

# Global Guide to Electronic Signature Law:

Country by country summaries of law and enforceability





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## Introduction

Electronic and digital signatures represent a tremendous opportunity for organizations to get documents signed and close deals faster. When rolling out e-signatures globally, you need to be aware of the variety of electronic signature laws across the globe. This guide gives you a great place to start.

The guide covers the electronic signature laws of 47 countries, including all the largest economies. It gives a snapshot of each country's electronic signature laws in the form of brief summaries. These provide a reference point for determining the scope of an organization's use of *electronic signatures* in different jurisdictions. It is not meant to be an exhaustive or detailed legal analysis, but gives a solid place to start.

Each summary provides:

- The name of the electronic signature law and, where possible, a link to the best available online version of it. Be mindful that the links are sometimes to unofficial translations or other secondary materials. Nonetheless, they provide an excellent starting point.
- A succinct answer as to whether simple electronic signatures are considered legal, admissible and enforceable in that jurisdiction.
- A description of the type of electronic signature law that applies in that jurisdiction. Most laws fall into one of three categories: minimalist, two-tier or prescriptive.
- Types of transactions or other legal subject matter that are exempted from the law's application or any other noteworthy issues in that jurisdiction.

**Note:** This information is intended to help you understand the legal framework of electronic signatures. However, Adobe cannot provide legal advice. The law of electronic signatures is constantly evolving. This guide is not intended as legal advice and should not serve as a substitute for professional legal advice. You should consult an attorney regarding your specific legal questions.

If you wish to conduct further research, the following resources may be helpful:

- Stephen Mason, *Electronic Signatures in Law* (3rd edition, Cambridge University Press, 2012)
- *The Standards and Procedures for Electronic Records and Signatures (SPeRS)*
- *Electronic Signature & Records Association (ESRA)*
- *Database of Electronic Signature Legislation*



## Definition of terms

### Types of electronic signatures

**Electronic signature:** An electronic symbol or process attached to an agreement and executed or accepted by a person with the intent to sign the agreement or record. Examples include clicking an Accept button online, signing on a touch pad to approve a credit card purchase or typing one's name on a signature line.

**Digital signature:** An electronic signature that uses an encrypted digital certificate to authenticate the identity of the signer. Digital signatures are sometimes referred to as advanced electronic signatures, *qualified* electronic signatures or other terms in jurisdictions outside the United States.

### Types of electronic signature law

**Permissive or minimalist:** Simple electronic signatures have the same status as handwritten signatures as long as both parties agree to the use of electronic signatures.

**Two-tier:** Digital signatures have the same status as handwritten signatures, but electronic signatures are also legal and enforceable. These countries usually base their laws on the [UNCITRAL Model Law on Electronic Signatures](#).

**Prescriptive:** The use of electronic and digital signatures is governed by restrictive, country-specific laws. Frequently there is no language addressing the enforceability of simple electronic signatures, but some allow parties to specify the acceptable form of signature in an agreement.

## Recommended practices for electronic agreements

**Consent:** Agreements contain a provision stating that all parties agree that signing may be done electronically. Adobe Document Cloud eSign services include this provision automatically.

**Opt-out option:** Any parties to the document that desire to sign it using a handwritten signature must be given the option to do so.

**Retention:** All electronically signed agreements are retained in accordance with the organization's usual document retention policies.

**Audit trail:** A copy of the signature audit trail, showing the time and identity of all signers, is attached to the executed agreement. This is done automatically with Adobe Document Cloud eSign services.

**Circulation:** An unaltered, fully executed, complete electronic copy of the document is sent to all parties for their reference and archiving. This is done automatically with Adobe Document Cloud eSign services.

## Country summaries of electronic signature law

### Argentina

#### Electronic signature law

*Digital Signature Law 25,506* (no translation available)

#### Are electronic signatures legal, admissible and enforceable?

Yes, electronic signatures are valid with prior consent from each party.

#### Summary of law

Argentina follows the UNCITRAL model law and is similar to the laws of many European Union member states. It is considered a two-tier jurisdiction because it gives digital signatures the same status as handwritten signatures but also recognizes simple electronic signatures as legal and enforceable. Countries that follow this model give companies the opportunity to select different forms of signatures and customize their business processes based on the form that is most convenient and appropriate for each use case.

Argentina's laws are somewhat different in that they primarily discuss the enforceability of digital or advanced electronic signatures. However, Section 1197 of the Argentine Civil Code provides that when the parties agree that they will accept electronic signatures as valid and that they won't challenge their validity, the agreement will bind both parties.

#### Key restrictions

Article 4 provides that the law does not apply to documents regarding death, family law or other highly personal matters.

### Australia

#### Electronic signature law

*Electronic Transactions Act 1999*

#### Are electronic signatures legal, admissible and enforceable?

Yes, Part 10 states that one can meet the legal requirement for a handwritten signature by using an electronic signature or communication.

#### Summary of law

Australia's electronic signature law is considered a permissive or minimalist law. This means that it allows nearly all documents to be signed using simple electronic signatures. It is very similar to the U.S. law, with minimal requirements and clear enforceability. One only needs to have a means to reasonably identify the person signing and show evidence of their agreement. Of course, one should always get the consent of the signing party to do business electronically and follow standard record retention processes.

#### Key restrictions

The law does not apply to documents related to migration and citizenship. In addition, some regions have laws that provide that the law does not apply to wills, powers of attorney and some real estate transactions. However, there is no exception to the law that applies to standard business agreements.

## Bermuda

### Electronic signature law

*Electronic Transactions Act 1999*

#### Are electronic signatures legal, admissible and enforceable?

Yes, Section 11 of the Electronic Transactions Act recognizes electronic signatures as legal and enforceable, while Section 14 provides for their admissibility.

#### Summary of law

Bermuda's law provides for the enforcement of both simple electronic signatures and digital signatures (sometimes called certified electronic signatures). It is considered a two-tier jurisdiction because it gives digital signatures the same status as handwritten signatures but also recognizes simple electronic signatures as legal and enforceable. Countries that follow this model give companies the opportunity to select different forms of signatures and customize their business processes based on the form that is most convenient and appropriate for each use case. Electronic signatures are presumed valid unless proof to the contrary is produced.

#### Key restrictions

Some real estate agreements and wills are exempted from the law.

