



E-SIGN

THE TRUSTED E-SIGNATURE SOLUTION



ARE E-SIGNATURES LEGAL?

For decades, important documents have been signed using the traditional pen and paper method. As we move towards an increasingly digital world, governments across the globe have been propelled to adapt, changing business practices around the world. Thus, it comes as no surprise that the laws surrounding traditional handwritten signatures have changed immensely over the past fifteen years. One of the main concerns for those who were hesitant about the shift towards a digital world has been resolved by legislators across the Western world. Federal laws have been enacted to allow the use of electronic records and signatures to be considered valid and legal in a court of law. The questions surrounding the legitimacy of electronically signing a document should be set aside, as laws governing this issue have been put in place since the early 2000's.

THE ESIGN ACT – A BRIEF HISTORY

Today, over 70 countries around the globe in Europe, North America, Africa, and Asia have passed laws validating the use of e-signatures in electronic documents. In the United States, the ESIGN Act is a federal law that was put in place in 2000. It establishes that electronic signatures, documents, and records are just as valid in a court of law as traditional hand-signed contracts (granted they meet certain criteria). Prior to the ESIGN Act was the Uniform Electronic Transactions Act (UETA), which asserts that where any law that requires a signature to be considered valid, an electronic signature can be used in place as long as both parties agree to proceed electronically. Both the ESIGN Act in conjunction with the EUTA have cemented the legal scope for the use of electronic records and signatures as both laws include that; no document or signature be negated in a court of law solely on the premise that it was in electronic form, and no contract relating to a transaction be negated in a court of law solely because an electronic signature was used in validation. Courts will in fact recognize three types of e-signatures:

STANDARD E-SIGNATURE

a typed name or copy of
handwritten signature

ADVANCED E-SIGNATURE

AES

QUALIFIED E-SIGNATURE

QES

The only difference between these three types of signatures is what evidence they require to prove their validity and authenticity. For example, because a standard e-signature can be easily forged, it would require further proof that the individual who signed the document was the actual signer. Thus, any situation where the law does not require a signature to give it legal effect, a standard e-signature would suffice. In comparison, due to additional requirements that constitute an AES signature, significantly less evidence would be required to prove its validity. Lastly, QES signatures require no additional proof to demonstrate its validity as the courts are mandated to recognize it as equivalent to a handwritten signature (granted it meets QES conditions). Any circumstance where a signature has legal effect to bind the signatory, an AES and QES would be used.

With the use of Soda PDF's own E-Sign service, getting documents signed online is effortless for both parties involved. The intuitive nature of this service allows for users to feel comfortable using it with no training required, while alleviating the burden of tedious paperwork. From a B2B perspective, the use of E-Sign is paramount.

Now, instead of waiting for contracts to be sent via post from around the world, they can be sent and signed in a matter of minutes, and from any device. With E-Sign, individuals can track a document's progress and save it in real-time for future reference. In addition to saving time, Soda PDF's E-Sign also saves businesses money by eliminating costs of mailing and printing documents. E-Sign allows the sender to set expiry dates while preparing the e-signature package, and even to send reminders once the package has been sent, notifying recipients of pending signatures required for specific documents. Signers are reminded via e-mail that they have a document waiting to be signed by them, speeding up transactions for both sender and signer.



With Soda E-Sign, users can choose the order of signers and documents, ensuring disclosures have been reviewed and accepted prior to signing. The automated workflow option also prevents incomplete documents with missing signatures or information from being returned. Now, businesses are able to establish deals quicker, improving workflow, cash flow, and increasing sales simultaneously.

E-SIGNATURES

vs.

HANDWRITTEN SIGNATURES

When an individual signs their name using a pen and paper, there is no confirmation of what occurred when signing, other than the physical signature itself. However, an e-signature has the ability to store layers of data regarding who signed the document, including time, date, method, and location. Some e-signature technologies, including VASCO's own eSignLive—which powers Soda PDF's E-Sign application—even record a complete trail of every action taken by the recipient, similar to a video recording. E-signature solutions that are supported by digital signature technology are virtually protected by any form of tampering by use of digital certificates. A digital certificate is an electronic "passport" issued by a Certificate Authority, and the embedding of it into the signature specifies the identity associated with public key. Once the user signs his or her name, any attempts to edit the information will be stored by digital signature technology, reducing the likelihood of any type of forgery.

For example, if the legitimacy of a signature is being challenged in a court of law, they will look for further proof that the signer was in fact the signer. Analyzing the data stored by digital signature technology will help determine the authenticity of the signature, making an e-signature more secure and reliable than a traditional handwritten one.



In addition to all of Soda PDF's already promising security features, they have now fully integrated the securest form of e-signature- VASCO's eSignLive. The latter offers the most flexible and extensive set of e-signature features in today's market. Built for businesses, they acknowledge that reliability, scalability and security are non-negotiable for their users. Trusted by some of the world's most renowned businesses and organizations (including the US Army), electronic signatures can be used by businesses as a secure and efficient practice to close deals, transactions, and agreements.

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