



# Nuevas fronteras del comercio digital

## New frontiers of digital trade

17 July 2023



# The digital economy project

- In 2018, the Commission requested the Secretariat to carry out exploratory work on “legal issues related to the digital economy”
- In doing so, it requested Secretariat to avoid intellectual property, as well as consumer and personal data protection

# The digital economy project

- Secretariat explored several topics:
  - Artificial intelligence and automation
  - Data
  - Digital assets
  - Online platforms
  - Distributed ledger systems
- Exploratory work recorded in a “legal taxonomy”
- Data transactions and AI/automation identified for further preparatory work



# Some basic assumptions

- **AI in trade vs. AI to trade**
  - AI in trade (supply of AI-enabled goods and services) raises complex and cross-cutting legal issues, including liability and ethical standards
  - AI to trade (use of AI systems to manage supply chains, market goods and services, and perform transactions) engages past UNCITRAL work on electronic and automated contracting
- Shift from AI to “AI contracting”

# Some basic assumptions

- **Data as a commodity vs. data contracts**
  - Data as a commodity raises complex policy questions relating to data “ownership” (ie, data rights)
  - Data contracts focus on the rights and obligations of parties to contracts with respect to data
- Shift from data to “data transactions”

# Some basic assumptions

- **Data provision vs. data processing**
  - Data provision (or data sharing) contracts engage past UNCITRAL work on trade in goods
  - Data processing contracts engage past UNCITRAL work on cloud computing

# A new mandate for Working Group IV

- In 2022, the Commission referred the topics of AI and automation in contracting and data provision contracts to Working Group IV
  - 64th session (November 2022) focused on **AI and automation in contracting**
  - 65th session (April 2023) focused on **data provision contracts**



# Ongoing work on data provision contracts

- Working Group IV is developing “default” rules on the rights and obligations of parties to data provision (or data sharing) contracts

## IN

Mode of provision  
Data conformity  
Data use  
Remedies for breach

## OUT

Property rights in data  
IP protection  
Personal data protection



# Ongoing work on data provision contracts

- The work promotes a common legal understanding of trade in data
  - Inspired by past UNCITRAL work on trade in goods
  - Motivated by recent national and transnational initiatives
- The work complements other international initiatives and policy frameworks related to data:
  - Data governance (OECD)
  - Cross-border data flows (WTO)