## Brazil

### Electronic signature law

*Provisional Measure 2200-2, August 24th 2001 (unofficial translation)*

#### Are electronic signatures legal, admissible and enforceable?

Brazil's law allows only for electronic signatures that utilize the Brazilian public key infrastructure (PKI). While these government-authorized signatures are legal, the use of simple electronic signatures is not provided for under the law.

#### Summary of law

Brazil generally follows the UNCITRAL Model Law on Electronic Signatures. However, under Article 1, it imposes the additional restriction of allowing only its own version of PKI to be legally recognized. Documents and signatures that use this PKI are considered legal and enforceable for all public and private purposes under Article 10.

#### Key restrictions

There are no critical restrictions under the law.

## Canada

### Electronic signature law

[Personal Information Protection and Electronic Documents Act, SC 2000, c5](#)

#### Are electronic signatures legal, admissible and enforceable?

Yes, the laws of Canada and each of its provinces explicitly grant electronic signatures the same status as handwritten signatures.

#### Summary of law

Canada's laws follow the permissive approach. These minimalist, or permissive, laws permit the use of electronic signatures for virtually all types of agreements. However, it is important to obtain the prior consent of all parties to conduct business electronically. Electronic signatures are presumed valid unless proof to the contrary is produced.

#### Key restrictions

Some real estate agreements, wills, estate agreements and powers of attorney are excluded from the law. There is some variation among the provinces respecting restrictions. See, for example, Quebec's [Act to Establish a Legal Framework for Information Technology](#).

## Chile

### Electronic signature law

[Law 19.799](#) and [Decree 181](#) (no translations available)

#### Are electronic signatures legal, admissible and enforceable?

Yes, Article 3 of Law 19.799 recognizes electronic signatures as legal and enforceable, while Article 5 provides for their admissibility.

#### Summary of law

Chile's laws provide for the enforcement of both simple electronic signatures and digital signatures (called *advanced* or *certified* signatures). It is considered a two-tier jurisdiction because it gives digital signatures the same status as handwritten signatures but also recognizes simple electronic signatures as legal and enforceable. Countries that follow this model give companies the opportunity to select different forms of signatures and customize their business processes based on the form that is most convenient and appropriate for each use case. Electronic signatures are presumed valid unless proof to the contrary is produced.

#### Key restrictions

Agreements and documents related to acts or contracts where the law requires the personal attendance of one or more of the parties and those related to family law are exempted from the law.

## China

### Electronic signature law

*Electronic Signature Law of the People's Republic of China*

#### Are electronic signatures legal, admissible and enforceable?

Yes, Article 14 recognizes electronic signatures as legal and enforceable, while Articles 7 and 8 provide for their admissibility.

#### Summary of law

China's law is modeled on a combination of the EU Directive on Electronic Signatures, UNCITRAL Model Laws and United Nations Conventions on Electronic Communications in International Contracts. It provides for the enforcement of both simple electronic signatures and digital signatures. It is considered a two-tier jurisdiction because it gives digital signatures the same status as handwritten signatures but also recognizes simple electronic signatures as legal and enforceable. Countries that follow this model give companies the opportunity to select different forms of signatures and customize their business processes based on the form that is most convenient and appropriate for each use case. Electronic signatures are presumed valid unless proof to the contrary is produced.

Despite the clear legal support for electronic signatures, some judges in China are still averse to recognizing them. As a result, you may wish to use handwritten signatures for more sensitive matters like employment contracts.

#### Key restrictions

Agreements related to personal relationships (such as marriage, adoption, inheritance), some real estate agreements and agreements related to the suspension of public utilities are exempted from the law.

## Colombia

### Electronic signature law

Several laws in Colombia address electronic signatures, including Law 527 of 1999, Law 1150 of 2007 (Public Procurement), Law 962 of 2005 (Electronic Invoice) and Law 964 of 2005 (Electronic Securities) (no links available)

#### Are electronic signatures legal, admissible and enforceable?

Yes, the law provides that the parties may use electronic signatures with consent.

#### Summary of law

Electronic signatures are used in both the public and private sectors in Colombia. It is considered a two-tier jurisdiction because it gives digital signatures the same status as handwritten signatures but also recognizes simple electronic signatures as legal and enforceable. Countries that follow this model give companies the opportunity to select different forms of signatures and customize their business processes based on the form that is most convenient and appropriate for each use case.

Legal rulings regarding electronic signatures have been somewhat general and do not address specific types of electronic signature. However, a Colombian Supreme Court decision in December 16, 2010, included digital and electronic signatures as recognized legal categories under Law 527. Obtaining consent prior to using electronic signatures is a good practice to ensure enforceability.

#### Key restrictions

Conveyance of real estate rights, aircraft, ships, corporations or other business associations; bylaws; mortgage agreements; unlimited agency agreements and incorporation of branches are exempted from the law.

## The European Union

Austria  
Belgium  
Bulgaria  
Croatia  
Republic of Cyprus  
Czech Republic  
Denmark  
Estonia  
Finland  
France  
Germany  
Greece  
Hungary  
Ireland  
Italy  
Latvia  
Lithuania  
Luxembourg  
Malta  
Netherlands  
Poland  
Portugal  
Romania  
Slovakia  
Slovenia  
Spain  
Sweden  
United Kingdom

## EU member states after July 1, 2016

### Electronic signature law

Effective July 1, 2016 — [Electronic Identification and Authentication Services Regulation \(910/2014/EC\)](#)

Current law, valid until July 1, 2016 — [See country-by-country listings.](#)

### Are electronic signatures legal, admissible and enforceable?

Yes, electronic signatures are valid with prior consent.

### Summary of law

In 1999, the European Union passed the Electronic Signature Directive (1999/93/EC) which member states used as the foundation for country-specific laws. On July 23, 2014, the EU adopted its replacement, the Electronic Identification and Trust Services Regulation (910/2014/EC). Commonly referred to as eIDAS, the regulation establishes a new legal structure for electronic identification, signatures, seals and documents throughout the EU. eIDAS will come into effect on July 1, 2016. On that date, the existing EU directive as well as any laws of EU member states that are inconsistent with eIDAS will be automatically repealed, replaced or modified. For the first time, there will be a consistent legal framework and a single market for the recognition of electronic signatures and identities across all of the EU. This provides companies with a predictable legal environment in which to develop and expand the use of electronic signatures in the EU.

