

## CHAPTER 10 ELECTRONIC COMMERCE

### ARTICLE 10.1: DEFINITIONS

For purposes of this Chapter:

**digital product** means a computer program, text, video, image, sound recording or other digital product that is digitally encoded;

**telecommunications** means the transmission and reception of signals by electromagnetic means;

**transmitted electronically** means delivered through telecommunications, alone or in conjunction with other information and communication technologies; and

**personal information** means any information, including data, about an identified or identifiable natural person.

### ARTICLE 10.2: OBJECTIVE, SCOPE AND COVERAGE

1. The Parties recognise that electronic commerce increases economic growth and trade opportunities in many sectors and confirm the applicability of *WTO* rules to electronic commerce.
2. The Parties confirm that this Agreement shall apply to electronic commerce.
3. Nothing in this Chapter imposes obligations on a Party to allow a digital product transmitted electronically except in accordance with the obligations of that Party under the other Chapters of this Agreement.

### ARTICLE 10.3: CUSTOMS DUTIES ON DIGITAL PRODUCTS TRANSMITTED ELECTRONICALLY

1. A Party shall not apply a customs duty, fee or charge on a digital product transmitted electronically.
2. A Party may impose an internal tax or other internal charge on a digital product transmitted electronically if the tax or other charge is imposed in a manner consistent with this Agreement.

### ARTICLE 10.4: ONLINE CONSUMER PROTECTION

1. The Parties recognise the importance of maintaining and adopting transparent and effective measures to protect consumers from fraudulent and deceptive commercial activities, as well as measures conducive to the development of consumer confidence, when they engage in electronic commerce.

2. To this end, each Party shall adopt or maintain consumer protection laws to proscribe fraudulent and deceptive commercial activities that cause harm or potential harm to consumers engaged in online commercial activities.

#### ARTICLE 10.5: PROTECTION OF PERSONAL INFORMATION

1. Nothing in this Chapter restricts the right of a Party to protect personal data, personal privacy and the confidentiality of individual records and accounts, and other information protected under the law of that Party.

2. Insofar as possible, the Parties shall endeavor, within their respective competences, to develop or maintain, as the case may be, domestic law for the protection of personal data.

#### ARTICLE 10.6: COOPERATION

1. Recognizing the global nature of electronic commerce, the Parties affirm the importance of:

- (a) working together to facilitate the use of electronic commerce of small and medium sized enterprises;
- (b) sharing information and experiences on:
  - (i) laws, regulations, and programs in the sphere of electronic commerce, including those related to data privacy, consumer confidence and protection, security in electronic communications, authentication, intellectual property rights, and electronic government;
  - (ii) fostering electronic commerce through the encouragement of the private sector to adopt codes of conduct, model contracts, guidelines, and enforcement mechanisms;
- (c) working to maintain cross-border flows of information as an essential element in fostering a supportive environment for electronic commerce; and
- (d) actively participating in regional and multilateral fora, to promote the development of electronic commerce.