

ICS 35.240
CCS A 10

SB

**INDUSTRY STANDARD OF THE
PEOPLE'S REPUBLIC OF CHINA**

SB/T 11009-2013

**The process specification of online electronic contract
(English Translation)**

Issued on: January 1, 1970

Implemented on: January 1, 1970

Issued by: Ministry of Commerce of the People's Republic of China

Table of Contents

Foreword
Introduction
1 Scope
2 Normative references
3 Terms and definitions

Foreword

This standard is drafted in accordance with the rules given in GB/T 1.1-2009.

This standard is proposed and managed by the Ministry of Commerce of the People's Republic of China.

This standard is mainly drafted by. Shanghai University of Technology, Beijing Tianyuan Law Firm Shanghai Branch, Shanghai Panyang Law Firm, China Dongzheng University, Shanghai E-Commerce Promotion Center, Shanghai Quanya Zhibo Law Firm.

Introduction

With the development of e-commerce, the demand for using the Internet for business contract negotiations is on the rise. China has issued the "Electronic Signature Law of the People's Republic of China" (2004) excludes legal obstacles for the application and promotion of electronic contracts.

To regulate the contractual behaviors in various e-commerce transactions, protect the legitimate rights and interests of enterprises and consumers, and create a fair and honest trading environment.

Safeguard transaction security, promote the application of electronic signatures and the rapid development of e-commerce, in accordance with relevant laws and regulations and reference of the People's Republic of China this standard is developed in the relevant policy documents.

Electronic contract online process specification

1 Scope

This standard stipulates that parties to e-commerce activities use the electronic contract online system established in the territory of the People's Republic of China.

The general process specification that should be followed when establishing a contract, and establishes the basic principles for applying electronic signatures in electronic contracts.

This standard applies to contracts or other documents or documents that can be used for electronic signatures as stipulated in the Electronic Signature Law of the People's Republic of China.

Such instruments, but the following instruments are not applicable.

- a) involving personal relationships such as marriage, adoption, and inheritance;
- b) involving the transfer of real estate interests such as land and houses;
- c) involving the suspension of public utilities such as water supply, heat supply, gas supply and power supply;
- d) Other circumstances not applicable to electronic instruments as stipulated by laws and administrative regulations.

2 Normative references

The following documents are indispensable for the application of this document. For dated references, only dated versions apply to this article.

Pieces. For undated references, the latest edition (including all amendments) applies to this document.

Guiding Opinions of the Ministry of Commerce on Online Transactions (Provisional) (Promulgated by the Ministry of Commerce on March 6, 2007, No. 19 of 2007) Interim Measures for the Administration of Online Commodity Trading and Related Service Behaviors (Order No. 49 of the State Administration for Industry and Commerce on May 31, 2010 release) E-commerce third-party trading platform service specification (promulgated by the Ministry of Commerce Announcement No. 18 of 2011 on April 22, 2011)

3 Terms and definitions

The following terms and definitions apply to this document.

Electronic contract the data subject is used as a carrier between natural persons, legal persons or other organizations of equal subjects, and is established, changed and terminated by means of electronic communication.

Agreement on civil rights and obligations. This standard recommends that contractual parties use electronic signatures and use methods that meet the requirements of this standard.

contract.

Electronic contracting system electroniccontractsigningsystem with the functions of identity authentication, negotiation and negotiation, electronic signature, contract storage and recall, etc., it can realize the online negotiation and processing of electronic contracts.

Information system.

Electronic contract formation system setter builderofelectroniccontractsigningsystem
Establish an electronic contract formation system and conduct operations and maintenance.

Electronic contract contractor electroniccontractparty the party to the contract that uses the electronic contract to conclude the system, referred to as the contractual contractor.