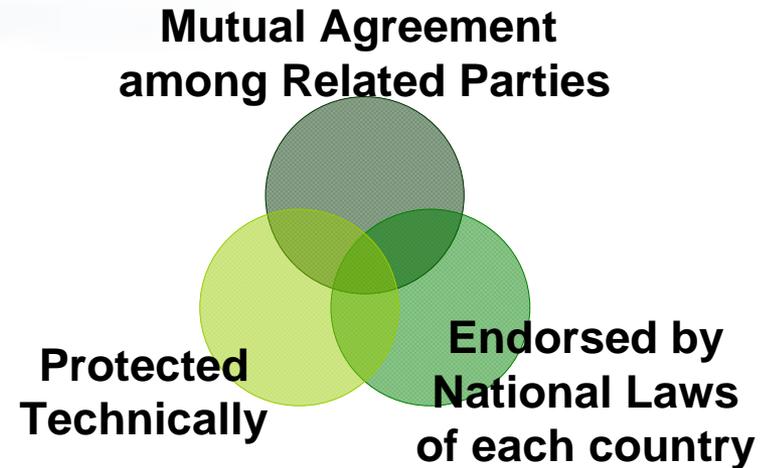


Effectiveness of e-Document protected by robust legal framework

Elements of Legal Framework



Elements to realize effect of e-Documents



Legal Framework shall be established -----

- ◆ along with the requirement of **International Business**.
- ◆ respecting **National Laws** and **International Practices**.
- ◆ endorsed by **Technical Capability**.
(Technical capability and available facility of **each Service Provider**, as well as the Level of the latest Technology.)

