

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)*
- *Digital Evidence and Electronic Signature Law Review*



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 Sign* includes 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 Sign*.

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 Sign*.

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

Electronic signature law

Electronic Identification and Authentication Services Regulation (910/2014/EC), commonly referred to as eIDAS

Are electronic signatures legal, admissible and enforceable?

Yes, electronic signatures are valid with prior consent.

Summary of law

The Electronic Identification and Trust Services Regulation (910/2014/EC), commonly referred to as eIDAS, took effect on July 1, 2016, establishing a new legal structure for electronic identification, signatures, seals and documents throughout the EU. For the first time, there is 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. When eIDAS took effect, it replaced the Electronic Signature Directive (1999/93/EC) as well automatically repealing, replacing or modifying any EU member state laws that were inconsistent with eIDAS.

Article 25 of the Regulation establishes a 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.

Basic electronic signatures

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.

Advanced electronic signatures

Advanced electronic signatures allow unique identification and authentication of the signer of a document to 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.

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 are mutually 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 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.

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.



Adobe