

Abstract

New information and communication technologies are drastically transforming our daily lives. The Internet is viewed as the primary driver for the changes that we are undergoing in the information economy. At the same time, as a transformation of modern communication systems is signaled by the emergence of electronic commerce (e-commerce) as a platform for commercial transactions and the delivery of goods and services, policy makers and legislators in the new policy environment also face daunting challenges. As e-commerce provides a qualitatively new way of conducting economic activities and has broad social and economic ramifications for various stakeholders in society, national policy makers have been confronted by the issue of how this new form of economic interaction should be governed. E-commerce is born-global. The unique nature of e-commerce makes the establishment of the framework complicated and also makes country-specific solution problematic. The global issue needs global solutions.

In this thesis, I attempt to present a clear and comprehensive picture of international instruments dealing with e-commerce in several selected fields within WTO framework. The thesis consists of seven chapters. It will begin with the Chapter One, explaining the research topics, definition and classification of e-commerce and a debate of internet regulation. The second section of this chapter turns to the regulation of e-commerce under the WTO framework. Then it goes to the Chapter Two, which contains the necessary fundamental knowledge and general principles for this legal research, such as technology neutrality principle, questions of likeness, MFN, NT. These issues may help us to understand the topic of e-commerce under WTO from a macro angle of view. Following Chapter Three will focus on one of specific legal issues called market access, which is the premise of the liberalization of e-commerce. The next Chapter Four aims to examine the intellectual property rights issues of e-commerce, involving the TRIPS documents analysis, the safeguard existing, its problems and solutions. Focusing on the revenue and tariff aspects, Chapter Five will analysis the main problems relating to taxation of e-commerce, study the variety of views on e-commerce government from the U.S., the European Union, the Organization for Economic Co-operation and Development (OECD), developing countries and also the WTO policy. Then I further point out the legal practice and new problems coming with the Internet. Chapter Six will provide regulations, analyze problems, conflicts and also give solutions about competition, privacy, consumer protection, and the safeguard against fraud issues regulated in the WTO framework. Chapter Seven will provide some suggestions and analyzes for the current situation of China. Finally, it goes to the conclusion of the whole thesis, which summarizes research findings in relation to research questions and discussing them within the context of the theoretical framework that guided the study.