**United Nations**  
UNCITRAL



**Naciones Unidas**  
CNUDMI

# ACUERDO DE ASOCIACIÓN DE ECONOMÍA DIGITAL

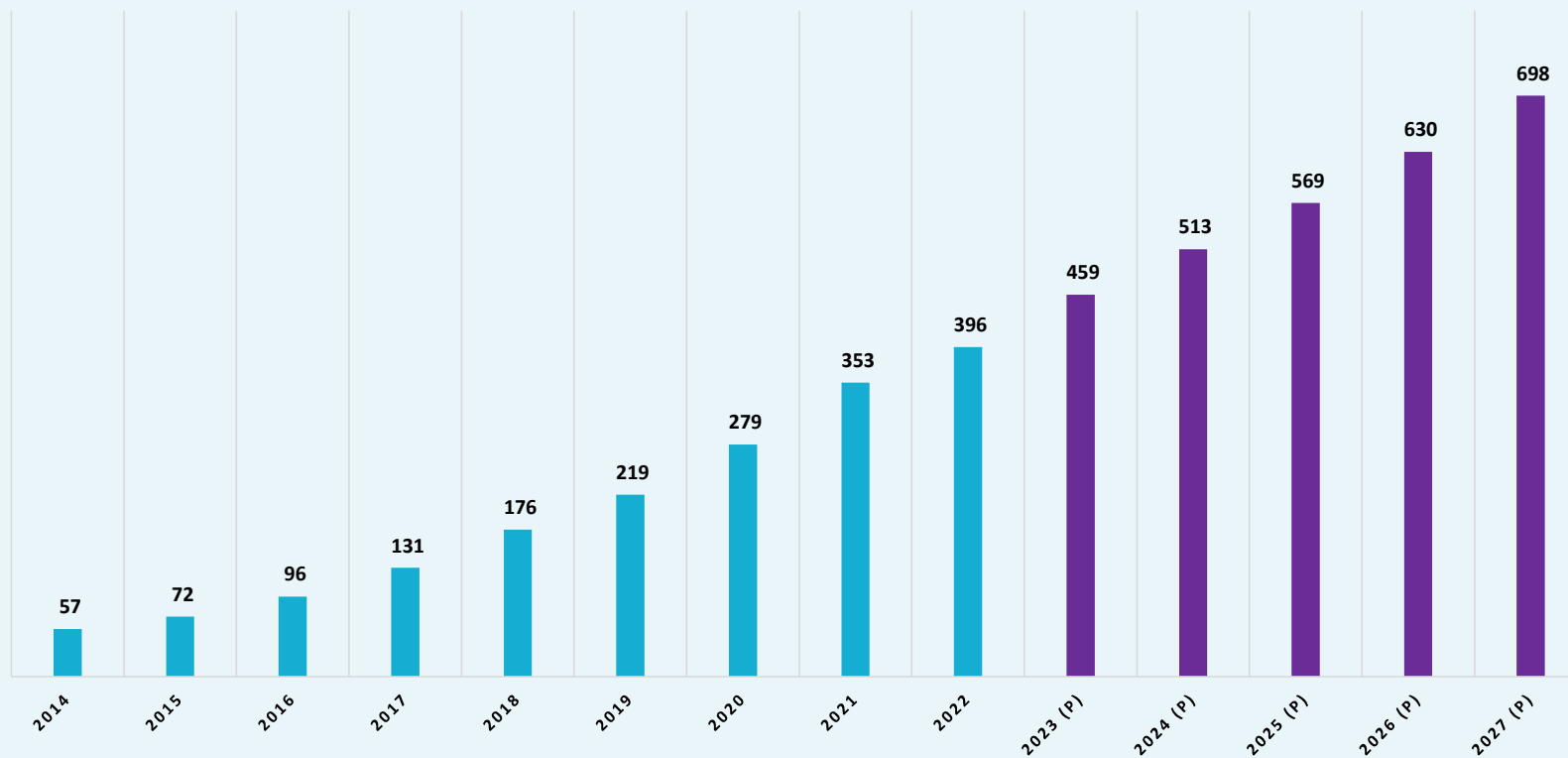


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# COMERCIO DIGITAL: PILAR DE LA ECONOMÍA GLOBAL

## E-COMMERCE RETAIL TRANSFRONTERIZO A NIVEL MUNDIAL

(US\$ MILES DE MILLONES)



# 76%

de crecimiento  
proyectado al 2025 para  
**retail E-COMMERCE**  
transfronterizo a nivel  
mundial

Fuente: Departamento de Información Comercial, SUBREI, con cifras de EUROMONITOR.

