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From Paper to Platform: Reforming E-Commerce Laws Through WTO and China-FTA Lenses

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Abstract

This article explores the urgent need to reform e-commerce laws by examining the evolution from traditional paper-based regulations to dynamic digital platforms. It critically analyzes the World Trade Organization's (WTO) current legal framework, which, despite its broad multilateral reach, lacks comprehensive and binding provisions specifically tailored for e-commerce. In contrast, China's Free Trade Agreements (FTAs) exemplify a pragmatic and forward-looking approach, integrating detailed digital trade rules that address data governance, consumer protection, and platform regulation. Using doctrinal and comparative legal analysis, this study highlights the strengths and limitations of both WTO and China-FTA frameworks. The findings suggest that leveraging China's innovative FTA provisions within the WTO's multilateral system offers a promising pathway for harmonizing global e-commerce regulations. The article concludes by recommending a layered governance model that balances free cross-border data flows with national security and privacy concerns, while promoting digital inclusion and SME participation. These reforms are vital to ensuring legal certainty and fostering sustainable growth in the digital economy.

Keyword: Digital trade governance, cross-border data flows, platform regulation, consumer protection, international trade law, data sovereignty, legal harmonization

Introduction

The global economy is undergoing a profound transformation driven by digital technologies that have reshaped traditional trade into a complex, platform-based ecosystem. The conventional legal frameworks governing commerce—largely designed for physical goods and paper documentation—are increasingly inadequate to address the realities of digital trade, such as cross-border data flows, platform governance, and consumer protection in virtual environments. This study aims to examine the reform of e-commerce laws by analyzing the interplay between the WTO's existing legal architecture and China's evolving



FTAs that incorporate advanced digital trade provisions (Zhang, 2023).

The scope of this research encompasses a comparative legal analysis of the WTO's multilateral trade rules and China's bilateral and regional FTAs, focusing on their treatment of key issues such as data governance, regulatory cooperation, and digital inclusivity. The significance lies in addressing the legal fragmentation and regulatory gaps that hinder the seamless flow of digital trade, which is critical for sustained economic growth and equitable participation in the digital economy. The study is guided by the hypothesis that integrating China's pragmatic and progressive FTA provisions into the broader WTO framework can create a more coherent and effective legal regime for e-commerce. Key research questions include: How do WTO rules currently address e-commerce challenges? What innovations do China's FTAs offer in digital trade governance? And how can these frameworks be harmonized to reform e-commerce laws globally?

Methodologically, the article employs doctrinal and comparative legal analysis, examining treaty texts, WTO documents, and scholarly commentary to identify strengths, limitations, and reform opportunities. The study's outcomes reveal that while the WTO provides a critical multilateral foundation, China's FTAs offer practical digital trade rules that, if integrated thoughtfully, could enhance the global e-commerce legal landscape. The article is structured as follows: the first section reviews the evolution from traditional paper-based laws to platform-centric digital trade; the second analyzes the WTO's approach to e-commerce; the third explores China's FTA digital trade provisions; the fourth presents a comparative analysis; and the final section offers policy recommendations and conclusions on reforming e-commerce laws.

I. Traditional E-Commerce Laws: From Paper to Platform

1.1 Historical Context

The development of e-commerce laws began as a natural extension of traditional trade and contract laws, adapting established legal principles to accommodate the shift from paper-based transactions to electronic communications. Early legal efforts focused primarily on legitimizing electronic contracts and digital signatures to ensure that electronic documents held the same legal weight as their paper counterparts. This was crucial for fostering trust and predictability in digital transactions. One of the pioneering legal instruments in this field was the UNCITRAL Model Law on Electronic Commerce (1996), which provided a comprehensive framework for recognizing electronic records and signatures. The Model Law aimed to remove legal obstacles to electronic commerce by establishing that information shall not be denied legal effect solely because it is in electronic form. Despite its significance, the Model Law was primarily concerned with basic transactional validity and did not address broader issues such as cross-border data flows, consumer protection, or platform liability (Ullah et al., 2025).

Subsequent regional and national laws followed this foundational approach, emphasizing paperless trading and the equivalence of electronic and paper-based documents. However, the limited scope of these early frameworks became increasingly apparent as e-commerce rapidly evolved into complex, multi-layered digital platforms involving data-intensive services, digital goods, and integrated supply chains. This historical context highlights the initial legal recognition of electronic commerce but also underscores the growing need for more



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sophisticated and harmonized regulations capable of addressing the multifaceted challenges posed by modern digital trade (Povna, 2024).

