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Comparative study about Documents in 2003 Iranian Electronic Commerce Law and 1996 UNCITRAL Model Law

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Abstract

Information in cyberspaces is transferred through data-message, some of these data include the creative will of their producers, which leads to the formation of juridical acts in this space. The parties to the electronic relations shall inevitably resort to evidence in substantiation of claims in order to defend their own rights. Among the most important proofs most frequently used in this space are electronic documents. In this research, we focusing on 2003 Iranian Electronic Commerce Law and 1996 UNCITRAL Model Law explain the status of data-message, and as per civil code of articles concerning the documents, deal with describing the document in the cyberspace. The principle of electronic document acceptance has been established in Iranian system of proofs for claim substantiation, but the necessary mechanisms for it has not yet come into existence, where some of the existing laws such as the registration of real estate and documents consider the domain of issuance of notarized documents in the form of attendance; the acceptance principle of attendance by both parties before the Notary means the psychological ascertainment of documents by the applicant and his free will; hence, the lack of physical attendance will result in an increase of fraud, forgery and abuse. This is the problem which has made the advocates of electronic registry think of a solution by limiting the scope of the issuance of electronically notarized documents.

Keywodrs:

evidence in substantiation of claims- electronically notarized documents – Document.