# A CRITICAL ANALYSIS OF PAKISTANI LEGAL SYSTEM REGULATING E-COMMERCE AND ITS MARKETING LAWS: REFORMS TO BE IMPLEMENTED IN PAKISTAN


**Submitted By**

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# Research Thesis for Completion of LLB Degree

**SUPERVISOR'S APPROVAL**

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# Declaration of Ethical Conduct in Thesis Work

I, as students of Bahria University, hereby affirm and declare that I have abided by the research ethics while writing this research project.

I have not committed any acts that may discredit or damage the credibility of my research. These include, but not limited to, falsification, distortion of research findings, or plagiarism.

I have subjected this work to plagiarism check before submitting the research project.

Date: _____

Degree: LLB

Supervisor Name: Dr. Sohaib Mukhtar

Student Name: Ameer Ali

Signature: _____

# Acknowledgement

Firstly, All Praise to ALLAH Almighty for without His Blessing this work would not have been possible. I owe my sincerest of gratitude to my supervisor Dr. Sohaib Mukhtar. He has been remarkably patient with me during the completion of this work. Furthermore, it was his invaluable support, guidance and expertise which has really encouraged me and has motivated me not only during my academic research but also in my daily life as well and for that I am eternally grateful to him. Also, I must take this opportunity to express my outmost thanks and gratitude to my parents and my family members, for their endless love, prayers, and unfailing support throughout the course of my studies. Without their unconditional support, love, and affection it would have been impossible for me to complete this momentous task. Lastly, I would also like to thank all my classmates who have also played an essential role in my life's work.

# Dedication

To my Father, Syed Riaz Ahmed Shah and my Mother Mumtaz Bibi,

This research is not only a testament to my academic achievements but also a heartfelt tribute to your unwavering love, guidance, and sacrifices. From the earliest days of my education, you have been my pillars of strength, always nurturing my dreams and aspirations.

Father, you have been my mentor, my role model, and my source of wisdom. Your tireless efforts to provide for our family, your relentless pursuit of knowledge, and your unwavering belief in my potential have shaped my character and instilled in me a drive for excellence.

Mother, your boundless love, patience, and unwavering support have been my constant source of inspiration. Your nurturing presence, filled with warmth and compassion, has given me the courage to overcome challenges and pursue my passions fearlessly.

Together, you have created a home filled with love, encouragement, and an environment conducive to learning. Your belief in me has been the wind beneath my wings, propelling me forward even in the face of adversity.

As I embark on this academic journey, I carry with me the values and principles you have instilled in me. Your sacrifices, late nights, and unwavering faith in my abilities have laid the foundation for my success. This research is a testament to your dedication and the profound impact you have had on my life.

I am forever grateful for the love and support you have showered upon me, and I dedicate this to you as a token of my deepest gratitude. May it serve as a small token of appreciation for the immeasurable love and sacrifices you have made for me.

With all my love and admiration,

Ameer Ali

# List of Laws

## International Laws:

1. United Nations Commission on International Trade Law (UNCITRAL) Model Law on Electronic Commerce
2. United Nations Guidelines for Consumer Protection
3. World Trade Organization (WTO) agreements related to e-commerce, such as the General Agreement on Trade in Services (GATS) and the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS)

## National Laws:

1. Electronic Transactions Ordinance, 2002
2. Payment Systems and Electronic Funds Transfer Act in 2007
3. Pakistan Electronic Media Regulatory Authority (PEMRA) Ordinance, 2002
4. Pakistan Telecommunication (Re-organization) Act, 1996
5. Competition Act, 2010
6. Consumer Protection Act, 2005
7. Intellectual Property Laws, including the Copyright Ordinance, 1962, and the Trademarks Ordinance, 2001
8. Companies Act, 2017
9. Sales Tax Act, 1990
10. Income Tax Ordinance, 2001
11. Customs Act, 1969

# List of Cases

## International Cases:

1. Amazon.com, Inc. v. New York State Department of Taxation and Finance (2013):
2. Google LLC v. Oracle America, Inc. (2021)
3. Alibaba Group Holding Ltd. v. Office of the United States Trade Representative (2020)
4. L'Oreal SA v. eBay International AG (2009)
5. Apple Inc. v. Samsung Electronics Co. (2018)

## National Cases:

1. Wateen Telecom Ltd. v. Pakistan Telecommunication Authority (PTA) (2014)
2. State Bank of Pakistan v. Muhammad Ashraf (2017)
3. Pakistan Telecommunication Company Limited (PTCL) v. Federal Board of Revenue (FBR) (2020)
4. Daraz.pk v. Consumer Protection Court (2021)
5. Pakistan Telecommunication Authority v. Jazz (2021)
6. Foodpanda v. Competition Commission of Pakistan (2020)
7. Orient Electronics v. Alibaba Group (2018)
8. Punjab Information Technology Board v. Careem (2020)

# Abstract

The rapid growth of e-commerce in Pakistan has brought numerous opportunities for consumers and businesses, but it has also presented challenges and highlighted gaps in the existing legal framework. This research aims to analyze the current legal landscape for e-commerce and marketing laws in Pakistan, evaluate their effectiveness in protecting consumers and businesses, and identify specific gaps and shortcomings. Drawing insights from successful e-commerce regulations and practices in other countries, the explores how these international best practices can be adapted and implemented in the Pakistani legal system. The potential benefits and challenges associated with adopting these practices are discussed, along with an examination of the specific legal barriers that affect consumers and the wider economy. Furthermore, the proposes potential solutions and reforms to overcome these barriers, emphasizing the importance of addressing the challenges in the legal system. Finally, recommendations for policy changes and legal reforms are presented, highlighting their potential impact on the e-commerce industry in Pakistan. The findings of this research contribute to the understanding of the legal aspects of e-commerce in Pakistan and provide insights for policymakers, businesses, and stakeholders to foster a favorable environment for sustainable e-commerce growth.

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