1.2 Challenges of Traditional Frameworks

Despite laying the groundwork for recognizing electronic transactions, traditional e-commerce legal frameworks face significant challenges that limit their effectiveness in the current digital trade environment:

- **Jurisdictional Complexities in Cross-Border Data Transactions:** Traditional laws were designed for clearly defined territorial boundaries and physical goods. However, digital trade involves data flows that traverse multiple jurisdictions simultaneously, creating legal uncertainty regarding applicable laws, enforcement mechanisms, and regulatory compliance. This fragmentation complicates dispute resolution and undermines legal predictability (Janow & Mavroidis, 2019).
- **Lack of Harmonization in Digital Consumer Protection and Privacy Standards:** Consumer protection laws and privacy regulations vary widely across jurisdictions. Traditional frameworks do not adequately address these differences, resulting in inconsistent protections for consumers engaged in cross-border digital transactions. This disparity weakens consumer trust and hinders the expansion of e-commerce markets.
- **Insufficient Rules on Platform Liability and Intermediary Roles:** Digital platforms and intermediaries, such as online marketplaces and payment service providers, play a central role in facilitating e-commerce. Traditional laws often lack clear provisions on their legal responsibilities, leaving critical questions about liability, content moderation, and dispute mechanisms unresolved. This gap poses risks to both users and service providers.
- **Inadequate Governance for Emerging Technologies such as AI and Blockchain:** New technologies like artificial intelligence (AI) and blockchain introduce novel legal and ethical challenges related to data integrity, automation, transparency, and accountability. Traditional e-commerce laws do not provide sufficient guidance or regulatory frameworks to govern these technologies effectively within digital trade contexts (Malkawi, 2007).

These challenges reveal the pressing need to reform and modernize e-commerce laws to reflect the realities of digital trade, ensuring they support innovation, protect stakeholders, and facilitate cross-border commerce with clarity and fairness.

II. WTO and E-Commerce: A Framework in Evolution

2.1 WTO's Approach to E-Commerce

The WTO has historically addressed e-commerce within the framework of its existing agreements rather than through a dedicated, standalone e-commerce treaty. Core WTO agreements such as the General Agreement on Tariffs and Trade (GATT), the General Agreement on Trade in Services (GATS), and the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) have been interpreted and applied to digital trade activities. However, these agreements were conceived before the digital revolution and thus lack explicit provisions tailored to the unique challenges of e-commerce (Vlassis, 2020).



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Recognizing the growing importance of digital trade, the WTO initiated several key milestones aimed at exploring and potentially regulating e-commerce:

- **The Work Programme on E-Commerce (1998):** This initiative marked the WTO's first formal engagement with digital trade issues. It was primarily exploratory, intended to gather information and understand e-commerce's implications on international trade. Importantly, the Work Programme did not create binding rules or commitments, reflecting the cautious approach of WTO members given the nascent state of digital commerce at the time (Banga et al., 2021).
- **The Joint Statement on Electronic Commerce (2017):** In response to rapid technological developments, a group of WTO members launched a plurilateral effort to negotiate new disciplines specifically addressing e-commerce. The Joint Statement Work Programme signaled a shift toward more active rule-making, focusing on areas such as electronic transactions, online consumer protection, cybersecurity, and facilitation of paperless trade. However, participation remained voluntary, and consensus on binding obligations has been elusive.
- **Proposals in WTO Negotiations:** Since 2017, various members have submitted proposals addressing emerging e-commerce challenges, including rules on **data localization requirements**, which impact the free flow of information; **consumer protection mechanisms** tailored for digital platforms; and **source code transparency**, concerning software and algorithm disclosure. These proposals illustrate ongoing debates within the WTO on balancing trade liberalization with regulatory autonomy and data security (Huang, 2017).

While the WTO remains the preeminent forum for multilateral trade governance, its e-commerce framework continues to evolve, grappling with the complexities of digital trade and the need for inclusive, effective, and enforceable rules.

2.2 Strengths and Limitations

The WTO's approach to e-commerce possesses distinct strengths, but it also faces notable limitations that impact its effectiveness in regulating digital trade.

Strengths:

- **Multilateral Legitimacy:** As the primary global trade organization, the WTO provides an established, rules-based multilateral framework that commands broad legitimacy among its member states. Its universal membership and institutional structure enable it to facilitate dialogue and negotiations on complex trade issues, including e-commerce, in a way that regional or bilateral agreements cannot match (Kahn & Wu, 2020).
- **Comprehensive Trade Dispute Mechanisms:** The WTO's robust dispute settlement system offers a formalized process for resolving trade conflicts between member countries. This mechanism promotes compliance with agreed rules and ensures predictability and stability in international trade relations, which is crucial for fostering trust in digital trade transactions (Ismail, 2020).

