



**Ministry of Commerce, Science & Technology,
Jamaica**

Electronic Transactions Policy

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EXECUTIVE SUMMARY

The Government's stated objective is to ensure that Jamaica becomes an active player in the global information society. Against this background, the Government has established a National Strategy for Information and Communication Technology that recognizes the importance of a policy on electronic transactions as critical to supporting that objective.

Information technology will enhance competitiveness, generate new products and new production processes. New forms of organization will emerge that are strongly dependent on human skills, the need for extensive adaptability as well as the will to use new technology. The support of an environment to enable electronic transactions, can assure democracy, equal opportunities, and economic development, while affording legal protection for consumers, business and industry in the global environment.

The Government will apply the following principles in establishing an electronic environment:

- The development of electronic commerce shall be market-determined based on corporate and consumer demands for products and services;
- Where the Government intervenes, the process shall be fully transparent and undertaken in dialogue with the parties concerned;
- Regulations shall be neutral in relation to technology and not restricted to specific technological solutions;
- Framework conditions laid down through regulations must be flexible and adapted to developments in and be in harmony with international rules and guidelines, and should contribute to establishing confidence in electronic commerce;
- The present legal principles applying to trade would also apply to electronic commerce.

In establishing an electronic environment, there will be the following guiding principles –

1. The electronic marketplace shall be predictable. Predictable legal and economic framework conditions must be established, which support national and international competitiveness.
2. Access to the electronic marketplace must be facilitated, and the infrastructure and services should be developed to facilitate use by all potential user groups
3. The electronic marketplace should encourage buyers and sellers with the public sector taking the lead, through electronic governance.
4. Security and the protection of privacy and consumers, including children and youths, will be according to accepted international guidelines and

- standards, in order to ensure that confidence, consumer rights and the protection of privacy and other rights are assured in respect of electronic transactions;
5. The Electronic Transactions Policy shall support the positive effects of the electronic environment, and contribute to benefits for the public sector and society as a whole.

The Ministry of Commerce, Science and Technology will be responsible for the coordination of the adoption of the electronic transactions policy across government agencies to facilitate growth and reduce barriers and costs to business.

THE VISION

Through active, confident and secure participation in the digital economy, Jamaica will be optimally integrated into the global environment, and Jamaican businesses, public institutions and consumers will benefit from the creation of new businesses, the support of social objectives and increased economic growth.

BACKGROUND

The Government of Jamaica recognizes that in this Information Era, investment in information and communication technologies is critical to job creation and economic and social development. Thus there is commitment to the implementation of policies conducive to making Jamaica a true Information Society in which there is ready and affordable access to information and to technological tools.

In this regard, the Information, Communications and Technology sector has been identified as a key strategic cluster for generating economic growth, and a three-tiered strategy to harness the benefits emerging from this sector was indicated, with the following focus;

- liberalization of the telecommunications industry
- implementation of the National Strategic Information Technology Plan
- promotion of electronic commerce

The first tier has already been completed as the Government successfully negotiated an Agreement with the dominant telecommunications provider, which saw an end to the monopoly in telecommunications and the liberalization of the telecommunications sector on a phased basis. The liberalization process that

began with competition in mobile services in 2000, led to full competition in telecommunications at the beginning of March 2003.

The Government's thrust is now on the second and third tiers, which through Information Technology and Electronic commerce will enable Jamaica to capture niche markets, compete effectively with larger more developed economies, and take greater advantage of the benefits of globalization and free trade.

Electronic commerce is expected to be a key driver in achieving economic growth, through:

- increased efficiency, accuracy and timeliness of all contractual and financial transactions.
- implementation of "e-government" initiatives, which is a priority of the GOJ;
- improvement in service quality, and time efficiencies for businesses and government departments; and reduced cost and the,
- increased transparency and efficiency in the procurement and sale of goods and services.

The second and third tiers will be supported by policies that will ensure Jamaica's active participation in the electronic market place. The Government will establish the necessary predictable and consistent regulatory framework that will enable local online business activity to flourish.

