OIX Blockchain, Identity, Trust, and Governance (BITGov) Workshop

Blockchain and e-commerce law – challenges and opportunities

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The blockchain narrative and legal challenge in a nutshell

- **Technical trust** – in the sense of integrity and authenticity – is built in
- But where is the **legal trust**?
  - Transactions are additively signed by peers
  - But who are they? What are they assuring? What is the value of a transaction or the ledger? And what is your role as a user?
Are there any rules...?

**eCommerce Directive**
- Nondiscrimination
- Functional equivalence

**eIDAS Regulation**
- Legal validity of eDocuments
- eSignatures and eSeals

**Possibly GDPR and e-money**

**Model Law on Electronic Commerce**
- Nondiscrimination of data messages
- Originality and retention

**Model Law on Electronic Signatures**
- Equal treatment of signature technologies
- Requirements for signatures
Blockchain in practice – what to look out for?

- Who actually provides signatures / seals?
- What are they committing to by signing?
- Does the use case have specific requirements for:
  - Signatures
  - Retention
  - Communication
  - Privacy and data protection
- **Technological trustworthiness does not automatically translate into legal validity!**
Questions or comments?

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