

# *Electronic Commerce Law in Korea*

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# *1. Legislation on Electronic Commerce in Korea - Basic Statutes*

*1. Basic Act (“ETBA”)*

*Electronic Transaction*

*2. Electronic Signature Act (“ESA”)*

*3. Door to Door Sales Act (“DDSA”)*

*chapter 3. Sales through Communication*

*4. Information Network Act (“INA”)*

## *II. Legislative Developments*

- 1. On December 24, 1998, the Ministry of Information and Communication (“MIC”) enacted Electronic Signature Act (“ESA”)*
- 2. On January 5, 1999, the Minister of Commerce, Industry and Energy enacted the Electronic Transaction Basic Act (“ETBA”)*
- 3. Also, on December 24, 1999, the MIC revised the Computation Network Expansion and Utilization Promotion Act (New name: Information Network Act).*
- 4. Moreover, Electronic Fund Transfer Act (or Electronic Currency Act), Individual Information Protection Act have been reviewed for enactment*

# *III. Electronic Signature and Electronic Record*

## *1. Legal Effect of Electronic Signature*

- a. Identity of Originator of Electronic Record*
- b. Integrity of Electronic Record*

## *2. Certification of Electronic Signature*

- a. Authorized Certification Authority  
(ESA §§4 through 14, ETBA §16)*
- b. Issuance and Revocation of Certificate  
(ESA §§15 through 18)*

## *3. Electronic Record As a Legal Document (ETBA §§5,6,7)*

## *IV. Secure Electronic Commerce*

- 1. Responsibility of Cyber Mall Operation (ETBA §14)*
- 2. Stability of Computer System (ETBA §15)*
- 3. Protection of Private Information (ETBA §13)*
- 4. Cryptography (ETBA §18)*

## *V. Protection for Buyers*

- 1. Door to Door Sales Act: Chapter 3 “Sales through Communication Means”*
- 2. General Terms Regulation Act (“GTRA”)*
- 3. Consumer Protection Act (“CPA”)*
- 4. Provision of ETBA*
  - a. Duty of Disclosure (ETBA §30)*
  - b. Duty to Establish a Mechanism to Solve Consumer Complaint(ETBA §32)*

## *VI. Conclusion*

- 1. Legal Environment to promote e-Commerce operation*
- 2. New Legal Regime for Intellectual Property*
- 3. Establishment of International Uniform Law and Dispute Resolution Mechanism*
- 4. Emergence of Cyberspace Law*