Jamaica's Five Year Strategic Information Technology Plan recognizes the need to develop a legal and regulatory framework to facilitate electronic commerce, and the critical importance of legislation that governs electronic signatures and promotes electronic commerce in general. The Plan states: "Government must also ensure, as a priority, that legislation covering areas such as digital signatures which may hinder the growth of electronic commerce, be reviewed and revised to reflect the new technology". It also has among its primary goals "the establishment of a transparent regulatory framework consistent with and adaptable to the emerging electronic business environment, covering areas such as privacy, protection of intellectual property and digital signatures."

The Policy Framework for Electronic Transactions establishes guiding principles in order to support an environment that will encourage more consumers, as well as private and public sector organisations to conduct more of their business online. The Framework also builds on the objectives outlined in the National Information Technology Policy and Strategy.

DEFINITION OF ELECTRONIC TRANSACTIONS

Electronic Transactions are technically defined as the processing and transmission of digitized information related to products and services. Electronic Commerce refers specifically to online business transactions.

The International Telecommunications Union (ITU) has identified the following categories of E-Commerce:

- Subscription and usage-based telephony, online, and Internet access services
- Subscription or transaction-based information services and software sales
- Consumer retail sales
- Business-to-business wholesale and retail services and sales
- Advertising and marketing services
- Financial services and transactions
- Government services and information; and
- Ancillary functions contributing to business/commercial activities

It is estimated that in 2003 the value of these services in the global marketplace, will be in excess of US\$330 billion dollars. The benefits to Jamaica, of participation in this market place include job creation, increased trade and improved social conditions through wealth generation.

As such, the Government intends to build an environment, which supports electronic transactions, for the benefit of Jamaica.

A pre-requisite to harnessing the benefits of a digital environment is investment in information and communication technologies, affordable access to the Internet and confidence in online payment and credit systems.

ELECTRONIC GOVERNMENT

The Government intends to lead by example and ultimately achieve a one-stop access, through delivery of Government services online, i.e. E-Government, and through an Internet portal to Government information and services.

The implementation of an Electronic Transactions Policy will have a major impact in bridging the distance between the Jamaican Diaspora overseas and the Jamaican Government, as the required trust in accessing the national digital system would be assured.

Already many Government Agencies are online. The Government of Jamaica is implementing an E-governance project that aims to facilitate access by its customers and clients, including the payment of taxes and procurement of

government services online. This project will enhance the process of placing key fiscal agencies online within the next two years.

It is anticipated that the move to E-Government through the adoption of modern information and communication technologies will have a positive impact on the delivery of Government services by lowering the cost of service provision and improving the quality and timeliness of service. This is seen as an important contributor to the stimulation of the Jamaican economy.

Given the necessity for confidence in electronic transactions, the Government intends to develop a Government Public Key Infrastructure (PKI) to enable secure electronic transaction of Government services. A central clearing house to facilitate international security key issues will also be established. The Trade Board will assume responsibility for the central clearing house and Public Key facility, in order to address the fundamental requirements for identity and trust in all e-business activities.

The Trade Board as the Public Key facility custodian will be the registering and certifying authority for PKI enabled applications that aim to secure the Internet for e-business through the use of digital certificates. It will also be responsible for authentication and authorization of Internet users and, confidentiality of the information they store and communicate on a global scale.

Through the interconnection of registration and certification authorities as members of the Global Electronic Commerce partnership using PKI and virtual private network (VPN) technologies, a network of 30,000 e-transaction centres is to be connected and interacting internationally within the next 5 years. The International Telecommunications Union (ITU) will provide financial support for this project.

The ITU has established the E-commerce project in order to address the needs of Developing Countries and Countries in Transition by enabling rapid and cost-effective deployment of e-business solutions. The main features of the project are the combination of the World Trade Centers (WTC) network infrastructure and a common certification process. A portion of the revenues generated will be channeled to a trust fund aimed at facilitating e-commerce deployment in these countries. Countries are required to identify a specific agency that is already working with companies, as the registration authority to receive the support, and as such, in the case of Jamaica, the Trade Board has been identified.

