













# Regional guide to e-signatures for businesses in Asia.

The use of technology in business transactions has rapidly grown, and an increasing number of locations accept electronic signatures (e-signatures). Each jurisdiction has its own rules and regulations that govern the use of e-signatures, and this guide has outlined the general guidelines for e-signatures.

MARKET	EMAIL SIGNING	JPEG SIGNING	CLOUD BASED PLATFORMS	DOCUMENTS THAT REQUIRE A WET SIGNATURE
 <b>AUSTRALIA</b>	<p>The Electronic Transactions Act of 1999 (Cth) legally recognises e-signatures as long as both parties have given consent to the transaction, indicate the intention to sign the relevant documents and the electronic method used is as reliable as appropriate.</p>			<p>Documents under the Corporations Act 2001 that require a signature:</p> <ul style="list-style-type: none"> <li>• Deeds</li> <li>• Statutory declarations</li> </ul> <p>Other use cases that require a traditional signature include legal proceedings, personal service, power of attorney, wills and witnessing</p>
 <b>CAMBODIA</b>	<p>E-signatures are not widely used in Cambodia compared to other countries, however, they are legally valid under Sub-Decree No.246 on Digital Signatures, issued by the Royal Government of Cambodia, which was enacted in 2017 and the Law on Electronic Commerce enacted in 2019.</p> <p>E-signatures will satisfy the requirements of a signature if the identity and consent of the signatory on the communication can be identified and is reliable according to the characteristic, purpose and circumstance on the communication.</p>	<p>There is no regulation that specifies the acceptance of cloud-based e-signatures.</p>		<p>Cambodian law does not explicitly specify or restrict when electronic signatures can be used.</p> <p>Government departments will generally only accept wet signatures, particularly incorporation documents and licensing documents.</p>
 <b>CHINA</b>	<p>E-signatures in China have been recognised as legally valid since 2004 and is governed by the Electronic Signature Law (ESL).</p> <p>Contracts can be signed electronically as long as the e-signature is identifiable and only controlled by the signatory, and any alterations to the signed documents can be detected. In cases where a third party electronic verification is needed, both parties must provide additional documentation to prove that the contract was signed electronically. If no evidence was provided, it will not be legally recognised under the PRC.</p>	<p>Like email signing and JPEG signing, proof of the signature is required.</p>		<ul style="list-style-type: none"> <li>• Corporation documents</li> <li>• Application forms for registration or licensing of intellectual property rights</li> <li>• Commercial and residential leases and real property transfer contracts</li> <li>• Commercial contracts</li> <li>• Family law documents</li> <li>• Securitisation documents</li> </ul>
 <b>HONG KONG</b>	<p>Since the Electronic Transactions Ordinance 2000, e-signatures are valid for any document as long as mutually agreed between parties.</p> <p>For transactions that involve government entities, a recognised digital certificate issued by a certification authority (such as the Hong Kong Post Office) is required. A certified true copy of the document can be used for verification.</p>			<ul style="list-style-type: none"> <li>• Statutory declarations</li> <li>• Oaths and affidavits</li> <li>• Power of attorney</li> <li>• Documents related to land and property transactions</li> <li>• Testimony documents</li> </ul>

