

## 英國消費者保護法明確將數位內容商品消費納入規範,加重企業經營者責任



英國在今年10月1日正式實施新的消費者保護法,除了明確規定30天內可以退還瑕疵商品外(舊法並無規定明確的期間),最主要重要變革在於納入數位內容商品消費的相關條款,以促進目前蓬勃發展的數位內容產業。

依照新法的規定,所謂的數位內容係指以數位形式(in digital form)所產製或提供之資料,據此包括了任何可以下載的商品以及串流服務,例如app、音樂、電影、遊戲以及電子書。其中關於消費者之保障如下:

- 一、在一定要件下有權利要求企業經營者修復或替換有瑕疵之數位內容商品;
- 二、若數位內容商品之瑕疵無法回復時,得要求企業經營者退還百分之百所支付的款項;
- 三、除此之外,若是數位內容商品因故而造成消費者的載具損害時,例如因所販售的軟體帶有電腦病毒而使消費者電腦中毒,企業經營者應負損害賠償責任。

根據英國娛樂產業公會(Entertainment Retailers Association),英國在去年(2014)有關數位內容商品(音樂、影片、遊戲)的消費額達到 28億英鎊(約897億新台幣),英國舊消費者保護法並未針對數位內容商品有明確的規範,尤以近年數位內容商品的糾紛不斷(尤以遊戲為大宗),此次修法無疑是對常在網路購買數位商品的消費者一大保障。

### 相關連結

- Wesley Yin-Poole, New Consumer Rights Act puts gamers in the driving seat, Eurogamer.net, Oct 1, 2015
- citizen advice: The Consumer Rights Act 2015
- The Consumer Rights Act came into force from 01 October 2015 and all purchases from this date onwards will be governed by this legislation.
- Rebecca Smithers, Consumer Rights Act updated to include digital purchases, The Guardian, Oct 1, 2015

### 尤騰毅 編譯整理

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Rebecca Smithers, Consumer Rights Act updated to include digital purchases, The Guardian, Oct 1, 2015,

http://www.theguardian.com/money/2015/oct/01/consumer-rights-act-updated-digital-purchases-apps-downloads (last visited Oct 10, 2015)

The Consumer Rights Act came into force from 01 October 2015 and all purchases from this date onwards will be governed by this legislation.

http://www.which.co.uk/consumer-rights/regulation/consumer-rights-act (last visited Oct 10, 2015)

citizen advice: The Consumer Rights Act 2015 https://www.citizensadvice.org.uk/about-us/how-citizens-advice-works/citizens-advice-consumer-work/the-consumer-rights-act-2015/ (last visited Oct 10, 2015)

### 延伸閱讀

Wesley Yin-Poole, New Consumer Rights Act puts gamers in the driving seat, Eurogamer.net, Oct 1, 2015, http://www.eurogamer.net/articles/2015-10-01-new-consumer-rights-act-puts-gamers-in-the-driving-seat (last visited Oct 10, 2015)

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