The registration authority will be responsible for building a secure framework for business - to - business e-commerce. Developing Countries and Countries in Transition will be supported in the deployment of a minimum of one hundred (100) Registration Authorities (WTC, chambers of commerce, and other corporate networks) worldwide in the first year of operations. These authorities

will issue certificates at sectoral, regional and national levels as well as supply users with end-user access kits (USB Key devices and software).

This registration authority, in its capacity as the Cyber Regulations Advisory Committee, may also assume responsibility for ensuring that the E-transactions legislation is effected. The enacting of legislation and identification of a central public facility with responsibility for electronic transactions will enable Jamaica to benefit from support of the ITU.

The implementation of electronic solutions in government will also facilitate transparency and efficiency in the procurement of goods and services by Government.

Ultimately E-Governance, by forging closer links between citizens and government and facilitating communication, will enhance the democratic process.

SMALL & MEDIUM SIZED ENTERPRISES

The Free Trade Area of the Americas (FTAA) protocol, challenges member states to ensure that there is national reach in respect of access and infrastructure; and further emphasizes a focus on access by small businesses which, as agents of sustainable economic development, need to have an on-line presence.

Government acknowledges that small and medium size enterprises (SMEs) are critical agents of change in the quest to achieve sustained economic growth.

The Government will therefore encourage SMEs to participate in the Global Electronic Market. SMEs will also be targeted for special projects and financial incentives.

Special care will be taken to ensure that SMEs understand the importance of integrating information and communication technologies in their businesses to enable cost efficiencies, and improve quality control so that they may be sufficiently competitive to successfully enter the global market place.

CONTENT and COMMUNITY FOCUS

Globalization and the Internet have helped to encourage new forms of human interaction, and to increase opportunities for exchanging ideas, information, goods and services. Globalization may however constitute a threat to the culture, lifestyle and uniqueness of Jamaica.

The Government is committed to supporting the development of relevant content, by providing opportunities for reinforcing and deepening the expression of our special indigenous creativity. At the same time, government will continue to provide a gateway for special local and international communities, including, forging links with different cultures in other parts of the world, as well as with the elderly and/or disabled and other marginalized groups in society.

Groups of disadvantaged persons will be ensured access to important electronic content to encourage their participation within society, and through access to electronic technology, marginalized communities will be afforded new opportunities to live fuller lives. Support will be provided to these communities to face their specific challenges, and optimal creativity will be supported, through the provision of content production for new media.

Innovations within mobile content technology will include the securing of our cultural heritage, developing our identity and language further and ensuring collaboration in democratic processes. The development of digital content for new media is closely linked to the rate of broadband roll-out as many content services such as geodata, music and cultural entertainment and media, require broadband connection.

The greatest challenge facing cultural heritage policy in light of digital developments is to ensure relevant quality content that reflects cultural and linguistic diversity. The government will lead the charge to promote innovation and creative thought, and support delivery with a modern infrastructure, which includes broadband transmission.

Special attention will be given to the Jamaican music industry as Electronic Commerce can provide that industry with a unique opportunity for accelerated growth and development. The Government will also target Jamaica's emerging software industry that will be encouraged to develop products and services to be used by indigenous businesses.

The public sector houses considerable amounts of raw data, including archived material and mapped data, which are of growing commercial interest. Thus this sector will be encouraged to play the role of a demanding customer as well as a supplier and will also be expected to provide services through effective payment solutions.

Content brokers, such as network service providers and Internet portals, as well as educational institutions and other media channels that publish content, must make sure that the content hosted with them is not being distributed or reproduced illegally. Content brokers will be encouraged to secure copyright through simple and intuitive systems.

SCHOOLS, LIBRARIES & POST OFFICES

Government will encourage members of the private sector to contribute funds and other resources to assist in equipping schools and libraries with computers and ensuring low cost Internet access.

The Government has identified the Post Office and community centers as pivotal access points for Jamaicans to engage in electronic commerce. Private and public sector partnerships will be encouraged to ensure that these venues are properly used as vehicles for electronic commerce.

