

### ELECTRONIC SIGNATURE

The current opinion of the Supreme Court of Spain is that the autographic signature is not the only form of signature, since there are other types of graphic symbols that, without being properly autograph, purport to ownership and therefore bind. Thus, codes, signs and stamps can be construed as being proper signatures.

Also, and although the signature is a very important part of the document, it is not of the essence, in that there are documents without signature that shall be admissible for the purpose of proving authorship. For example, domestic paperwork, records, files, archives, accountancy books, etc.

Similarly, signature in electronic documents can be substituted by either ciphers, signs, codes or other alfa-numeric devices used in electronic commerce. These can be brought as evidence where the source and veracity allow to determine authorship. The definition of document in these cases is obviously a broad one and includes any disc, tape, soundtrack or ther device in which sounds or other data are embodied so as to be capable of being reproduced therefrom. This definition is well adapted to computerised records and any device for storing and processing infromation.

Although in Spain the assimilation of electronic signature to ordinary signature is well established by the jurisprudence, it is important to have these principles enshrined in the proposed EC directive.