Article 25 of the eIDAS maintains the fundamental legal rule that all electronic signatures and verification services shall be admissible as evidence in legal proceedings. This includes electronic signatures, seals, time stamps, registered delivery services and certificates for website authentication.

### eIDAS and basic electronic signatures

The basic definition of electronic signature is unchanged under eIDAS with respect to the earlier regulation. The law holds that an electronic signature shall not be denied legal effect and admissibility as evidence in legal proceedings solely based on the fact that it is in electronic form.

### eIDAS and advanced electronic signatures

The regulation introduces a new definition for advanced electronic signatures. Advanced electronic signatures allow unique identification and authentication of the signer of a document enable the verification of the integrity of the signed agreement, typically through the issuance of a digital certificate by a certificate authority to that signer.

### eIDAS and qualified electronic signatures

Another new definition under eIDAS is the qualified electronic signatures. While both advanced and qualified electronic signatures are uniquely linked to the signer, qualified electronic signatures are based on qualified certificates. Qualified certificates can be issued only by a certificate authority that has been accredited and supervised by authorities designated by the EU member states and must meet the requirements of eIDAS. Qualified certificates must also be stored on a qualified signature creation device such as a smart card, a USB token or a cloud-based hardware security module (HSM). While both basic electronic signatures and advanced electronic signatures are legal, admissible and enforceable under eIDAS, only qualified electronic signatures are deemed to be legally identical to handwritten signatures. Importantly, they are also the only type of electronic signature that will be mutual recognized by all of the EU member states. Thus, while it is not necessary to use a qualified electronic signature in every instance, it is a useful tool when executing some types of agreements.

## Hong Kong

### Electronic signature law

*Electronic Transactions Ordinance*

#### Are electronic signatures legal, admissible and enforceable?

Yes, Section 6(1) states that an electronic signature may be used to satisfy the legal requirement for a handwritten signature. Section 17(2) states that electronic records may be used in place of paper records and that those records will have the same legal enforceability as paper records.

#### Summary of law

Hong Kong follows the European Union and the UNCITRAL model law in that its laws provide for the enforcement of both simple electronic signatures and digital signatures (sometimes called advanced electronic signatures). It is considered a two-tier jurisdiction because it gives digital signatures the same status as handwritten signatures but also recognizes simple electronic signatures as legal and enforceable. Countries that follow this model give companies the opportunity to select different forms of signatures and customize their business processes based on the form that is most convenient and appropriate for each use case.

One must get consent to do business electronically, but that consent doesn't need to be explicit. It can be inferred from behavior such as receiving and signing documents electronically.

#### Key restrictions

The law excludes wills, powers of attorney, government leases and some real estate transactions.

## India

### Electronic signature law

*The Information Technology Act, 2000*, further amended in 2006 and 2008

#### Are electronic signatures legal, admissible and enforceable?

Yes, with consent.

#### Summary of law

India's laws provide for the enforcement of both simple electronic signatures and digital signatures (sometimes called advanced electronic signatures). It is considered a two-tier jurisdiction because it gives digital signatures the same status as handwritten signatures but also recognizes simple electronic signatures as legal and enforceable. Countries that follow this model give companies the opportunity to select different forms of signatures and customize their business processes based on the form that is most convenient and appropriate for each use case.

Electronic signatures are presumed valid unless proof to the contrary is produced. Specifically, section 10A provides that where an agreement is "expressed in electronic form or by means of an electronic record, such contract shall not be deemed to be unenforceable solely on the ground that such electronic form or means was used for that purpose." Further, if one obtains consent to use electronic signatures, the courts will be even more likely to uphold their use.

When using digital signatures in India, there are additional technical and legal requirements. Section 15 35 in particular specifies standards for entities that issue digital certificates.

#### Key restrictions

Agreements related to powers of attorney, wills and real estate are exempted from the law. In addition, the requirement that many transactions must use stamped paper hinders adoption.

## Indonesia

### Electronic signature law

*Law of the Republic of Indonesia Number 11 of 2008 Concerning Electronic Information and Transactions*

#### Are electronic signatures legal, admissible and enforceable?

Yes, but only those digital signatures that have been created using a digital certificate provider that has been registered with the Ministry of Communication and Information Technology and that has servers located in Indonesia are enforceable.

#### Summary of law

All forms of electronic signatures must meet the requirements under Law Number 11 of 2008, which includes the registration and certification of public electronic systems, registration of software for services and electronic agents and certification of all hardware, as well as the requirement that all data centers and disaster recovery centers be located in Indonesia. Any digital certificates must be issued by a certification provider approved by government agencies.

#### Key restrictions

Notarial deeds, letters of court summons and bond certificates are excluded from the law.

## Israel

### Electronic signature law

*Electronic Signature Law, 5761 - 2001*

#### Are electronic signatures legal, admissible and enforceable?

Chapter 2 requires the use of a certified electronic signature (sometimes called advanced electronic signatures) to satisfy laws requiring a signature on a document.

#### Summary of law

Israel's Electronic Signature Law is modeled on the EU Directive on Electronic Signatures, but it does not permit the use of electronic signatures when a signature is required on a document. Instead, Israel requires the use of a digital signature. However, some documents may not require a signature to be enforceable. In these situations, an electronic signature solution may be appropriate to track and manage the final, approved version of a document.

#### Key restrictions

Israel's Electronic Signature Law does not contain any restrictions on the type of agreement it applies to when using a digital signature.

## Japan

### Electronic signature law

*Law Concerning Electronic Signatures and Certification Services* (unofficial translation)

#### Are electronic signatures legal, admissible and enforceable?

Yes, Japanese law allows electronic signatures for most types of agreements.

#### Summary of law

In Japan, a signature cannot be denied enforceability simply because it is in electronic form. It is considered a two-tier jurisdiction because it gives digital signatures the same status as handwritten signatures but also recognizes simple electronic signatures as legal and enforceable. Countries that follow this model give companies the opportunity to select different forms of signatures and customize their business processes based on the form that is most convenient and appropriate for each use case.

While the use of a red seal stamp is common for signatures, electronic signatures are supported by the Law Concerning Electronic Signatures and Certification Services. Also, Japanese evidence rules generally permit the parties to an agreement to agree on the form of acceptance of that agreement.