Through the initiatives in schools, post offices, community centers and libraries, the Government intends to bridge the digital divide thereby affording all Jamaicans the opportunity to access the global information infrastructure and benefit socially, culturally and economically.

THE FINANCIAL SECTOR

Electronic transactions, and in particular electronic commerce, are dependent upon a supportive and responsive payment infrastructure in which both buyer and seller have confidence. This must be supported by a financial sector that fully participates in and embraces electronic commerce solutions.

The financial sector will be encouraged to facilitate small and medium size enterprises as they seek to access the global market place through web sites and internet portals so taking advantage of lower costs and niche marketing.

Electronic shopping with Jamaican credit and debit cards, and the provision of online banking services must become standard characteristics of Jamaican life in this new Millennium. Wider international access within the existing credit card system has resulted in the imposition of a risk premium for non - secure transactions. The passage of an Electronic Transactions Act will signal to the international community that Jamaica has a more secure electronic environment and should result in a reduction in the risk premium.

In the financial sector, the dematerialization of cheques by electronic facility reduces the cost of passing these through the clearing system. The commercial banks estimate the savings in this regard as being in the billions of dollars while, the Central Bank, which presides over clearing house activities, will also benefit from lower costs. These reductions in administrative costs to the commercial banking system should be used as a basis for moral suasion to recommend a lowering of their lending rates with its concomitant positive effects on investment and economic growth.

The Government will work closely with the financial sector to foster the safety and soundness of electronic payments, ensure adequate levels of consumer protection and remove legislative, regulatory and administrative hurdles that limit the digital transfer of payments.

CONSUMER PROTECTION

The growth of electronic commerce has the potential to offer substantial benefits to consumers.

These benefits include:

- Greater convenience.
- Increased choice (leading to greater competition).
- Lower prices (through the removal of intermediaries between the producer and the consumer).
- More information on products.
- Ability to personalise products.
- Improved after sales services.

Electronic commerce will particularly benefit members of society who are unable to participate in the traditional marketplace. For example, those who live in rural areas will have access to a range of goods and services normally only available in urban areas. In addition, people who have an illness or a disability will also benefit from the convenience of online shopping. However, electronic commerce will not realise its full potential until consumers have confidence in its efficacy.

For electronic commerce to flourish, consumer confidence is imperative and this will be supported through public education and public and private sector co-operation, buttressed by a clear, consistent legal framework.

A number of key issues need to be addressed to ensure that there is a safe and efficient online environment that consumers will trust. These key issues are:

- Information - the provision of adequate information to consumers
- Payment - establishing secure methods for paying online
- Redress – availability of effective and accessible redress in Jamaica and overseas
- Jurisdiction – international agreement on the appropriate jurisdiction for consumer contracts

- Privacy – protection of personal information in the online environment

The Government will encourage the private sector to adopt self-regulatory mechanisms and codes of practice in electronic commerce so that regulatory intervention by Government in the Electronic Market is minimal. Further, the Government will seek to promote alternative dispute resolution mechanisms, which will allow consumers fast, effective and fair redress for fraudulent, deceptive or unfair business practices online.

LEGISLATION

In 1996, the United Nations Commission on International Trade adopted a Model Law on Electronic Commerce as a basis for countries to evaluate and modernize aspects of their laws and practices, for transactions involving the use of computerized or other modern techniques, and for the establishment of relevant legislation where none exists. This Model Law establishes rules and norms that validate and recognize contracts formed through electronic means, sets default rules for contract formation and governance of electronic contract performance, defines the characteristics of a valid electronic writing and an original document, provides for the acceptability of electronic signatures for legal and commercial purposes and supports the admission of computer evidence in courts and arbitration proceedings.

The scope of application of the Model Law may apply to any kind of electronic transaction, which includes information in the form of a data message used in the context of commercial activities, where the data message may relate to international commerce or to any kind of information in the form of data message. The legislation should provide adequate protection to consumers and provides the same level of protection to consumers shopping online as for conventional transactions, especially in the case of cross-border transactions.