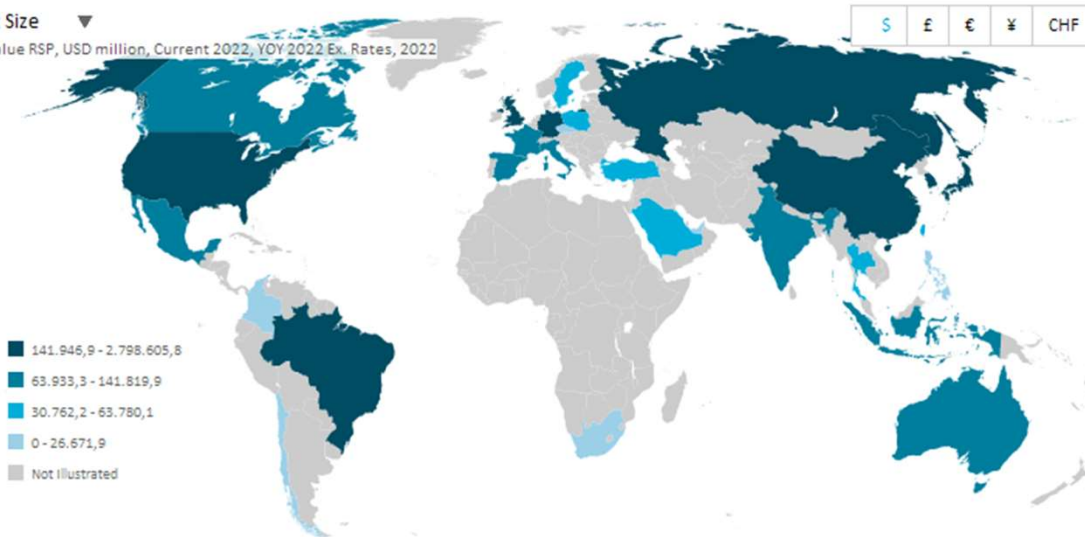
# COMERCIO DIGITAL: PILAR DE LA ECONOMÍA GLOBAL

## E-COMMERCE BIENES Y SERVICIOS (US\$ MILES DE MILLONES)

Market Size

Retail Value RSP, USD million, Current 2022, YOY 2022 Ex. Rates, 2022

\$ £ € ¥ CHF



Global Figure

2022, USD million

8.985.752,4

Regional Comparison

2022, USD million



World [Explore in Detail](#)

Market Size

2022, USD million

8.985.752,4

Per Capita

2022, USD

1144,72

Forecast Growth

2022-2027 CAGR

8,1%

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**US\$8.986**

miles de millones  
alcanzó el mercado del  
E-commerce a nivel  
mundial (2022)