#### Key restrictions

It is advisable to avoid using electronic signatures for documents related to real property transfers and wills.

## Malaysia

### Electronic signature law

*Digital Signature Act*

#### Are electronic signatures legal, admissible and enforceable?

Section 62 requires the use of a digital signature (sometimes called advanced electronic signatures) where the law requires a signature.

#### Summary of law

Malaysia's Digital Signature Act is modeled on the UNCITRAL Model Law on Electronic Signatures but does not permit the use of electronic signatures when a signature is required on a document. Instead, Malaysia requires the use of a digital signature. However, some documents may not require a signature to be enforceable. In these situations, an electronic signature solution may be appropriate to track and manage the final, approved version of a document.

#### Key restrictions

Malaysia's electronic signature law does not contain any restrictions on the type of agreement it applies to when using a digital signature.

## Mexico

### Electronic signature law

Several laws (no links available)

#### Are electronic signatures legal, admissible and enforceable?

Mexico's laws generally permit parties to state their consent through electronic means.

#### Summary of law

Mexico is considered a two-tier jurisdiction because it gives digital signatures the same status as handwritten signatures but also recognizes simple electronic signatures as legal and enforceable. Countries that follow this model give companies the opportunity to select different forms of signatures and customize their business processes based on the form that is most convenient and appropriate for each use case.

Mexico amended several laws, including the Code of Commerce, Federal Civil Code and Federal Code on Civil Procedures, to permit the use of electronic signatures and advanced electronic signatures. Under this system, advanced electronic signatures are preferred, but parties are generally free to determine the form of acceptance for an agreement.

#### Key restrictions

Digital signatures may be required for the certification of official documents and for documents related to tax obligations.

## New Zealand

### Electronic signature law

[\*Electronic Transactions Act\*](#)

#### Are electronic signatures legal, admissible and enforceable?

Yes, Section 8 provides that information will not be denied legal effect solely because it is in electronic form.

#### Summary of law

New Zealand's electronic signature law can be classified as permissive or minimalist. Under the law, parties to an agreement can freely agree on the type of signature to use, including simple electronic signatures. The primary requirements are that the parties agree on the form of signature, and the electronic document remains readily accessible to the parties.

#### Key restrictions

While the law does not exclude particular types of agreements, some agreements, like real estate transfers and wills, have additional requirements.

## Norway

### Electronic signature law

*Electronic Signatures Act 2001 (no translation available)*

#### Are electronic signatures legal, admissible and enforceable?

Yes, Section 6 recognizes electronic signatures as legal and enforceable.

#### Summary of law

Norway follows the European Union model. It is considered a two-tier jurisdiction because it gives digital signatures the same status as handwritten signatures but also recognizes simple electronic signatures as legal and enforceable. Countries that follow this model give companies the opportunity to select different forms of signatures and customize their business processes based on the form that is most convenient and appropriate for each use case.

Electronic signatures are presumed valid unless proof to the contrary is produced, but they do not have the same status as digital (or qualified electronic) signatures.

#### Key restrictions

Debt certificates, premarital agreements and a board's signing of annual accounts are examples of excluded transactions.

## Peru

### Electronic signature law

Digital Certificates and Signatures Law, Law No. 27269 (no translation available)

#### Are electronic signatures legal, admissible and enforceable?

Peru recognizes only the legal status of digital or advanced electronic signatures.

#### Summary of law

In Peru, all forms of electronic signature must include a digital certificate. Peruvian law specifies the minimum requirements for digital certificates and for the issuers of digital certificates. To be considered valid, a digital certificate must be issued by a certification provider that meets these standards. Peru recognizes the validity of digital certificates issued in other countries only if they meet Peruvian standards.

#### Key restrictions

There are no critical exceptions to the law.

## Philippines

### Electronic signature law

*Republic Act No. 8792: An Act Providing for the Recognition and Use of Electronic Commercial and Non-Commercial Transactions and Documents*

#### Are electronic signatures legal, admissible and enforceable?

Section 8 specifies that all signatures must use a digital certificate.

#### Summary of law

The Philippines provides for the enforceability of digital signatures. While parties are free to agree between themselves that electronic signatures will be binding, that agreement could increase the enforceability risk. For all practical purposes, digital signatures should be used.

#### Key restrictions

No restrictions are noted.

## Republic of Korea

### Electronic signature law

*Digital Signature Act*

#### Are electronic signatures legal, admissible and enforceable?

Yes, as long as the parties explicitly consent to electronic signatures per Article 3(3) of the enactment.

#### Summary of law

The Republic of Korea's e-signature laws are modeled after a combination of the EU Directive on Electronic Signatures and UNCITRAL Model Law. It is considered a two-tier jurisdiction because it gives digital signatures the same status as handwritten signatures but also recognizes simple electronic signatures as legal and enforceable. Countries that follow this model give companies the opportunity to select different forms of signatures and customize their business processes based on the form that is most convenient and appropriate for each use case.

Like many other countries, consent is required for allowing electronic signatures. However, if no such explicit agreement exists between the parties or the identity of the signer or the authenticity or integrity of the message sent is questioned, the effect of the electronic signature has to be determined by interpreting the true intention of the parties in accordance with the general principle of contract interpretation.

#### Key restrictions

There are no critical restrictions.

## Russian Federation

### Electronic signature law

Federal Law No. 63-FZ, "On Digital Signature" (July 01, 2011)

Federal Law No. 149-FZ, "On Information, Information Technology and Protection of Information" (July 27, 2006)

Part Four of Civil Code of the Russian Federation (Art. 160) (no links available)

#### Are electronic signatures legal, admissible and enforceable?

Yes, Russian law recognizes electronic signatures as legal, admissible and enforceable when the parties explicitly agree to use them. However, for enforceable digital signatures, Russia requires that one use a certificate and service provider that has been certified by the Russian government.

#### Summary of law

Russian courts have held that a signature may not be denied validity simply because it is electronic. However, to be clearly enforceable, digital signatures must be exchanged through a government-certified, specialized service provider that acts as an electronic courier in order to enable electronic document exchange.

#### Key restrictions

There are no critical exceptions to the law.