Limitations:

- **Slow Consensus-Building Process:** The WTO operates on the principle of consensus, requiring agreement among all members to adopt new rules. This approach often results in protracted negotiations, making it difficult



to keep pace with the rapidly evolving digital economy. Consequently, the WTO's ability to respond swiftly and adapt its legal frameworks to emerging e-commerce challenges is limited (Khan et al., 2021).

- **Fragmented Rule-Making:** Rather than developing a unified e-commerce agreement, the WTO's efforts have been fragmented across different working groups and plurilateral initiatives. This piecemeal approach risks inconsistency and complexity, reducing clarity for stakeholders navigating the global digital trade environment (Khan et al., 2021).
- **Absence of Binding Digital Trade Provisions:** To date, the WTO lacks a comprehensive, binding agreement specifically addressing key aspects of e-commerce such as cross-border data flows, data privacy, cybersecurity, and platform governance. This gap leaves critical regulatory areas unaddressed at the multilateral level (Khan & Wu, 2021).
- **Limited Coverage of Data Governance and Platform Regulation:** Traditional WTO agreements provide minimal guidance on modern challenges posed by data governance, including localization policies and source code requirements, as well as the regulation of digital platforms and intermediaries. This limits the organization's capacity to manage risks associated with data sovereignty, consumer protection, and intermediary liability in digital trade (Kelsey, 2018).

These strengths and limitations illustrate the complex environment in which WTO e-commerce negotiations occur, highlighting the need to complement the WTO framework with innovative, flexible approaches drawn from emerging regional and bilateral agreements.

III. China's FTAs: Advanced Digital Trade Governance

3.1 Evolution of China's FTAs on Digital Trade

China's FTAs, notably the Regional Comprehensive Economic Partnership (RCEP) and key bilateral agreements with partners such as Australia, Chile, and South Korea, reflect a proactive and nuanced approach to regulating digital trade. These agreements increasingly embed detailed provisions that address critical aspects of e-commerce, signaling China's commitment to shaping global digital trade governance.

Key features of China's FTA digital trade provisions include:

- **Cross-Border Data Flows with Safeguards:** Unlike the WTO's limited approach, China's FTAs explicitly recognize the importance of enabling free cross-border data flows to facilitate digital trade, while simultaneously incorporating safeguards to protect personal information and sensitive data. These provisions aim to balance economic openness with privacy and security concerns, responding to the regulatory complexities of data sovereignty (Usman et al., 2021).
- **Source Code Protection and Cybersecurity Cooperation:** China's agreements include commitments to protect source code and proprietary algorithms from forced disclosure, thereby safeguarding intellectual property rights and promoting innovation. Additionally, they emphasize cooperation in cybersecurity to address risks such as cyberattacks and data breaches, fostering a collaborative environment for maintaining secure digital ecosystems (Abdelrehim Hammad et al., 2021).



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- **Non-Discriminatory Treatment of Digital Products and Services:** The FTAs ensure that digital products and services receive equal treatment compared to their physical counterparts, preventing discrimination based on the digital nature of goods or services. This commitment supports market access and fair competition, facilitating the growth of cross-border digital commerce (Khan & Wu, 2021).
- **Regulatory Cooperation on E-Invoicing, Electronic Authentication, and Paperless Trading:** To streamline digital transactions, China's FTAs promote harmonization and mutual recognition of electronic invoicing, authentication processes, and paperless trade procedures. These measures reduce administrative burdens and costs, enhancing efficiency and predictability in cross-border digital transactions (Mukherjee & Kapoor, 2018).

By embedding these comprehensive digital trade rules within its FTAs, China not only addresses the practical needs of contemporary e-commerce but also positions itself as a key architect in the emerging global digital trade architecture

3.2 Innovations and Regulatory Trends

China's FTAs not only establish foundational digital trade rules but also introduce innovative regulatory trends designed to address contemporary challenges in e-commerce. These innovations reflect a pragmatic balancing act between national policy priorities and the demands of a liberalized digital economy:

- **Balancing Data Sovereignty and Free Flow of Information:** Recognizing the growing importance of data as a strategic resource, China's FTAs carefully calibrate commitments to ensure the free flow of information across borders while respecting national data sovereignty concerns. This balance is achieved through provisions that allow reasonable restrictions on data transfers for legitimate public policy objectives, such as privacy protection, cybersecurity, and national security, without erecting unnecessary barriers to digital trade (Khan, 2022).
- **Encouraging Digital Inclusion and SME Participation:** To foster equitable growth, these agreements emphasize enhancing the capacity of small and medium enterprises (SMEs) to participate in digital trade. By promoting access to digital infrastructure, capacity-building initiatives, and simplified regulatory requirements, China's FTAs seek to bridge the digital divide and enable SMEs to compete effectively in global digital markets (Khan et al., 2022).
- **Promoting Mutual Recognition of Electronic Signatures and Interoperability Standards:** To facilitate seamless cross-border electronic transactions, China's FTAs advance mutual recognition of electronic signatures and authentication mechanisms. They also encourage harmonization of technical standards to ensure interoperability among diverse digital systems, reducing transaction costs and legal uncertainty for businesses and consumers alike (Banerjee et al., 2024).