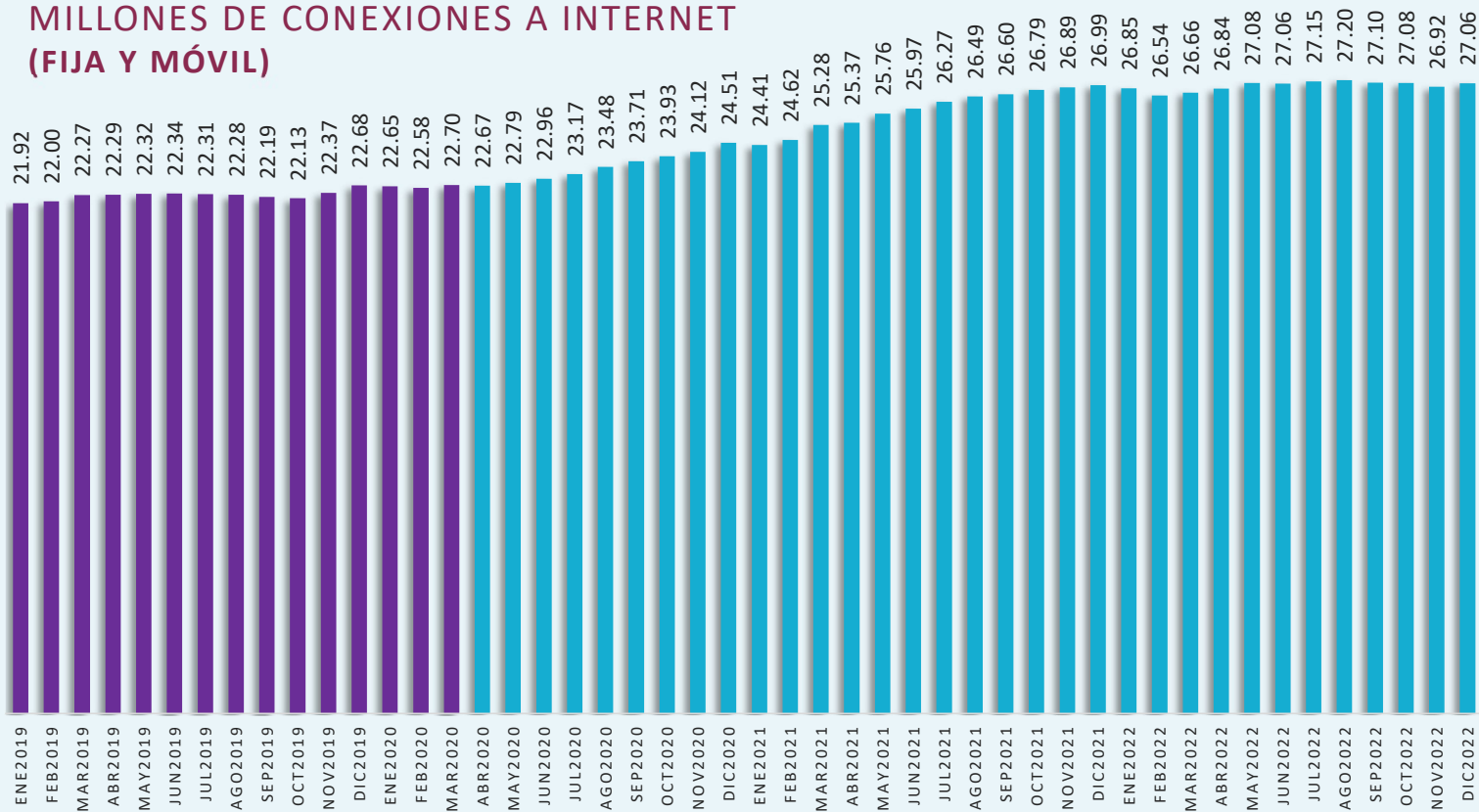
**8,1%**

de crecimiento  
proyectado al 2027

Fuente: Departamento de Información Comercial, SUBREI, con cifras de EUROMONITOR.

# PANORAMA DIGITAL EN CHILE

## MILLONES DE CONEXIONES A INTERNET (FIJA Y MÓVIL)



Fuente: Departamento de Información Comercial, SUBREI, con cifras de SUBTEL.