## Singapore

### Electronic signature law

[Electronic Transactions Act 2010](#)

#### Are electronic signatures legal, admissible and enforceable?

Yes, Section 8 states that one can meet the legal requirement for a handwritten signature by using an electronic signature or communication.

#### Summary of law

Singapore is considered a two-tier jurisdiction because it gives digital signatures the same status as handwritten signatures but also recognizes simple electronic signatures as legal and enforceable. Countries that follow this model give companies the opportunity to select different forms of signatures and customize their business processes based on the form that is most convenient and appropriate for each use case.

Under the law, the signature method used must be either "(i) as reliable as appropriate for the purpose for which the electronic record was generated or communicated, or (ii) proven in fact to have identified the signatory and to indicate signatory's intention with respect to the information by itself or together with further evidence."

#### Key restrictions

The law excludes wills, negotiable instruments, powers of attorney and some real estate transactions.

## South Africa

### Electronic signature law

*Electronic Communications and Transactions Act, 2002 (Act No. 25)*

#### Are electronic signatures legal, admissible and enforceable?

Yes, as long as the parties consent to electronic signatures per Section 13.

#### Summary of law

South Africa generally follows the EU Directive on Electronic Signatures. It is considered a two-tier jurisdiction because it gives digital signatures the same status as handwritten signatures but also recognizes simple electronic signatures as legal and enforceable. Countries that follow this model give companies the opportunity to select different forms of signatures and customize their business processes based on the form that is most convenient and appropriate for each use case.

Consent is the prerequisite for allowing electronic signatures. However, according to Section 13(5) of the Electronic Communications and Transactions Act, if the parties have not agreed on a specific type of electronic signature, as long as there is a) a method to identify the person and to indicate the person's approval of the information communicated; and b) the method is reliable and appropriate for the purpose for which the information was communicated, electronic signatures are also legal, admissible and enforceable in South Africa.

#### Key restrictions

The law excludes long-term leases; transfers of property; the execution, retention and presentation of wills; and bills of exchange.

## Switzerland

### Electronic signature law

*Federal Law on Electronic Signatures (no translation available)*

#### Are electronic signatures legal, admissible and enforceable?

Yes, Article 14 states that electronic signatures may replace handwritten signatures.

#### Summary of law

Switzerland follows the UNCITRAL model law and is similar to the laws of many European Union member states. It is considered a two-tier jurisdiction because it gives digital signatures the same status as handwritten signatures but also recognizes simple electronic signatures as legal and enforceable. Countries that follow this model give companies the opportunity to select different forms of signatures and customize their business processes based on the form that is most convenient and appropriate for each use case.

#### Key restrictions

There are no noteworthy exceptions to the law, but some caution may be warranted in the areas of real estate, notarized documents and wills and trusts.

## Taiwan

### Electronic signature law

*Electronic Signatures Act 2001-11-14*

#### Are electronic signatures legal, admissible and enforceable?

Yes, Article 9 states that electronic signatures may replace handwritten signatures. Article 4 provides that if a law or regulation requires information be provided in writing, the requirement may be satisfied with an electronic record.

#### Summary of law

Taiwan follows the UNCITRAL model law and is similar to the laws of many European Union member states. It is considered a two-tier jurisdiction because it gives digital signatures the same status as handwritten signatures but also recognizes simple electronic signatures as legal and enforceable. Countries that follow this model give companies the opportunity to select different forms of signatures and customize their business processes based on the form that is most convenient and appropriate for each use case.

#### Key restrictions

Getting express consent to do business electronically is particularly important in Taiwan. Taiwanese law does not view a party's name on an email as an adequate electronic signature. A number of government agencies have issued bulletins excepting themselves from the law.

## Thailand

### Electronic signature law

*Electronic Transactions Act B.E. 2544 (2001) (ETA)*

#### Are electronic signatures legal, admissible and enforceable?

Yes, Section 9 states that electronic signatures may replace handwritten signatures. Sections 7 and 8 provide that if a law or regulation requires information to be provided in writing, the requirement may be satisfied with an electronic record.

#### Summary of law

ETA Section 13 provides that an offer or acceptance in entering into an agreement may be expressed by means of a data message. An agreement shall not be denied legal effect solely on the grounds that such offer or acceptance is made in the form of a data message. Electronic signatures are presumed valid unless proof to the contrary is produced.

#### Key restrictions

There are no critical exceptions to the law.

## Turkey

### Electronic signature law

Electronic Signature Law (Elektronik Imza Kanunu) No:5070 (no link available)

#### Are electronic signatures legal, admissible and enforceable?

Turkey follows the UNCITRAL model law and is similar to the laws of many European Union member states. However, its laws are focused solely on the legality of what are called digital, advanced or qualified electronic signatures. These types of signatures require that the signing party have a digital certificate that has been issued by a qualified service provider. Those advanced electronic signatures have the same legal effect as handwritten signatures. There is no clear provision for simple electronic signatures under Turkish law.

#### Summary of law

Articles 5 and 22 provide that advanced electronic signatures have the same status as handwritten signatures. The burden is on the party challenging such signatures to prove they are invalid. An agreement shall not be denied legal effect solely on the grounds that such offer or acceptance is made electronically.

#### Key restrictions

There are no critical exceptions to the law.

## United Arab Emirates

### Electronic signature law

*Electronic Transactions and Commerce Law No. 2 of 2002*

#### Are electronic signatures legal, admissible and enforceable?

Yes, the UAE follows the UNCITRAL model law and is similar to the laws of many European Union member states. Electronic signatures have the same status as handwritten signatures. Consent to do business electronically can be inferred from circumstances and does not need to be explicit.

#### Summary of law

Article 10(1) states that legal signature requirements may be met with the use of an electronic signature. Article 7(1) states that an electronic communication shall not be denied legal effect or enforceability solely on the ground that it is in electronic form.

#### Key restrictions

One must obtain the explicit consent of the government when seeking to transact electronically. Transactions relating to marriage, divorce, wills, real estate and negotiable instruments are exempted from the law.

## United States

### Electronic signature law:

*Electronic Signatures in Global and National Commerce Act* (ESIGN) and *Uniform Electronic Transactions Act* (UETA)

### Are electronic signatures legal, admissible and enforceable?

Yes, both the ESIGN Act and UETA provide that a signature will not be denied legal effect or enforceability solely because it is in electronic form.

