

## 電子商務 B2C 網路商店之法律議題探討

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### 摘要

電子商務(E-Commerce)快速發展及所衍生的消費問題, 已引起政府單位採取了相關的規範及管制措施, 諸如電子簽章、智慧財產權、交易/資訊安全、專利法、付款認證、個人隱私權、產品/服務落差等, 但由於修法不完善, 而產生了許多的模糊地帶, 使得網路交易的過程存在相當多的問題。本研究以台灣目前網路購物商店(web store)作為研究範圍, 透過文獻探討整理歸納相關議題, 並以焦點訪談方式訪問相關法律及電子商務專家, 並從買賣雙方觀點歸納整理電子商務網路購物過程中常見法律議題, 並參酌專家意見輔以相關法律探討。本研究發現, 網路購物網站雖常見交易問題有相關法律可循, 但許多細節仍嫌不足, 未詳盡規定部分僅依循民法, 由於時空與環境上的差異, 導致在實際網路購物過程中並不完全適用, 對買賣雙方皆會造成糾紛, 目前僅能以加強客戶服務, 並佐以相關回饋機制來減少衝突, 期望本研究能提供未來網路商店之相關法律修法及網路商店業者經營法律相關問題之參考。

關鍵字：電子商務；網路商店；法律議題

## **The Exploring of Legal Issues on Electronic Commerce B2C Web Store**

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### Abstract

E-Commerce developed fast and caused the growth of consuming issues. The government made the related laws and took measures to control problems happened such as the electronic signature, the wisdom property rights, the transaction/information security, the patent law, the payment receipt (voucher), individual right of privacy, and the gap between products and service. As a result of the imperfect law, it has brought many fuzzy sections, and caused many issues in the process of the network transaction. This research took limits of the present web stores in Taiwan through correlation and conclusion of literature review. This research is visited related law and electronic commerce experts by focus interview; concluded common legal issues of electronic commerce in the network shopping process from buyers' and sellers' viewpoints; referred to the expert's advice and added related law at issue. This research indicated network shopping websites can obey the related law to overcome common transaction issues. However, many details are still insufficiency and partial restrictions only rely on the civil law. Due to the difference of time and the environment, network shopping website caused incompletely suitable in the actual network shopping process and could create the dispute for buyers and sellers. Recently, network shopping websites only can strengthen the customer service, and assisted by related feedback mechanism to reduce the conflict. This research looks forward to providing reference for law correlation of web stores when the network store owners confront legal issues in the future.

Key words: E-commerce; Web store; Legal Issues