# 27,1

millones de conexiones  
en 2022

# 84%

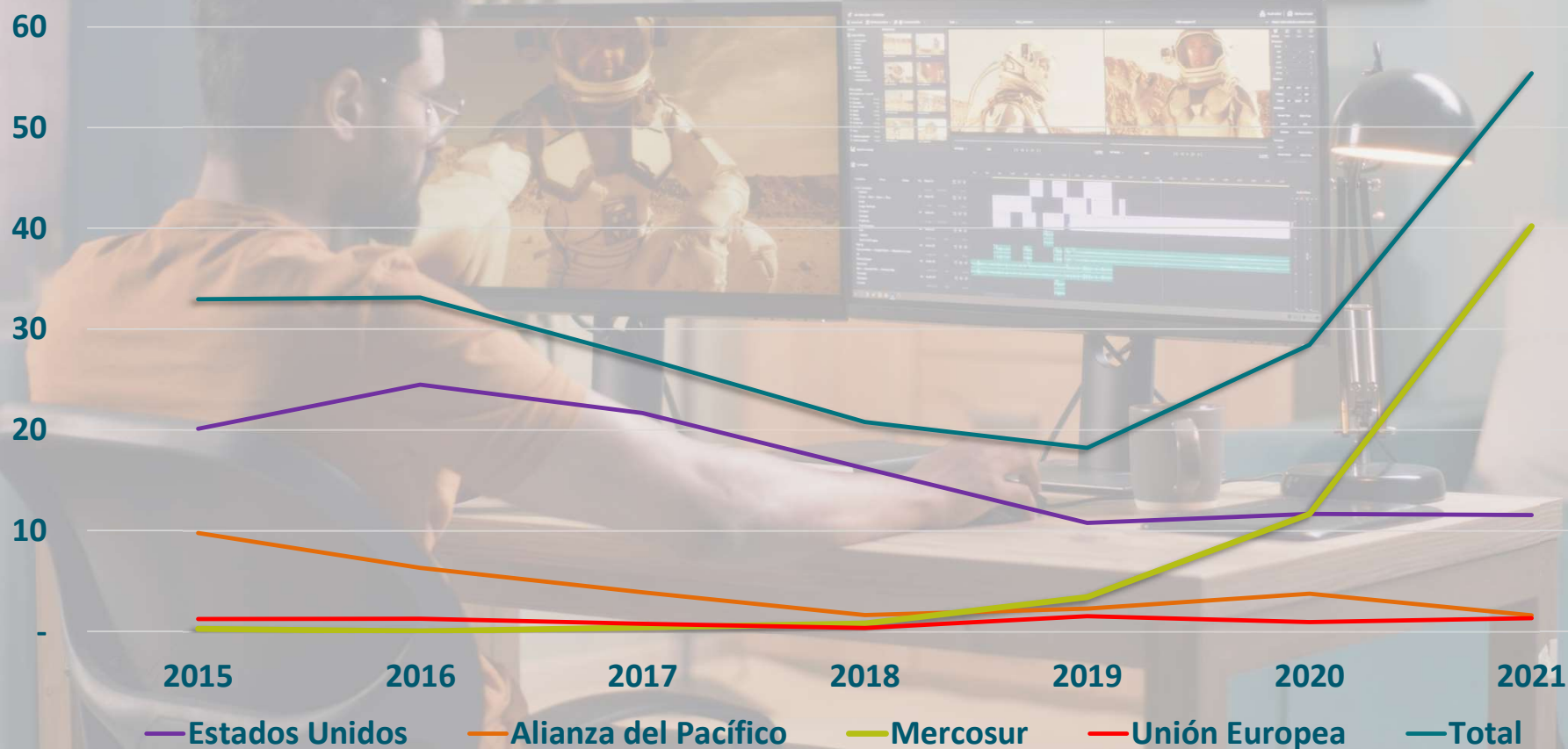
de las conexiones son  
móviles

# 3 MILLONES

conexiones adicionales  
desde el inicio de la  
pandemia

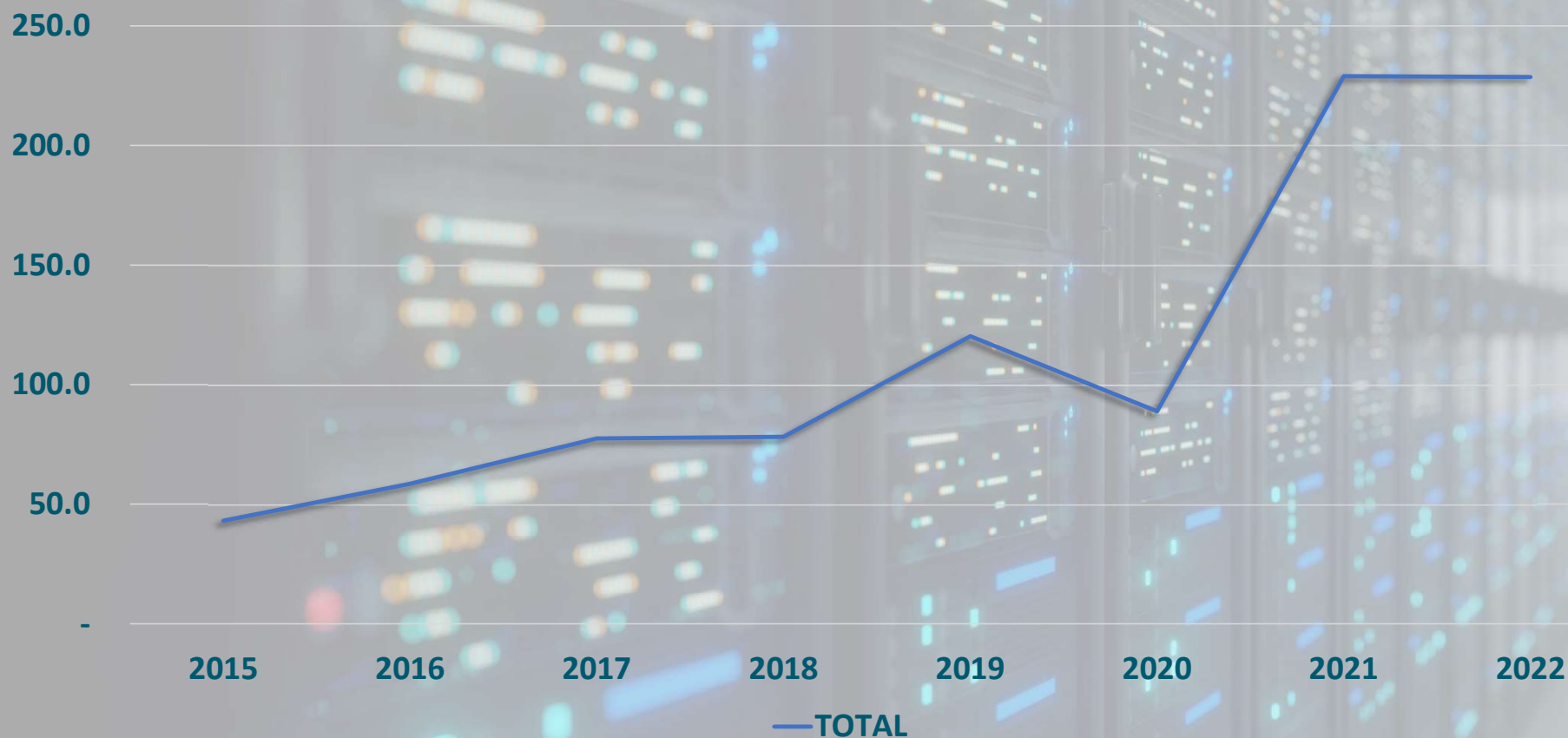


