

Consumer Protection in Asia

Edited by
Geraint Howells
Hans-W Micklitz
Mateja Durovic
and
André Janssen

• HART •

OXFORD • LONDON • NEW YORK • NEW DELHI • SYDNEY

HART PUBLISHING

Bloomsbury Publishing Plc

Kemp House, Chawley Park, Cumnor Hill, Oxford, OX2 9PH, UK

1385 Broadway, New York, NY 10018, USA

29 Earlsfort Terrace, Dublin 2, Ireland

HART PUBLISHING, the Hart/Stag logo, BLOOMSBURY and the Diana logo are trademarks of Bloomsbury Publishing Plc

First published in Great Britain 2022

Copyright © The editors and contributors severally 2022

The editors and contributors have asserted their right under the Copyright, Designs and Patents Act 1988 to be identified as Authors of this work.

All rights reserved. No part of this publication may be reproduced or transmitted in any form or by any means, electronic or mechanical, including photocopying, recording, or any information storage or retrieval system, without prior permission in writing from the publishers.

While every care has been taken to ensure the accuracy of this work, no responsibility for loss or damage occasioned to any person acting or refraining from action as a result of any statement in it can be accepted by the authors, editors or publishers.

All UK Government legislation and other public sector information used in the work is Crown Copyright ©. All House of Lords and House of Commons information used in the work is Parliamentary Copyright ©. This information is reused under the terms of the Open Government Licence v3.0 (<http://www.nationalarchives.gov.uk/doc/open-government-licence/version/3>) except where otherwise stated.

All Eur-lex material used in the work is © European Union,
<http://eur-lex.europa.eu/>; 1998–2022.

A catalogue record for this book is available from the British Library.

A catalogue record for this book is available from the Library of Congress.

Library of Congress Control Number: 2022934813

ISBN: HB: 978-1-50995-753-8

ePDF: 978-1-50995-755-2

ePub: 978-1-50995-754-5

Typeset by Compuscript Ltd, Shannon

To find out more about our authors and books visit www.hartpublishing.co.uk.
Here you will find extracts, author information, details of forthcoming events
and the option to sign up for our newsletters.

CONTENTS

<i>Foreword</i>	v
<i>List of Contributors</i>	xi

PART 1 INTRODUCTION

1. <i>Introduction to Asian Consumer Law</i>	3
Geraint Howells and Hans-W Micklitz	

PART 2 NATIONAL REPORTS

2. <i>China</i>	19
Jin Jing	
3. <i>Hong Kong</i>	45
Mateja Durovic, Geraint Howells and André Janssen	
4. <i>India</i>	69
Ashok R Patil	
5. <i>Indonesia</i>	87
Johannes Gunawan and Bernadette M Waluyo	
6. <i>Japan</i>	105
Hisakazu Hirose, Karl-Friedrich Lenz and Tadashi Shiraishi	
7. <i>Macau</i>	139
Dan Wei and Ângelo Patrício Rafael	
8. <i>Malaysia</i>	157
Zalina Zakaria	
9. <i>Myanmar</i>	187
Rémi Nguyen	
10. <i>Singapore</i>	209
Gary Low	

11. <i>South Korea</i>	229
Shindong Jung	
12. <i>Taiwan (Republic of China)</i>	249
Jerry G Fong	
13. <i>Thailand</i>	271
Aimpaga Techaapikun	
14. <i>Vietnam</i>	299
Nguyen Van Cuong	

PART 3
COMPARATIVE ANALYSIS

15. <i>Information Duties and the Right of Withdrawal</i>	319
Meika Atkins and Eileen Webb	
16. <i>Sale of Goods: A Comparative Perspective</i>	341
Gail Pearson	
17. <i>A Comparative Analysis of the Regulation of Unfair Terms in Asia</i>	355
James P Nehf	
18. <i>Product Liability</i>	365
Michel Cannarsa	
19. <i>Adaptation of Asian Consumer Law to the Digital Age</i>	375
Alberto De Franceschi	
20. <i>Commercial Practices</i>	389
Hans-W Micklitz	
21. <i>Access to Justice</i>	407
Marta Cantero Gamito	
22. <i>Consumer Product Liability and Safety Regulation: ASEAN in Asia</i>	437
Luke Nottage and Sakda Thanitcul	

PART 4
ASIAN LAW IN COMPARATIVE PERSPECTIVE

23. <i>European Union Consumer Law</i>	453
Mateja Durovic, Geraint Howells, André Janssen and Hans-W Micklitz	
24. <i>Regulation of Unfair Terms in Consumer Contracts: An American Perspective</i>	465
James P Nehf	