### Summary of law

The federal government adopted ESIGN in 2000. In addition, every state has adopted an electronic signature law, with 47 adopting a version based on UETA. These minimalist, or permissive, laws permit the use of electronic signatures for virtually all types of agreements. However, it is important to obtain the prior consent of all parties to conduct business electronically.

### Key restrictions

The ESIGN Act and most state laws exclude real property transfers, wills and some legally required notices to consumers.

## Uruguay

### Electronic signature law

Law No. 18.600 on Electronic Documents and Electronic Signatures (no link available)

### Are electronic signatures legal, admissible and enforceable?

Yes, the law allows the parties to agree privately to the form of signature.

### Summary of law

The law is somewhat unusual in that it allows the parties to challenge consent after it has been given. That is, the parties may agree to transact business electronically and sign the document electronically, but this will not stop either party from challenging that consent at a later date. On the other hand, there is evidence that electronic signatures are used commonly in Uruguay and are submitted in court filings.

### Key restrictions

One should be cautious of transactions that must be notarized or that relate to real estate.

## EU member states before July 1, 2016

In 1999, the European Union passed the Electronic Signature Directive (1999/93/EC) which member states used as the foundation for the country-specific laws described in this section. On July 1, 2016 the [European Union Electronic Identification and Trust Services Regulation \(eIDAS\)](#) will take effect—creating a single, standardized regulation for all 28 member states. On that date, the existing EU Directive as well any laws of EU member states that are inconsistent with eIDAS will be automatically repealed, replaced or modified.

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## Austria

### **Current electronic signature law valid through June 2016. (Starting July 1, 2016, the new *eIDAS regulation* will apply.)**

*Federal Electronic Signature Law*

#### **Are electronic signatures legal, admissible and enforceable?**

Austria's law focuses on the enforceability of digital signatures. However, Section 3(1) provides that signatures may not be excluded merely because they are in electronic form.

#### **Summary of law**

Austria follows the UNCITRAL model law and is similar to the laws of many European Union member states. It is considered a two-tier jurisdiction because it gives digital signatures the same status as handwritten signatures but also recognizes simple electronic signatures as legal and enforceable. Countries that follow this model give companies the opportunity to select different forms of signatures and customize their business processes based on the form that is most convenient and appropriate for each use case.

However, Austria's laws are somewhat different in that they primarily provide for the enforceability of digital or advanced electronic signatures. However, electronic signatures are nonetheless enforceable, although it is especially important to obtain consent from the other party prior to using them.

#### **Key restrictions**

The law does not apply to legal transactions under family and inheritance law, documents that must be notarized or real estate transactions where a notarial deed must be entered in the land register, companies register or other official register.

## Belgium

### **Current electronic signature law valid through June 2016. (Starting July 1, 2016, the new *eIDAS regulation* will apply.)**

9 July 2001—*Law determining some rules concerning the legal framework of electronic signatures and certification services (unofficial translation)*

#### **Are electronic signatures legal, admissible and enforceable?**

Yes, Civil Code Section 1322 recognizes electronic signatures as legal and enforceable.

#### **Summary of law**

Belgium follows the UNCITRAL model law and is similar to the laws of many European Union member states. It is considered a two-tier jurisdiction because it gives digital signatures the same status as handwritten signatures but also recognizes simple electronic signatures as legal and enforceable. Countries that follow this model give companies the opportunity to select different forms of signatures and customize their business processes based on the form that is most convenient and appropriate for each use case.

Electronic signatures are presumed valid unless proof to the contrary is produced. Article 4, Section 5, provides that no electronic signature will be denied simply because it is in electronic form or is not based on a digital certificate.

#### **Key restrictions**

There are no critical exceptions to the law.

## Czech Republic

### **Current electronic signature law valid through June 2016. (Starting July 1, 2016, the new *eIDAS regulation* will apply.)**

*227/2000 Coll. ACT of 29 June 2000 on electronic signatures and on the amendment to certain acts (Electronic Signatures Act) as subsequently amended*

#### **Are electronic signatures legal, admissible and enforceable?**

Yes, Section 3 specifies that a document is considered signed if it is signed with an electronic signature. Parties may still request handwritten signatures.

#### **Summary of law**

The Czech Republic follows the UNCITRAL model law and is similar to the laws of many European Union member states. It is considered a two-tier jurisdiction because it gives digital signatures the same status as handwritten signatures but also recognizes simple electronic signatures as legal and enforceable. Countries that follow this model give companies the opportunity to select different forms of signatures and customize their business processes based on the form that is most convenient and appropriate for each use case.

Electronic signatures are presumed valid unless proof to the contrary is produced. Section 3 of the 227/2000 Coll. ACT states, "A data message shall be signed if it is furnished with an electronic signature."

#### **Key restrictions**

Real estate purchases or leases are exempted from the law.

## Denmark

### **Current electronic signature law valid through June 2016. (Starting July 1, 2016, the new *eIDAS regulation* will apply.)**

*Bill on Electronic Signatures*

#### **Are electronic signatures legal, admissible and enforceable?**

Denmark's law allows only for the enforceability of digital signatures. While digital or advanced electronic signatures are legal, the use of simple electronic signatures is not provided for under the law.

#### **Summary of law**

Denmark follows the model law that many European Union member states do. However, it is unusual in that it does not have a provision recognizing simple electronic signatures.

The law also provides rules for the certification authorities that issue digital certificates. It is limited to certification authorities established in Denmark and does not specify any special requirements concerning certification authorities and electronic signatures originating in other countries. However, it does make it possible for certificates issued by them to be recognized in the same way as certificates issued by Danish certification authorities.

#### **Key restrictions**

There are no critical restrictions.

## Finland

### **Current electronic signature law valid through June 2016. (Starting July 1, 2016, the new *eIDAS regulation* will apply.)**

*Act on Strong Electronic Identification and Electronic Signatures (617/2009)*

#### **Are electronic signatures legal, admissible and enforceable?**

Yes, with consent.

#### **Summary of law**

Finland follows the UNCITRAL model law and is similar to the laws of many European Union member states. It is considered a two-tier jurisdiction because it gives digital signatures the same status as handwritten signatures but also recognizes simple electronic signatures as legal and enforceable. Countries that follow this model give companies the opportunity to select different forms of signatures and customize their business processes based on the form that is most convenient and appropriate for each use case.