## Exportaciones chilenas de servicios: Software (US\$ millones)



Fuente: Departamento de Información Comercial, SUBREI, con cifras de Aduanas

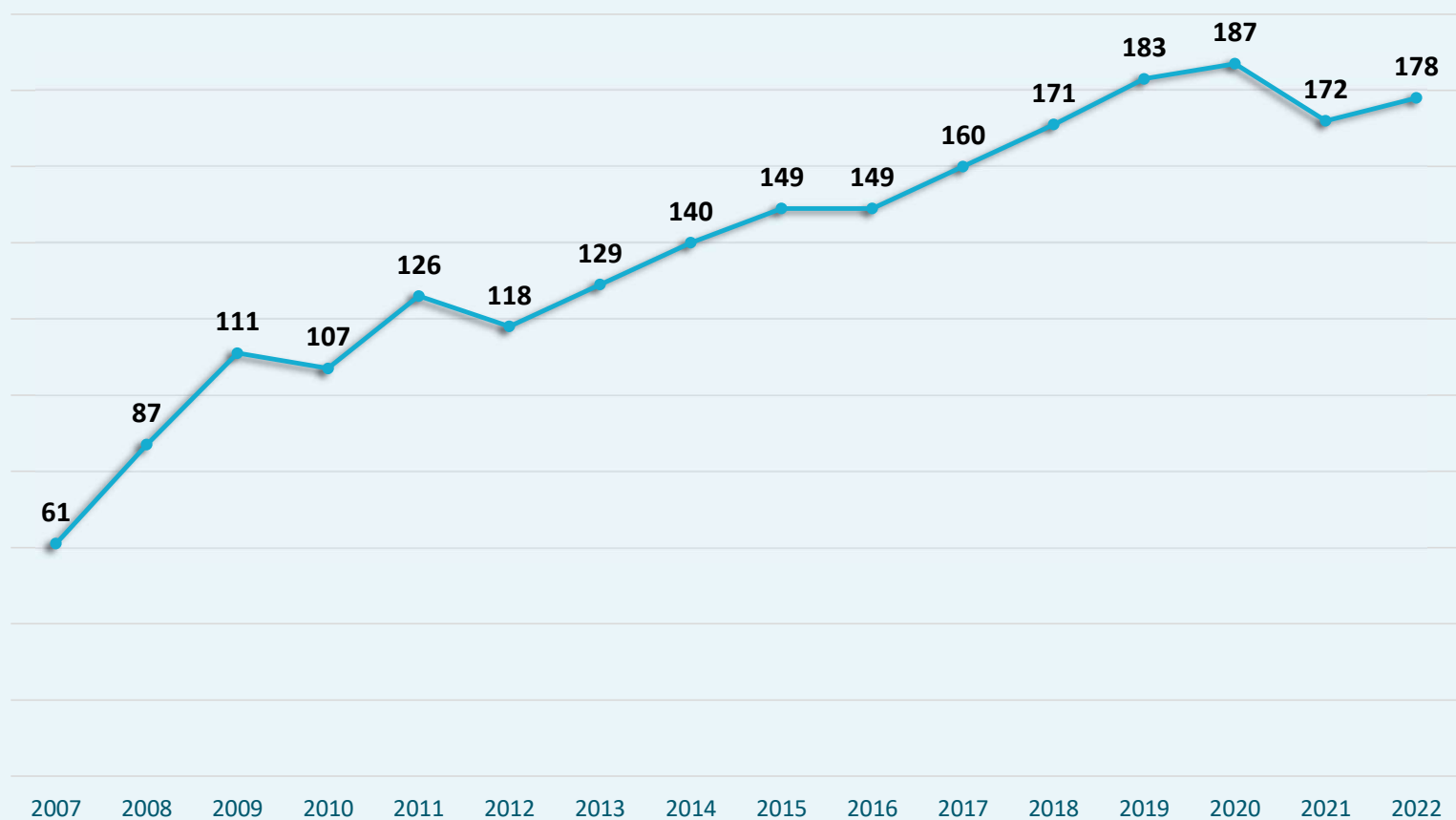
## Exportaciones chilenas de servicios: Hosting de sitios web y correos electrónicos (US\$ millones)