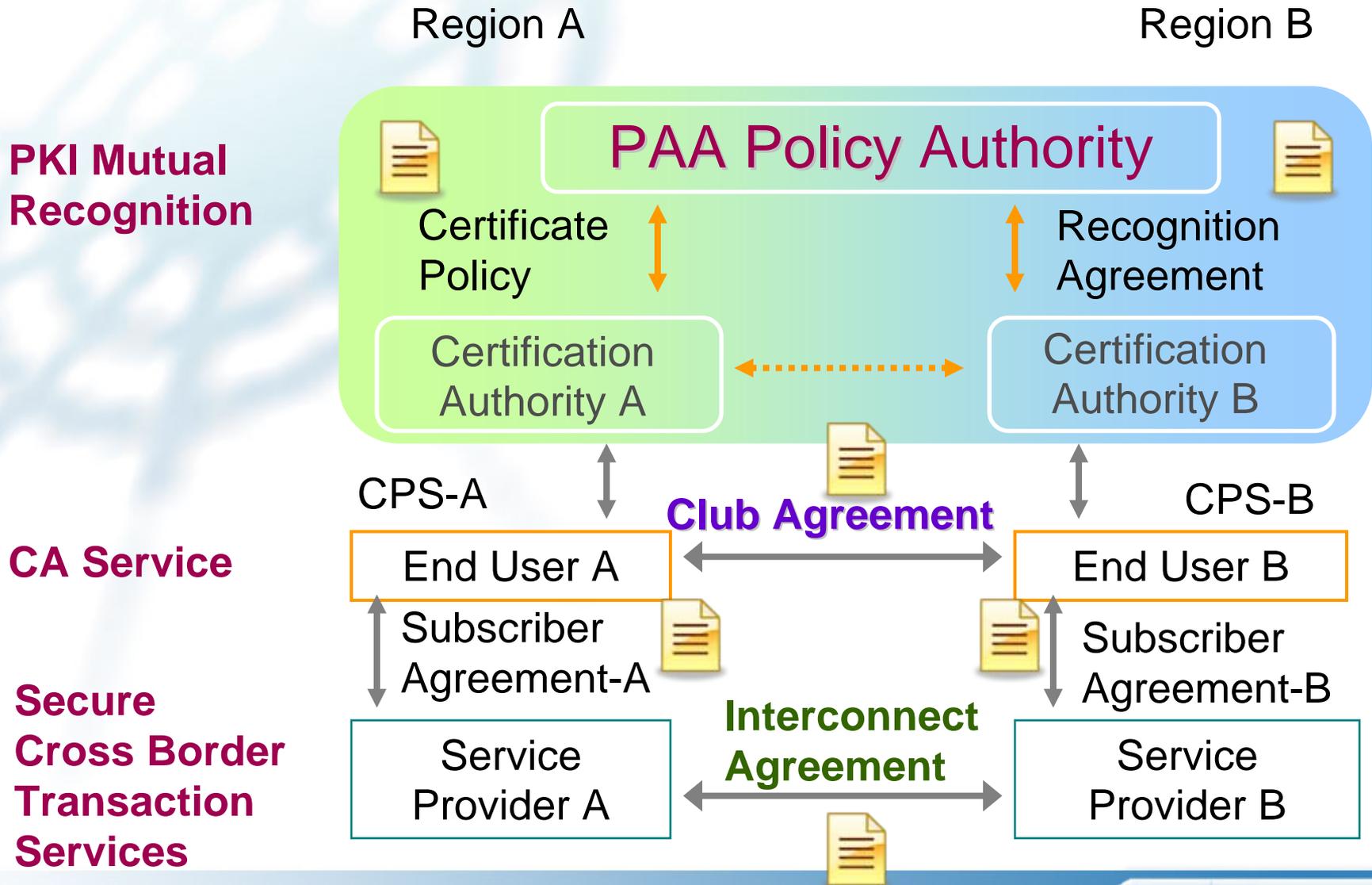
e-Documents will effective when -----

- ◆ Related Parties agree not to challenge e-Doc. in accordance with the Legal Framework.
- ◆ National Law admit e-Doc. as official evidence.
- ◆ e-Doc is protected against any manipulation.

Purpose of Legal Framework for Electronic Cross-border Transaction Network

- ◆ 1 To provide international **common basis** on which all related parties in the countries of the region are legally and evenly bound, for applying electronic transactions for their cross border business.
 - ⇒ In order to legalize the mutual obligation among all related parties, it is necessary to have a common agreement to which all parties shall be bound equally.
- ◆ 2 To clarify the **point of separation** when and where the obligation is transferred from one to another, one country to another country..
 - ⇒ Essential factor to be required for International Legal Framework
- ◆ 3 To protect **end-users** from unexpected nullification of rights and obligations, caused by using Electronic Cross-border Transaction Network of PAA.
 - ⇒ Legal Framework shall be a Safety-net extended by Service Providers based on Professional Consideration in electronic transactions, prepared for the case of conflict among users.
 - ⇒ Many end-users will get into e-trade to enjoy efficiency, believing that even with e-trade, their business routine will be realized exactly the same as trading with paper documents.
It doesn't mean that Service Providers take commercial responsibility of users.

PAA Legal Framework



Linkage of Agreements for Legal Framework

PAA Club Agreement

PAA Service Provider shall include in their Subscriber Agreement, on which **end-user's manual signature** is furnished, a series of conditions to use PAA Service, binding them to **Club Agreement**

Through Interconnection Agreement **manually signed** among all **PAA Service Providers**, it is declared that they are bound to **Club Agreement**

PAA Service Provider shall include in their Subscriber Agreement, on which **end-user's manual signature** is furnished, a series of conditions to use PAA Service, binding them to **Club Agreement**

