

**On the New Provisions of Information Transparency in Germany's 2022 UWG
and Their Implications for Taiwan's Fair Trade Act**

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Abstract

The new German UWG, which was amended on June 10, 2021, came into force on May 28, 2022. This amendment was also influenced by Directive 2019/2161 of the European Union. The focus of this directive is to impose obligations of disclosure on online service providers in order to facilitate B2C transactions and the transparency of advertising, while at the same time better achieving the purpose of protecting the interests of consumers. It also stipulates individual consumers' rights of action and administrative penalties for illegal acts, which once again increases the intensity of consumer protection in the Act Against Unfair Competition. The new Act specifically responds to the digital economy, and makes relevant regulations around the theme of information transparency in key areas such as the disclosure obligation to influence marketing, the labeling of ranking parameters, the disclosure of the authenticity of customer evaluations, and the prohibition of dual-quality sales. The normative contents in this new act could be used as a reference for Taiwan's Fair Trade Act. Therefore, after introducing the key points of the above-mentioned UWG revision, this article discusses the corresponding provisions and similar enforcement of the Fair Trade Act in Taiwan. The practices of the Act in Taiwan are aimed primarily at the individual undertakings rather than the intermediate undertakings in the UWG. Therefore, there is still room for the normative interpretation of Taiwan's Act. This article holds the view that there is no difficulty in applying the existing regulations to the transaction intermediaries. The consumers' independent decisions are the judges of market competition from the perspective of the Fair Trade Act. In recent years, therefore, the key issues of the UWG have always concerned information transparency or the problems of information asymmetry, and such a method is relatively simple and easy to operate, and can increase the stability of the law.

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