Principles for handling of cross-border disputes, including guidelines to determine the relevant enforcement body for the handling of cross-jurisdictional disputes relating to electronic commerce, where the trader and consumer are located in different jurisdictions, have to be addressed in the regulations. Jamaica should ensure that it benefits from the work of international agencies such as the International Telecommunications Union, The World Intellectual Property Organisation, the International Standards Organisation, and the International Court of Justice (The Hague), to ensure international support in handling and referral of cross-jurisdictional complaints by consumer protection enforcement agencies, as part of international agreements.

As the Government promotes policies to increase the use of the Internet by all Jamaicans it is acutely mindful of the potential dangers inherent in interactive media, such as abuse of privacy, cyber-piracy, infringement of copyright, trademark infringement and computer hacking.

The Government will therefore pass legislation to create a stable and predictable regulatory framework for electronic transactions. This will mean the passage of laws that will cover such areas as online security, privacy, computer misuse, and consumer protection, and which will provide for the validity and enforceability of electronic records, signatures and transactions.

The Electronic Transactions Act will ensure technological neutrality and applicability, be applicable in the international context, and will provide guidelines in respect of the following:

- Electronic governance;
- Electronic documents and electronic contracts;
- Electronic signatures;
- A system and structure of certification for addressing liability, risk allocation, accuracy and reliability, and for indicating approval.
- An administrative system for addressing security issues such as Public Key Infrastructure (PKI)
- The technology for electronic signatures;
- Contraventions and exclusions from the applicability of electronic records of certain statutes and legal processes (e.g., the making of wills and land conveyances);
- Cyber Regulations Appellate Tribunal (CRAT);
- Information technology offences;
- Investigation, search and seizure;
- Limited liability of internet/network services providers
- Cyber Regulations Advisory Committee, with responsibility for overseeing the administration of the e-commerce legislation
- Amendment/repeal, etc., of related enactments.

Companion legislation that deals with criminal sanctions for the misuse of electronic data and the abuse of electronic means of completing commercial transactions is to be developed and enacted.

The objective of such legislation would be to build a legal and regulatory framework which:

1. Secures the confidence of all Jamaicans as well as persons doing business with Jamaica
2. Provides at least the same level of protection for consumers engaged in electronic commerce as is provided for other forms of commerce.
3. Favours market based regulation.
4. Conforms with agreed international positions

In addition the existing legal framework governing commercial transactions in the physical world will be reviewed to ensure applicability in a digital environment.

The government will:

- maintain its policy of ensuring that legislation is designed to enhance the integration of new technologies in Jamaica.
- encourage alternative dispute resolution mechanisms, which will enable speedy redress for online disputes.
- encourage respect for intellectual property in the digital environment. This is seen as particularly critical given the benefits that can accrue to Jamaica from the development of its music industry provided that the copyright in music is respected online.

An Electronic Transactions Act (ETA) will ensure that intra island as well as cross border consumer transactions occur within a sound legal framework. The global nature of the electronic environment means that this framework should correspond with established international positions. The legislation should therefore be patterned after the United Nations Commission on International Trade Law (UNCITRAL) Model Law on Electronic Commerce as outlined above, but should take into consideration the electronic transactions legislation of several jurisdictions as indicated in the appendix.

INTERNATIONAL COOPERATION

Electronic commerce is expected to become a major component of international trade and is already of tremendous importance in international trade policy.

As products and services are increasingly being bought, sold and paid for over the Internet, the value and growth levels of global e-commerce transactions are projected to be several billions of dollars.

The promotion of electronic commerce will require the Government to develop an international e-commerce strategy and to actively participate in regional agreements and international treaties.

Jamaica has already been well represented at many regional and international fora on electronic commerce issues related to intellectual property, accessibility and availability of infrastructure, consumer protection, jurisdiction and security.

Jamaica is also a participant in the Free Trade Area of the Americas Joint Government-Private Sector Committee of Experts on E-Commerce and is Chair of the Caribbean Regional Committee on Electronic Commerce and Intellectual Property.