Fuente: Departamento de Información Comercial, SUBREI, con cifras de Aduanas



## Exportaciones chilenas de servicios: N° de empresas exportadoras TICs



**+7,4%**

crecimiento prom. anual  
de las exportadoras de  
TICs (2007-2022)

**178**

exportadoras de SERVICIOS  
TICs (2022)

Fuente: Departamento de Información Comercial, SUBREI, con cifras de SUBTEL.

## TLC DE CHILE QUE INCLUYEN COMERCIO ELECTRÓNICO


### Comercio Electrónico

	2004 – United States
	2009 - Australia
	2009 – Colombia
	2016 – Pacific Alliance
	2018 – Uruguay
	2019 – Argentina
	2019 - China
	2020 – DEPA
	2022 – Brazil
	2022 - Ecuador
	2023 - CPTPP

### Telecomunicaciones

	1997-Canadá
	1999 - México
	2002 – Central America
	2003 – European Union
	2004 – South Korea
	2004 – EFTA
	2004 – United States
	2009 – Australia
	2016 – Pacific Alliance
	2019 – Argentina
	2022 – Brazil
	2023 - CPTPP

### Firmados

	2021 - Paraguay
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# DIGITAL ECONOMY PARTNERSHIP AGREEMENT (DEPA)

## ACUERDO DE ASOCIACIÓN DE ECONOMÍA DIGITAL CHILE, NUEVA ZELANDIA Y SINGAPUR

- Impulsar la colaboración en el ámbito de la economía digital.
- Establecer un marco normativo y de cooperación.

Consta de **16 módulos y 4 anexos** entre los cuales destacan:

- Facilitación de los negocios y el comercio,
- Tratamiento de productos digitales,
- Ambiente amplio de confianza,
- Confianza de consumidor y empresa,
- Identidad Digital,
- Cooperación en PYMES,
- Inclusión digital, entre otros.







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**United Nations**  
**UNCITRAL**

## New frontiers of digital trade

Electronic Transactions Law review:  
Caribbean Region

Tira Greene  
Attorney at law

# **Projects and Initiatives in Caribbean/CARICOM**

## **Trinidad & Tobago, Barbados, Jamaica**

### **Project (IDB) Enhanced IPAs Institutional Capacity Promoting Digital Sectors FDI**

- ❑ Objectives: Increase FDI flows in digital sectors and IPAs personnel capacity building
- ❑ Gap Analysis of ETAs and updating to implement MLETR

## **OECS Member States, Suriname**

- ❑ Whole of Government approach to digital transformation
- ❑ Gap Analysis of ETAs and updating to implement MLETR

# Strengthening National Legislative Framework of CARICOM Member States: CARICOM IMPACS/INL

## Blockchain in Aviation (IATA)

- ❑ Blockchain has a high potential for the aviation industry
- ❑ Blockchain would facilitate business to business interfacing and transform invoicing, reconciliation, settlement and accounting processes.

Five areas in aviation identified to benefit from blockchain including ·

- ❑ **passenger & crew identity management**, and
- ❑ dynamic electronic documents across the travel value chain.



# Strengthening National Legislative Framework of CARICOM Member States: CARICOM IMPACS/INL

## Trinidad & Tobago

- ❑ TTIFC's FinTech innovation hub, the first of its kind in the Caribbean region.
- ❑ “One FinTech Avenue will serve as Trinidad and Tobago's national financial technology platform, an ecosystem which will bring infrastructure, organisations and people together to bolster the region's levels of financial inclusion. It will serve as the focal point for FinTech activity in the Caribbean.”

## Belize

Already enacted the MLETR which is going the in direction of having dynamic electronic documents