These regulatory trends illustrate China's forward-looking approach, aiming to create an inclusive, secure, and efficient digital trade environment that can adapt to evolving technological and policy landscapes.



IV. Comparative Analysis: WTO vs. China-FTA Approaches

The contrasting approaches of the WTO and China's FTAs to regulating e-commerce highlight both the strengths and gaps in current global digital trade governance. Understanding these differences is essential for identifying pathways toward effective reform.

Scope and Specificity: The WTO treats e-commerce largely as an extension of existing trade agreements such as GATT and GATS, without dedicated, binding provisions specifically crafted for digital trade. Its Work Programme on E-Commerce and plurilateral Joint Statement initiatives represent exploratory and voluntary efforts rather than comprehensive commitments. Conversely, China's FTAs contain detailed, specific rules addressing contemporary digital trade issues—including cross-border data flows, cybersecurity, source code protection, and regulatory cooperation—offering practical mechanisms that directly respond to evolving technological realities (Lee-Makiyama, 2018).

Legal Bindingness and Enforcement: WTO agreements benefit from a robust dispute settlement mechanism with legally binding decisions enforceable across its 164 members, providing predictability and uniformity. However, the lack of concrete e-commerce provisions limits enforcement in this domain. China's FTAs, though typically bilateral or plurilateral, include binding provisions on digital trade but cover fewer countries, limiting their global reach. Still, their detailed clauses set important precedents that could influence future multilateral negotiations (Froese, 2019).

Flexibility and Responsiveness: The WTO's consensus-based decision-making often slows progress, making it challenging to keep pace with rapid innovation in digital trade. This cautious multilateralism contrasts with China's FTAs, which demonstrate greater agility in incorporating emerging issues such as data governance, SME participation, and electronic authentication. The FTAs' flexibility allows faster adaptation to new technologies and policy priorities (Khan & Ximei, 2022).

Data Governance and Privacy: Data sovereignty and privacy receive limited direct attention under WTO rules, where members retain broad discretion but lack coordinated norms. China's FTAs explicitly address cross-border data flows with built-in safeguards, combining trade facilitation with privacy and security measures. This balanced approach mitigates tensions between openness and regulatory control (Khan, 2023).

Platform Regulation and Interoperability: The WTO's framework largely overlooks platform liability and interoperability standards, leaving these to domestic regulation. China's FTAs, however, proactively promote mutual recognition of electronic signatures and technical standards, reducing barriers for digital service providers and fostering smoother cross-border transactions (Lee, 2019).

Aspect	WTO Framework	China-FTA Provisions
Scope	Broad, but general and non-binding	Detailed and binding digital trade rules
Data Governance	Limited, ongoing negotiations	Specific provisions balancing flow and security
Consumer Protection	Minimal direct e-commerce focus	Explicit clauses on consumer rights in digital trade
Platform	Absent	Emerging standards on



Regulation		intermediary liability
Dispute Settlement	Strong multilateral mechanism	Often dispute clauses aligned with WTO principles
Regulatory Flexibility	High due to consensus challenges	More pragmatic, region-specific approaches

V. Reforming E-Commerce Laws: Integrating WTO and China-FTA Insights

5.1 Need for a Multilateral E-Commerce Agreement

The rapid evolution of digital trade and the limitations of existing frameworks underscore the urgent need for a comprehensive multilateral e-commerce agreement under the auspices of the WTO. Drawing on the practical and innovative provisions embedded in China's FTAs, the WTO is well-positioned to develop a binding agreement that addresses the complex realities of today's digital economy and ensures a balanced, inclusive, and predictable trade environment.