Electronic signatures are presumed valid unless proof to the contrary is produced.

#### **Key restrictions**

Agreements related to the purchase or transfer of real estate and family law or inheritance are exempted from the law.

## France

### **Current electronic signature law valid through June 2016. (Starting July 1, 2016, the new *eIDAS regulation* will apply.)**

*Law No. 2000-230 of 13 March 2000 Adapting the Right of Proof to Information Technologies and Electronic Signatures (French)*, which modifies *Civil Code Article 1316 (English)* and other laws related to signatures and records

#### **Are electronic signatures legal, admissible and enforceable?**

Yes, Civil Code Section 1316-4 recognizes electronic signatures as legal and enforceable, while Section 1316-1 provides for their admissibility.

#### **Summary of law**

France follows the UNCITRAL model law and is similar to the laws of many European Union member states. It is considered a two-tier jurisdiction because it gives digital signatures the same status as handwritten signatures but also recognizes simple electronic signatures as legal and enforceable. Countries that follow this model give companies the opportunity to select different forms of signatures and customize their business processes based on the form that is most convenient and appropriate for each use case.

Electronic signatures are presumed valid unless proof to the contrary is produced.

#### **Key restrictions**

Agreements related to marriage, documents that must be notarized, some real estate agreements and labor agreements are exempted from the law.

## Germany

### **Current electronic signature law valid through June 2016. (Starting July 1, 2016, the new *eIDAS regulation* will apply.)**

*Law Governing Framework Conditions for Electronic Signatures and Amending Other Regulations*

#### **Are electronic signatures legal, admissible and enforceable?**

Yes.

#### **Summary of law**

Germany follows the UNCITRAL model law and is similar to the laws of many European Union member states. It is considered a two-tier jurisdiction because it gives digital signatures the same status as handwritten signatures but also recognizes simple electronic signatures as legal and enforceable. Countries that follow this model give companies the opportunity to select different forms of signatures and customize their business processes based on the form that is most convenient and appropriate for each use case.

In Germany, 95% of all agreements are signed only for the purpose of demonstrability of the agreement, and not for legal reasons. Therefore, all of these agreements require only a simple electronic signature.

#### **Key restrictions**

Some agreements require a qualified digital signature. In addition, agreements related to real estate, notarized documents and marriage are exempted from the law.

## Hungary

### **Current electronic signature law valid through June 2016. (Starting July 1, 2016, the new *eIDAS regulation* will apply.)**

*ACT XXXV of 2001*

#### **Are electronic signatures legal, admissible and enforceable?**

Yes, if legislation does not specifically require a handwritten signature for a document and both parties consent to electronic signature, then electronic signatures are enforced.

#### **Summary of law**

Hungary's law regarding electronic signature is based on the EU Directive on Electronic Signatures. It is considered a two-tier jurisdiction because it gives digital signatures the same status as handwritten signatures but also recognizes simple electronic signatures as legal and enforceable. Countries that follow this model give companies the opportunity to select different forms of signatures and customize their business processes based on the form that is most convenient and appropriate for each use case.

Section 3(1) of Act XXXV of 2001 states: "(1) Acceptance of an electronic signature, or document, including if used as evidence, cannot be denied and their suitability for legal statement and their legal force cannot be disputed...solely on the grounds that the signature, or the document exists only in electronic format."

#### **Key restrictions**

Section 3(2) of Act XXXV of 2001 states: "In connection with the legal relationships referred to in Sections 598-684 of the Civil Code of the Republic of Hungary and in Act IV of 1952 on Marriage, family and Legal Custody, the relevant documents cannot be made with electronic signatures and in electronic format only, by abolishing the use of any format other than electronic."

## Ireland

### **Current electronic signature law valid through June 2016. (Starting July 1, 2016, the new *eIDAS regulation* will apply.)**

*Electronic Commerce Act, 2000*

#### **Are electronic signatures legal, admissible and enforceable?**

Yes, Section 12(b) provides that an electronic signature may be used anywhere that a handwritten signature is required.

#### **Summary of law**

Ireland follows the UNCITRAL model law and is similar to the laws of many European Union member states. It is considered a two-tier jurisdiction because it gives digital signatures the same status as handwritten signatures but also recognizes simple electronic signatures as legal and enforceable. Countries that follow this model give companies the opportunity to select different forms of signatures and customize their business processes based on the form that is most convenient and appropriate for each use case.

Electronic signatures are presumed valid unless proof to the contrary is produced.

#### **Key restrictions**

The law does not apply to wills, trusts, powers of attorney or real property transactions.

## Italy

### **Current electronic signature law valid through June 2016. (Starting July 1, 2016, the new *eIDAS regulation* will apply.)**

*March 7, 2005 Legislative Decree No. 82* (no translation available)

#### **Are electronic signatures legal, admissible and enforceable?**

Italy's electronic signature law favors the use of digital signatures (sometimes called advanced electronic signatures). However, courts are allowed to determine the evidentiary value of most evidence, including electronic signatures.

#### **Summary of law**

While Italy's electronic signature law is modeled on the EU Directive on Electronic Signatures, it does not explicitly permit the use of electronic signatures. However, some documents may not require a signature to be enforceable. In these situations, an electronic signature may be admissible to establish the final, approved version of a document.

#### **Key restrictions**

When using a qualified electronic signature, Italy's electronic signature law does not exclude any types of agreements.

## Netherlands

### **Current electronic signature law valid through June 2016. (Starting July 1, 2016, the new *eIDAS regulation* will apply.)**

*Electronic Signatures Act*

#### **Are electronic signatures legal, admissible and enforceable?**

Yes, Article 3:15a provides that an electronic signature has the same legal effect as a handwritten signature provided certain conditions are met.

#### **Summary of law**

Following the EU Directive on Electronic Signatures, Dutch law encompasses both electronic and digital signatures. It is considered a two-tier jurisdiction because it gives digital signatures the same status as handwritten signatures but also recognizes simple electronic signatures as legal and enforceable. Countries that follow this model give companies the opportunity to select different forms of signatures and customize their business processes based on the form that is most convenient and appropriate for each use case.