Further to Jamaica's participation in regional and international meetings and discussions, the country is committed to:

- becoming a signatory to both the WIPO Copyright Treaty and WIPO Performances and Phonograms Treaty (the WIPO Internet Treaties)
- establishing certification and registration centers through recognized international agencies such as UNCTAD or the International Telecommunications Union (ITU).
- identifying and pursuing through CARICOM, strategic e-commerce interests, which will benefit the region

The Government recognizes that it is only through international cooperation and the adoption of best practices that the many complex global issues related to e-commerce such as transnational crime, taxation of digital transactions, cross-border transactions and the protection of intellectual property will be resolved and Jamaica successfully integrated in the new global digital economy. The Government will therefore support all initiatives that could assist it in establishing an information society in the shortest possible time.

The ITU has articulated a strategy, which seeks to assist member states to bridge the digital divide. This ITU e-Strategy is intended to promote the development of Internet Protocol (IP) networks and services on all types of telecommunication networks, in support of the rollout of societal applications to enhance governmental, medical/health, educational, agricultural, business and community services. Enhanced security and the application of public networks through multi-purpose community centers and platforms to provide wider and affordable access and enhance ICT literacy support for socio-economic development is also addressed. The ITU aims to promote the establishment of a

favorable legal environment for e-applications, while in all actions, taking into account the needs of rural, isolated and otherwise poorly served areas and of persons with special needs, including youth, the disabled and indigenous groupings.

The ITU has established World E-Trust memoranda of understanding (MOU) with thirty-five of its member states, and seeks to widen the understanding with others. The objective of these memoranda is to establish an inclusive, technology-neutral and technology-independent framework. This framework is to facilitate the beneficial, non-exclusive, cost-effective, global development and deployment of highly secure infrastructure and applications for value-added e-services in Developing and Least Developed Countries worldwide.

The Free Trade Area of the Americas (FTAA), has issued the following challenges to its members to meet a year 2005 deadline:

- to get online by ensuring access to and establishment of required infrastructure
- to bring small businesses, especially micro enterprises, online
- to ensure that there is confidence in entering into contracts online through the establishment of authentication and certification processes
- to provide an enabling environment for online purchasing and payment.

CARICOM through its Protocol I, which speaks to Establishment, Services and Capital, supports telecommunications as a traded service and encourages the cross-border flow of other services. Digital services are being recognized as a critical area for addressing Jamaica's trade imbalances with its CARICOM partners and other countries.

Policy guidelines will take into account trade negotiations relating to the WTO Doha Round that should be completed in respect of telecommunications and related industries by January 2005.

While Jamaica's E-readiness will influence the agreements made under the Doha Round, several issues are to be taken into account;

- a. The definition of trade in goods and services in an electronic environment
- b. The application of consumption taxes and duties on goods and services are supplied through an electronic transaction
- c. Jurisdiction issues
- d. Intellectual property issues
- e. Electronic commerce and internet as basic telecommunications services,
- f. International standards.
- g. The impact of convergence

- h. Technology neutrality
- i. The commercial requirements for supply in services on the internet
- j. The classification of online delivery of content as trade in goods or services
- k. Dual classification for digitised products

Many of the obligations that are outlined in international agreements, have been identified as necessary for the establishment of an enabling electronic environment in Jamaica. These obligations would be satisfied through the development of appropriate electronic transactions legislation.

PUBLIC EDUCATION

Jamaica will only be able to reap the immense benefits and rewards of electronic commerce if Jamaicans are familiar with and confident about conducting business in a digital environment.

The Government will boost public confidence in electronic commerce and address the digital divide through public education campaigns on the important transformational value of information and communication technologies on economic and social development. Private sector partnership with Government will be essential in this process.

Information will be disseminated on marketing on the Internet, computer training, and the adoption of e-commerce solutions. Young people and small and medium sized enterprises will be specifically targeted.

The public information process will form part of the formal education and informal training programmes through which Jamaica will be transformed into a knowledge-based society in which electronic transactions and the application of electronic commerce are tools for development.

APPENDIX

NOTE 1: RE LEGAL CONSULTANCY AND RECOMMENDATIONS

The USAID Consultants were provided with a number of documents and their work was informed by the electronic transactions legislation of several jurisdictions. The list below applies but is not intended to indicate the full extent of the research that supported the recommendations, which are reflected in the Electronic Transactions Policy.