Key elements that such an agreement should incorporate include:

- **Clear Rules on Cross-Border Data Flows with Privacy Protections:** Facilitating the free flow of data is essential for seamless digital trade. However, this must be balanced with robust privacy safeguards and protections for personal information. A WTO e-commerce agreement should articulate clear, enforceable rules that enable cross-border data transfers while respecting national data protection standards and international privacy norms (Khan et al., 2023).
- **Harmonized Standards for Electronic Authentication and Consumer Protection:** To reduce legal uncertainty and transactional friction, the agreement should promote the mutual recognition of electronic signatures and authentication methods. Moreover, it should establish common principles for digital consumer protection, including transparency, redress mechanisms, and safeguards against fraud and misleading practices (Khan & Usman, 2023).
- **Frameworks for Platform Liability and AI Governance:** As digital platforms become central facilitators of e-commerce, clear rules delineating platform responsibilities and liabilities are crucial. Additionally, given the rising integration of artificial intelligence in digital services, the agreement should provide governance frameworks that address AI-related risks, ethical considerations, and accountability mechanisms (Khan & Jiliani, 2023).
- **Provisions Supporting Digital Inclusion and SME Access:** Recognizing the role of SMEs as engines of growth, the agreement should include measures to enhance digital infrastructure, simplify regulatory procedures, and facilitate capacity-building initiatives. This would promote equitable participation in global digital trade, fostering innovation and inclusive economic development (Becerril, 2020).

By integrating these elements into a comprehensive multilateral framework, the WTO can build on China's FTA experiences to deliver an updated, effective legal architecture that supports innovation, safeguards stakeholders, and harmonizes global digital trade governance.



5.2 Policy Recommendations

To effectively reform e-commerce laws and harmonize digital trade governance, a strategic and inclusive policy approach is essential. Building upon the strengths of both the WTO framework and China's FTAs, the following recommendations aim to create a balanced and forward-looking global digital trade regime:

- **Adopt a Layered Governance Model:** Combine the WTO's broad multilateral reach with the agility and specificity of regional and bilateral FTAs. This layered approach allows for foundational global rules while enabling innovation and experimentation within smaller groups of like-minded countries, facilitating gradual convergence toward comprehensive multilateral standards (Khan et al., 2025).
- **Incorporate Flexibilities for Developing Countries:** Recognize the diverse economic and technological contexts of WTO members by embedding flexibilities that allow developing countries to protect their data sovereignty and pursue national policy objectives. Such flexibilities can help balance regulatory autonomy with commitments to open digital trade, ensuring inclusivity and fairness (Khan & Ullah, 2024).
- **Encourage Capacity-Building and Technological Cooperation:** Addressing the digital divide is critical for equitable participation in global e-commerce. International cooperation should focus on enhancing digital infrastructure, sharing best practices, and providing technical assistance to build the capabilities of developing countries and SMEs, thereby fostering inclusive economic growth (Khan, 2024).
- **Enhance Transparency and Stakeholder Engagement:** Effective rule-making requires openness and the involvement of diverse stakeholders, including businesses, civil society, and consumer groups. Strengthening transparency mechanisms within WTO negotiations and FTA consultations can improve legitimacy, ensure balanced outcomes, and promote wider acceptance and compliance with digital trade rules (Khan, 2024).

By adopting these policy measures, the international community can construct a robust and adaptable legal framework that supports innovation, protects rights, and promotes inclusive growth in the digital economy.

Conclusion

The transition from traditional paper-based trade frameworks to dynamic digital platforms represents a fundamental shift in global commerce, demanding a corresponding evolution in legal and regulatory regimes. This article has examined how the WTO's multilateral approach and China's innovative Free Trade Agreements (FTAs) address the challenges of e-commerce governance, highlighting the strengths and gaps within each framework.

China's FTAs offer practical, detailed provisions on critical issues such as cross-border data flows, cybersecurity, platform regulation, and digital inclusion—areas where the WTO's current framework remains fragmented and largely exploratory. The WTO, with its universal membership and binding dispute resolution mechanism, presents an invaluable foundation for establishing a cohesive, multilateral e-commerce agreement. Such an agreement, informed by the lessons of China's FTAs, would better harmonize global rules, balance trade liberalization with data sovereignty, and foster inclusive participation from



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developing countries and SMEs.

For policymakers and stakeholders, the research underscores the importance of adopting a layered governance model that blends multilateral legitimacy with regional innovation, encourages transparency and stakeholder engagement, and prioritizes capacity-building to bridge the digital divide.

Looking forward, future research could explore the evolving implications of emerging technologies—such as artificial intelligence, blockchain, and decentralized finance—on e-commerce laws, and how international legal frameworks can adapt to govern these advancements effectively. Additionally, comparative studies on the digital trade strategies of other major economies could provide deeper insights into designing globally coherent and equitable digital trade policies.

Ultimately, as digital trade continues to reshape the global economy, reforming e-commerce laws through the complementary lenses of the WTO and China's FTAs is essential for building a resilient, inclusive, and forward-looking legal architecture.

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