The law specifically states that an electronic signature cannot be considered unreliable solely because it is not based on a qualified certificate (a fundamental element of digital signatures). In practice, parties are generally permitted to agree on the method and form of agreement.

#### **Key restrictions**

The law does not explicitly exclude any types of agreements.

## Poland

### **Current electronic signature law valid through June 2016. (Starting July 1, 2016, the new *eIDAS regulation* will apply.)**

*The Act of 18 Sept. 2001 on Electronic Signature*

#### **Are electronic signatures legal, admissible and enforceable?**

Yes. As long as the parties consent to an electronic signature, it is enforceable for all agreements where the law does not provide a special form.

#### **Summary of law**

Poland follows the EU Directive on Electronic Signatures. It is considered a two-tier jurisdiction because it gives digital signatures the same status as handwritten signatures but also recognizes simple electronic signatures as legal and enforceable. Countries that follow this model give companies the opportunity to select different forms of signatures and customize their business processes based on the form that is most convenient and appropriate for each use case.

Article 8 of Poland's Electronic Signature law states: "The electronic signature may not be denied validity and legal effectiveness solely on the grounds that it is in the electronic form or that the signature verification data do not have a qualified certificate or that the signature has not been created with the use of a secure signature creation device."

#### **Key restrictions**

Agreements related to any transfers of real property, registered pledges or transfer of: a) shares in a limited liability company; b) business; and c) shares in a joint stock company, testaments, check and bill of exchange, confirmation of insurance and employment agreements are exempted from the law.

## Portugal

### **Current electronic signature law valid through June 2016. (Starting July 1, 2016, the new *eIDAS regulation* will apply.)**

*Decree-Law no. 290-D/99, of 2 of August*

*Decree-Law no. 62/2003 of 3 April Published in the D.R. no. 79 (Series I-A), of 3 of April*

*Decree-Law no. 234/2000, of 25 of September*

*Decree-Law no. 256/2003, of 21 of October*

### **Are electronic signatures legal, admissible and enforceable?**

Yes, Article 3, Section 4, provides for electronic signatures as long as the parties explicitly consent to their use.

### **Summary of law**

Portugal's e-signature laws follow the EU Directive on Electronic Signatures. It is considered a two-tier jurisdiction because it gives digital signatures the same status as handwritten signatures but also recognizes simple electronic signatures as legal and enforceable. Countries that follow this model give companies the opportunity to select different forms of signatures and customize their business processes based on the form that is most convenient and appropriate for each use case.

Though digital (or advanced) electronic signatures are favored, Article 3 provides that so long as the signature method of agreement is agreed upon between the parties, it will be deemed valid.

### **Key restrictions**

There are no critical restrictions.

## Romania

### **Current electronic signature law valid through June 2016. (Starting July 1, 2016, the new *eIDAS regulation* will apply.)**

*Law on the Electronic Signature 2001*

*Law on Electronic Commerce 2002*

### **Are electronic signatures legal, admissible and enforceable?**

Yes, electronic signatures may be used, even if the parties did not initially express a desire to use them. This consent may be communicated verbally or in writing.

### **Summary of law**

Romania follows the European Union in that its laws provide for the enforcement of both simple electronic signatures and digital signatures (sometimes called advanced electronic signatures). It is considered a two-tier jurisdiction because it gives digital signatures the same status as handwritten signatures but also recognizes simple electronic signatures as legal and enforceable. Countries that follow this model give companies the opportunity to select different forms of signatures and customize their business processes based on the form that is most convenient and appropriate for each use case.

### **Key restrictions**

Real estate and labor agreements require a digital signature.

## Spain

### **Current electronic signature law valid through June 2016. (Starting July 1, 2016, the new *eIDAS regulation* will apply.)**

Ley 59/2003 , de 19 de diciembre, de firma electrónica (no translation available)

### **Are electronic signatures legal, admissible and enforceable?**

Yes in accordance with Articles 3 and 26.

### **Summary of law**

Spain's e-signature law is modeled after the EU Directive on Electronic Signatures. It is considered a two-tier jurisdiction because it gives digital signatures the same status as handwritten signatures but also recognizes simple electronic signatures as legal and enforceable. Countries that follow this model give companies the opportunity to select different forms of signatures and customize their business processes based on the form that is most convenient and appropriate for each use case.

It is not necessary for the parties to agree on the use of electronic means for signing such agreements. As long as the recipient accepts the terms and conditions of the agreement by clicking the "I agree" button or sends an email, the agreement should be considered enforceable and such acceptance will be admissible as evidence in court. Note that public authorities may establish additional conditions to impose electronic dates on electronic documents as a means to verify the time that action has been made.

### **Key restrictions**

There are no critical restrictions.

## Sweden

### **Current electronic signature law valid through June 2016. (Starting July 1, 2016, the new *eIDAS regulation* will apply.)**

*Qualified Electronic Signatures Act (SFS 2000:832)*

### **Are electronic signatures legal, admissible and enforceable?**

Section 17 states that only qualified electronic signatures that use a digital certificate may be used in place of handwritten signatures.

### **Summary of law**

Sweden follows the UNCITRAL model law and is similar to the laws of many European Union member states. However, its laws are focused solely on the legality of what are called digital, advanced or qualified electronic signatures. These types of signatures require that the signing party have a digital certificate that has been issued by a qualified service provider. There is no clear provision for simple electronic signatures under Swedish law.

### **Key restrictions**

Some agreements with government entities may be exempted.

United Kingdom **Current electronic signature law valid through June 2016.  
(Starting July 1, 2016, the new *eIDAS regulation* will apply.)**

*Electronic Communications Act 2000*

**Are electronic signatures legal, admissible and enforceable?**

Yes, the U.K. law is similar to the U.S. law because it allows nearly anything in electronic form that is logically associated with a document with the intent to indicate agreement to function as an electronic signature.

**Summary of law**

Section 7(2) defines an electronic signature as anything in electronic form incorporated into or otherwise logically associated with any electronic communication or data that purports to be incorporated for the purpose of establishing the authenticity or integrity of communications or data. The law also provides for digital or advanced electronic signatures, but there is no legal reason to utilize them.

**Key restrictions**

There are few exceptions to the law, but caution should be taken with transactions relating to marriage, divorce, wills, real estate and negotiable instruments.



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