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 <b>INDIA</b>	<p>E-signatures have been recognised under the Information Technology Act 2000 (IT Act). Contracts are legally valid if two parties come to a written or verbal agreement.</p> <p>E-signature and digital signature certificates must be issued by a Certifying Authority recognised by the Controller of Certifying Authorities under the IT Act.</p>			<ul style="list-style-type: none"> <li>• Sign negotiable instruments</li> <li>• Power of attorney</li> <li>• Trust deeds</li> <li>• Wills</li> <li>• Contracts for the sale or conveyance of immovable property</li> </ul>
 <b>INDONESIA</b>	<p>E-signatures are legally recognised in Indonesia and are valid and enforceable in two forms, which are certified e-signatures (i.e. evidence) and uncertified e-signatures (i.e. digitalised version of hand-written signature).</p> <p>An e-signature certified by a registered Indonesian electronic certification operator is recommended.</p>		<p>The platform must be certified by the Indonesian Minister of Communications and Informatics.</p>	<p>No specific restrictions on the types of documents that can be using with an e-signature but corporate documents must be signed with a wet signature.</p>
 <b>MALAYSIA</b>	<p>E-signatures have been legally recognised starting with the enactment of the Digital Signature Act 1997, followed by the Electronic Commerce Act 2006. E-signatures can be used for commercial transactions, HR contracts and consumer agreements.</p> <p>Contracts cannot be denied enforceability because they are signed electronically.</p>			<ul style="list-style-type: none"> <li>• Power of attorney</li> <li>• Wills and codicils</li> <li>• Trusts</li> <li>• Negotiable instrument<sup>s</sup></li> </ul>
 <b>PHILIPPINES</b>	<p>E-signatures are legally recognised to be equivalent to traditional wet signatures on a written document if evidence can be provided to prove that both parties reached an agreement and the method used is reliable and appropriate.</p> <p>E-signatures or digital signatures must be issued by a Certifying Authority to be considered legally valid.</p>			<p>The law does not specify any limitation or conditions for using e-signatures with government bodies and documents signed electronically are allowed in government offices.</p>
 <b>SINGAPORE</b>	<p>E-signature must meet the requirements in the Electronic Transactions Act 2010. For an e-signature to be secure, the signature must be safeguarded by a unique certificate from a trusted service provider.</p>		<p>The Singapore government launched <b>Sign with SingPass</b> which enables users to electronically sign documents using a government-created system that fulfils the requirements of a secure e-signature.</p>	<ul style="list-style-type: none"> <li>• Wills</li> <li>• Power of attorney</li> <li>• Negotiable instruments, promissory notes, declaration of trusts contracts for the sale of immovable property, the conveyance of immovable property or the transfer of any interest in immovable property.</li> </ul>

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 <b>THAILAND</b>	<p>Thailand has legalised the use of e-signatures since 2001 and is governed by the Electronic Transactions Act B.E. 2544 (2001) (ETA). A document will not be denied legal effect merely because it is signed electronically.</p> <p>An e-signature will be valid if the method use is reliable and appropriate to the objectives of the generation, and can independently identify the signatory and his/her approval with the presentation of related evidence.</p> <p>Under section 31 of the ETA, an e-signature created or used in a foreign country has the same legal effect as e-signatures created or used in the country provided that the system used to create the signature meets the requirements under the ETA.</p>			<ul style="list-style-type: none"> <li>• Family and succession</li> <li>• Documents that required face-to-face appearance e.g. legalisation/notarisation</li> <li>• Documents filing that can only be done physically e.g. company filings, real estate and intellectual property</li> </ul>
 <b>USA</b>	<p>The signatory's intent to electronically sign a document is the most important factor of a valid e-signature. Without this, the e-signature may be invalid.</p> <p>The E-Sign Act provides that e-signatures on documents or contracts should not be denied legal effect because they are signed electronically.</p>			<ul style="list-style-type: none"> <li>• Wills, codicils and testamentary trusts</li> <li>• Court orders or notices, or official documents</li> <li>• Contracts or documents governed by the Uniform Commercial Code (UCC)</li> </ul>
 <b>VIETNAM</b>	<p>The Vietnamese laws recognise that e-signatures have the same validity as traditional wet signatures and are valid as long as both parties have reached an agreement.</p> <p>Digital signatures must adhere to the national technology standard for digital signatures set by the Ministry of Information and Communication under National Standard No. TCVN 7635:2007.</p> <p>Foreign e-signatures and electronic certificates are recognised in Vietnam if they have the same level of reliability, which is based on international standards and treaties.</p>			<ul style="list-style-type: none"> <li>• Contracts for transfer of immovable assets, construction contracts, loan contracts and security contracts</li> <li>• Documents or contracts that must be notarised</li> <li>• Contracts or documents to be submitted to government authorities</li> <li>• Contracts or documents that must be sealed</li> <li>• Power of attorney</li> <li>• Sale and purchase contracts</li> </ul>