1. The IDB commissioned study entitled ***Jamaica Information and Communications Technology Project E-Government Component Feasibility Study***, as an “Annex to Final Report: Legal Review” and dated January 18, 2002. The purpose of this IDB study was to “ ... examine the extent to which the existing legal framework in Jamaica contains significant legal impediments to the further growth and development of information and communications technology solutions in Jamaica, especially electronic commerce and online government”. The study included “ ... recommendations for legislative initiatives that should be taken by government”
2. The UN Commission on International Trade Law – Working Group on Electronic Commerce; paper of 11-15 March 2002
3. Model Law on Electronic Commerce of the United Nations Commission on International Trade Law

A number of relevant Acts, including -

Australia - *Electronic Transactions Act 1999* (An Act to provide a regulatory framework that recognises the importance of the information economy to the future economic and social prosperity of Australia; and facilitates the use of electronic transactions; and promotes business and community confidence in the use of electronic transactions; and enables business and the community to use electronic communications in their dealings with government)

Barbados - *The Electronic Transactions Act 2001* (an Act to make provision for electronic transactions and for related matters):

Bermuda – *The Electronic Transactions Act, 2001* (an Act to make provision for electronic transactions and for related matters)

Cayman Islands – *The Electronic Transactions Law, 2000* (a law to establish the legal principles applicable to the conduct of electronic commerce and the processing, verification, and attribution of electronic records; to provide for the

approval, registration and liabilities of service providers; to establish a system for the regulation of processors of personal data; and for incidental and connected purposes)

Singapore – *Electronic Transactions Act, 1998* (An Act to make provisions for the security and use of electronic transactions and for matters connected therewith)

Republic of Trinidad and Tobago – *Computer Misuse Act, 2000* (An Act to prohibit any unauthorised access, use or interference with a computer and other related matters)

Republic of Trinidad and Tobago – *Electronic Transfer of Funds Act, 2000* (An Act to regulate the transfer of money by an electronic terminal by use of a card for the purpose of instructing or authorising a financial institution to debit or credit a cardholder's account when anything of value is purchased and for other related purposes)

United States of America – *Uniform Electronic Transactions Act (1999)* (An Act drafted by the National Conference of Commissioners on Uniform State Laws, and by it approved and recommended for Enactment in all the States)

State of Utah, USA – *Utah Digital Signatures Act* (Comprising regulations in four parts for Definitions: Licensing and regulation of certification authorities, Duties of certification authorities for subscribers, effects of a Digital Signature)

The British Columbia Electronic Transactions Act (2001) and the Ireland **Electronic Commerce Act (2000)** were examined, as well as specific relevant aspects of the existing electronic commerce and related legislation in the **United Kingdom, India and Canada.**

NOTE 2: RE INTERNATIONAL ORGANISATIONS

The United Nations Commission for International Trade Law (UNCITRAL) has a working relationship with a number of other UN organizations, as well as a number of international and intergovernmental organizations including the United Nations International Court of Justice (The Hague), the International Labour Commission (ILC), The United Nations Centre for Trade and Development (UNCTAD), the World Trade Organisation (WTO), the Hague Conference on Private International Law, the Commonwealth Secretariat, and the International Telecommunications Union (ITU).

The World Intellectual Property Organisation (WIPO) and the WIPO Arbitration and Mediation Center offers arbitration and mediation services for the resolution

of international commercial disputes between private parties. Developed by leading experts in cross-border dispute settlement, the procedures offered by the Center are widely recognized as particularly appropriate for technology, entertainment and other disputes involving intellectual property. Through the Jamaica Intellectual Property Office, Jamaica benefits from a close working relationship with WIPO and would have access to any mechanisms for dispute settlement as managed by WIPO.

The International Standards Organisation (ISO) has been drafting technical and service standards for application in the electronic environment. The Bureau of Standards in Jamaica, is a member of the ISO and has access to these standards for application in the Jamaican context.