25. <i>Australasia</i>	479
Gail Pearson	
26. <i>Latin America</i>	489
Marta Cantero Gamito	
27. <i>African Perspective</i>	501
Tjakie Naude	
28. <i>ASEAN Economic Integration and Consumer Protection in Southeast Asia</i>	515
Luke Nottage and Sakda Thanitcul	
29. <i>The Effect of the United Nations Guidelines on Consumer Protection on Consumer Law in Asia</i>	525
Mateja Durovic and Jeremy Pui	

PART 5
CONCLUSION

30. <i>Some Concluding Remarks: Future Prospects for Consumer Law in Asia</i>	535
Mateja Durovic and André Janssen	
<i>Index</i>	541

LIST OF CONTRIBUTORS

Meika Atkins is a Research Fellow at Curtin Law School, Curtin University, Australia.

Michel Cannarsa is Dean of Law, Lyon Catholic University, France. Member of the Sciences and Humanities Confluence Research Center – UCLy.

Marta Cantero Gamito is Associate professor in IT law at the University of Tartu, Estonia.

Alberto De Franceschi is Full Professor of Private Law, Intellectual Property Rights and Environmental Law at the University of Ferrara, Italy.

Mateja Durovic is a Reader in Law at King's College London, United Kingdom.

Jerry G Fong is Jointly Appointed Professor of Law, College of Law & College of Business, National ChengChi University, Taiwan.

Johannes Gunawan is Professor of the Law of Obligations and Consumer Protection Law, Parahyangan Catholic University, Indonesia.

Hisakazu Hirose is Professor emeritus of law at the University of Tokyo, Japan.

Geraint Howells is Executive Dean of the College of Business, Public Policy and Law at NUI Galway, Ireland, and Visiting Professor of Law at the University of Manchester, United Kingdom.

André Janssen is a Chair Professor of European Private Law at Radboud University, The Netherlands.

Jin Jing is Associate Professor at the Civil, Commercial and Economic Law School of the China University of Political Science and Law (CUPL), People's Republic of China.

Shindong Jung is Professor of Law at the Gangneung-Wonju National University, South Korea.

Karl-Friedrich Lenz is Professor of German Law and EU Law, Aoyama Gakuin University, Japan.

Gary Low is Vice-President (Legal and Regulatory Engagement) for Lazada Singapore and RedMart (Alibaba Group), and Central Committee member for the Consumers Association of Singapore.

Hans-W Micklitz is Professor of Economic Law at the Robert Schuman Centre for Advanced Studies, European University Institute, Italy, and Finland Distinguished Professor, University of Helsinki, Finland.

Tjatie Naude is Professor of Private Law, University of Cape Town, South Africa.

James P Nehf is Professor of Law and Cleon H. Foust Fellow, Robert H. McKinney School of Law, Indiana University, United States.

Rémi Nguyen is Associate Researcher at IRASEC (Research Institute on Contemporary Southeast Asia) (CNRS-MAEE), Thailand.

Luke Nottage is Professor of Comparative and Transnational Business Law at the University of Sydney Law School, Australia.

Ashok R Patil is Chair Professor of the National Law School of India University, Chair on Consumer Law & Practice, India; Director, Online Consumer Mediation Centre; Member, Central Consumer Protection Council; Legal Education Innovation Awardee.

Ângelo Patrício Rafael is a Ph.D. candidate at the Faculty of Law of the University of Macau.

Gail Pearson is Professor of Business Law at the University of Sydney, Australia.

Jeremy Pui is a Research Assistant at King's College London, United Kingdom.

Tadashi Shiraishi is Professor of Law, University of Tokyo, Japan.

Aimpage Techaapikun is Assistant Professor in Private Law at Thammasat University, Thailand.

Sakda Thanitcul is Professor and former Dean at the Faculty of Law, Chulalongkorn University, Thailand.

Nguyen Van Cuong is General Director of Institute of Legal Studies, Ministry of Justice of Vietnam.

Bernadette M Waluyo is Professor of Civil Procedure Law, Law of Obligations and Consumer Law, Parahyangan Catholic University, Indonesia.

Eileen Webb is Professor of Law, Discipline of Justice and Society, The University of South Australia, Australia.

Dan Wei is Full Professor at the University of Macau.

Zalina Zakaria, is a Senior Lecturer, Department of Syariah and Law, University of Malaya, Malaysia, and Director, University Malaya Halal Research Center, University Malaya.