Interconnection Agreement

Conventional
Documentary Agreement
with **Manual Signature**

Subscriber Agreement

End-users



PAA Service Providers



PAA Service Providers



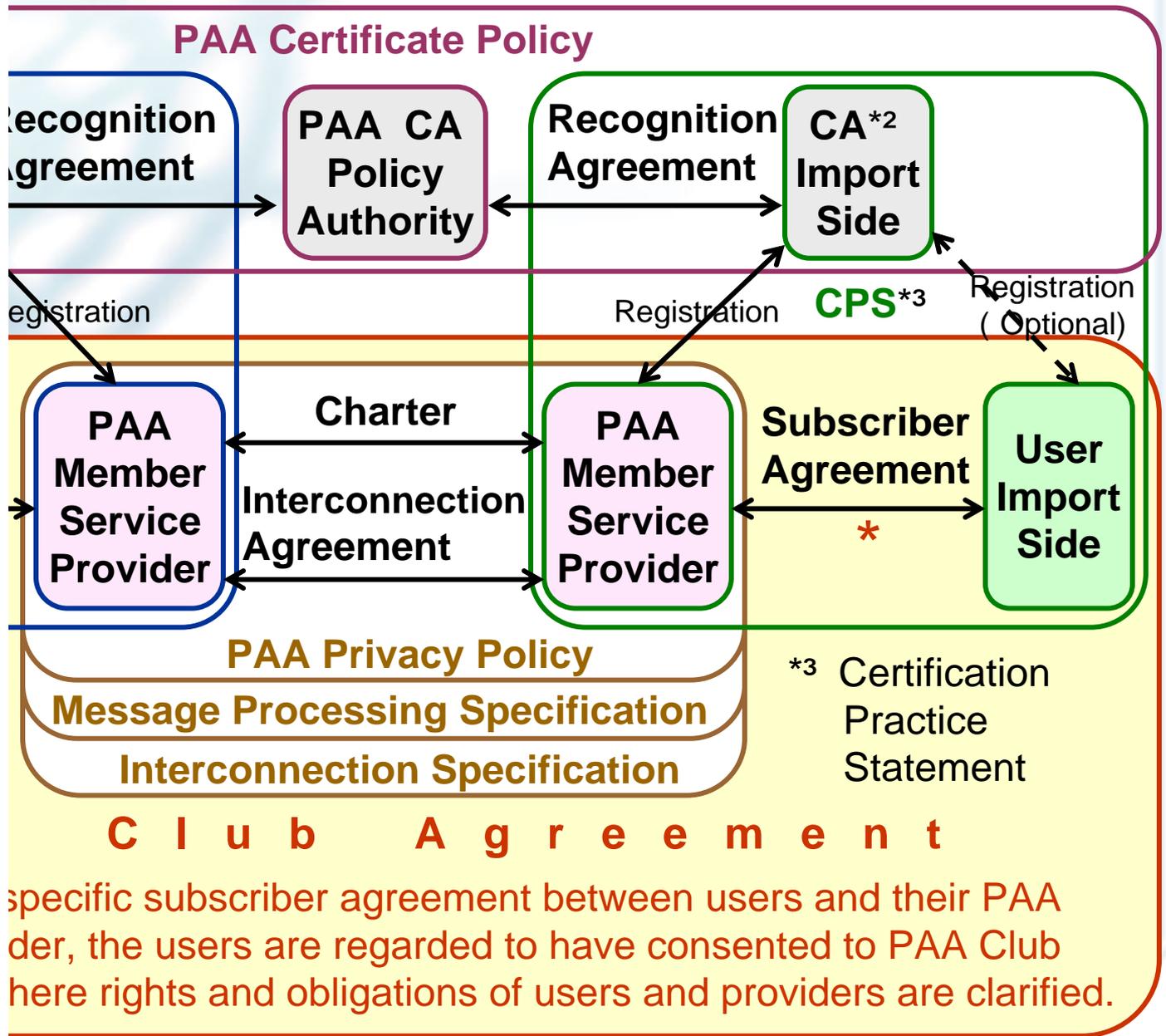
End-users

Subscriber Agreement

Not necessary to have particular Direct Agreement for Paperless Trade

Framework for Cross-border Transaction Service

↔ Signed Agreement



预览已结束，完整报告链接和二维码如下：

https://www.yunbaogao.cn/report/index/report?reportId=5_7667

