


ELECTRONIC SIGNATURES ON DIGITAL LEGAL ACTS

Maria Luís Marinho

Portugal

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- Video-conference used on digital legal deeds with electronic signatures
 - April 4th 2022 – Beginning of implementation
 - 2 years term – after that the Government will reevaluate it, in order to implement it's final and definitive consolidation in the legal order
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WHAT?

REGISTRARS:

- Divorces by mutual consent;
- Inheritance Deed of Heirs (with or without registry of the inheritance assets);
- Procedure “Casa Pronta” – special procedure of transmission of assets.
The deed and the registry are signed in the same day, as well as the taxes obligations:

Acquisition of assets – purchase and sale contracts;
Mortgage;
Donation;
Exchange/Permutation;
Condominium;
Financial leasing contracts.

► ELECTRONIC SIGNATURE

Three types of electronic signature:

- Simple
- Advanced
- Qualified

Only the qualified electronic signature has the same effect as the manual signature.

Regulation (EU) N.º 910/2014 of the European Parliament and of the Council of 23rd of July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC – eIDAS Regulation

TO WHOM?

PORTUGUESE CITIZENS:

- with identity card and digital mobile key.

FOREIGN CITIZENS:

- Living in Portugal: the digital mobile key can be associated to the passport or to the residence card + portuguese fiscal number.
- Living abroad: any portuguese Consulate can associate the digital mobile key to the passport.

CONTROVERSIAL ISSUES

Videoconference Legal Acts

- ▶ The presence of the parties can be simultaneous or not – article 6°, n° 7;
- ▶ Archive and conservation of documents: 20 years – article 9°, n° 1;
- ▶ Capacity for 20 users simultaneously – presentation session.

REFUSAL

Videoconference Legal Acts

The professional must refuse the legal act if he has doubts about the following – article 7°:

- ▶ The identity of the parties;
- ▶ The free will of the parties;
- ▶ The capacity of the parties;
- ▶ The authenticity or integrity of the documents presented;

COMPUTER SCIENCE AND THE ALGORITHM

- ▶ Geolocation systems
 - ▶ Fingerprint reader
 - ▶ Facial / eye recognition reader
 - ▶ Face disruption / deepfake
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VIDEOCONFERENCE LEGAL ACTS – PRESENTATION SESSION

- ▶ “Great asset for years to come”.
- ▶ “Digital channel for further products”.
- ▶ “Free use”.

Secretary of State for Justice

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GENERAL SHAREHOLDERS MEETING IN THE METAVERSE



AVATAR



CIVIL RESPONSIBILITY

- ▶ Responsibility of the professionals:
 - ▶ Civil
 - ▶ Disciplinary
 - ▶ Criminal
 - ▶ Responsibility of the parts in the deed
 - ▶ Responsibility of the software creator
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VIRTUAL CAUSE

- ▶ MAIN PRINCIPLE:

Irrelevance of the virtual cause.

- ▶ PROPOSALS OF THE EUROPEAN UNION:

- ▶ Civil liability regime for artificial intelligence

European Parliament resolution of 20th October, 2020 with recommendations to the Commission on a civil liability regime for artificial intelligence

- ▶ Proposal for a Directive of the European Parliament and the Council of 28th September, 2022 on adapting non-contractual civil liability rules to artificial intelligence (AI Liability Directive)

LACK OF RESPONSABILITY IN ARTIFICIAL INTELLIGENCE PROGRAMS



CONCLUSION

B – B

Business to Business

B – C

Business to Consumer

C – B

Consumer to Business

▶ M – M

Machine to Machine

▶ P – P

Person to Person



THANK YOU!

