Thoughts on Legal Protection of Consumer Rights and Interests under the Mode of "Live Streaming with Goods"

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Abstract: With the development of the network and the comprehensive popularization of intelligent terminals, live streaming with goods has become the most popular sales model at present. However, due to the virtual transaction mode of live delivery, the main body of live delivery is complicated, and the legitimate rights and interests of consumers may be violated due to a variety of problems in live delivery sales. And in the consumer rights will be difficult to complain, evidence difficulties and other problems. This paper mainly discusses the necessity of consumer rights and interests protection in livestreaming with the characteristics of livestreaming with goods, and explores the legal protection strategy of consumer rights and interests under the livestreaming with goods mode.

Keywords: Live Delivery; Consumer Rights and Interests; Legal Protection; Necessity; Suggestion.

1. Introduction

In the context of the new normal development of China's economy, e-commerce live broadcast marketing has become an important consumption model to drive economic development, and e-commerce and live broadcast technology are effectively combined. With the support of 5G technology, e-commerce live broadcasting has realized the integration of massive information and targeted product advertising to the majority of network users. In addition, through the analysis of the global payment report, it can be seen that the number of Chinese consumer groups in the global digital payment ranks among the top in the world, and the construction of digital payment platforms also provides more convenient development conditions for e-commerce live delivery [1]. There is a big difference between the e-commerce mode and the traditional sales mode, and the trading volume of live streaming can achieve a blowout growth in a short time, but also exposed many problems, resulting in the infringement of the legitimate rights and interests of consumers. Through the statistics of the Consumer Association from 2020 to 2021, it is found that less than 20% of the successful cases of rights protection in live shopping indicate that the legislation of consumer rights protection under live shopping still lags behind and needs to be further improved and optimized.

2. The Necessity of Legal Protection of Consumer Rights and Interests under the Mode of "Live Streaming With Goods"

2.1. Livestreaming Subject is Complex

Under the physical sales model, the two sides of the consumption transaction are relatively single, mainly for merchants and consumers. Under the live broadcast with goods consumption model, the sales subject presents diversified characteristics, including four aspects: merchants, e-commerce platforms, sales anchors and consumers. The process includes that consumers log in to the e-commerce platform to watch the live broadcast of e-commerce, ask questions and leave messages according to their own needs, or omit this step to directly purchase and pay. The main body relationship in each stage of consumption is different and the structure is complex, so the live sale of goods has stronger risks. In order to ensure the legitimate rights and interests of consumers, it is necessary to analyze from the side of different subjects, form multi-angle and multi-level thinking, and fully protect the rights and interests of consumers.

2.2. Live Streaming Virtualization

The live sales mode with goods needs to rely on the e-commerce network platform for transactions, and the network itself has the characteristics of virtuality. Compared with traditional e-commerce, live streaming has increased the interaction between live streaming and consumers. However, there are many uncontrollability in product transactions. Although consumers can talk to anchors, they cannot have actual contact with products. Moreover, consumers have limited information about anchors and operators, which leads to certain difficulties in judging live broadcast items. In addition, virtual network broadcast is easy to cause personal information leakage. Consumers in the shopping, in order to facilitate the payment will be bound with the bank card, and the binding needs to submit personal information. However, consumers cannot get the information of merchants, and the information of both sides is asymmetrical. Merchants may leak or sell consumers' information after they have mastered it, resulting in the violation of consumers' personal privacy [2].

2.3. Instantaneity of Live Content

Compared with the traditional sales model, the consumption mode of live broadcast with goods has the characteristics of instantness. Generally, the time of a live broadcast of a product is about 1 to 3 hours, and the regular buying link will be limited, and only in the limited time of the broadcast room to place an order can enjoy the corresponding price concessions. In order to increase sales, the anchor will strengthen the strategy of flash buying, limiting the offer to only "xxxx pieces", stimulating consumers to place orders...
and snap up, resulting in a surge in the number of products consumed in a short period of time, and then quickly removed from the shelves after the products are sold. It causes consumers to increase the difficulty in subsequent refunds and returns, resulting in commodity disputes. Moreover, consumers are unable to provide effective transaction vouchers or obtain merchant information, resulting in failure of rights protection and other problems.

3. Performance of Consumer Rights Infringement in "Live Delivery"

3.1. False Live Advertising

Reducing an article's word count involves summarizing its key points concisely. The passage you provided discusses the importance of accurate advertising in live network broadcasts, the right of consumers to obtain truthful product information, and the legal implications of false advertising in China. It highlights the high interactivity of live sales and the potential discrepancies between advertised products and actual items received by consumers. Furthermore, it defines the broad spectrum of false advertising, such as misrepresenting product qualities, origins, or prices. The passage ends with an example of a vendor falsely marketing polyester fiber sweaters as pure wool, which is illegal and subject to administrative penalties.

3.2. Shoot Links

The article highlights issues in live webcasts where merchants provide special links that lack product or seller information, leading to discrepancies between the items received and those presented during the broadcast. Sometimes, merchants sell product bundles without detailed descriptions, separating payment from product information, which opens the door to fraudulent practices. Consumers who purchase through these links often face difficulties in asserting their rights later due to differences in product descriptions or changes made by the seller without consent. This model of exclusive links controls the transaction, enticing consumers with the appearance of a fair deal, only to deliver lower-value products. Such practices, which can be considered deceptive, violate consumer protection laws and consumers' rights to information and fair trade, making it challenging to obtain evidence and seek redress [3].

3.3. Flow Cost Brushing Problem

To condense the main issues regarding consumer manipulation in live e-commerce:

Businesses sometimes engage in deceptive practices to inflate live traffic and product credibility. This includes hiring individuals to place fake orders, leave positive reviews, and make false transactions to create the illusion of high demand and customer satisfaction. These actions mislead consumers by fostering a herd mentality, prompting impulsive purchases based on fabricated popularity rather than genuine consumer choice. Such tactics undermine the consumer's ability to make informed decisions and can violate laws that protect the consumer's right to accurate information.

3.4. It is Difficult to Return after Sale

The after-sales complaint feedback efficiency of live broadcast with goods is relatively low, and there are cases of making false logistics information or false shipments. At present, in the live streaming platform such as Tiktok and Kuaishou, there are often problems such as delayed delivery or abnormal orders. Although the goods finally arrived after a long wait, the quality was not satisfactory. Although the merchant promises to return goods for seven days without reason, the repeated waste of express procedures within the return period makes it difficult to return goods. At the same time, the complaint feedback is chaotic, and the feedback is kicked by many sides. Or use robots to reply, send return links, etc., to perfunctory consumers, and even some businesses directly shield consumers, blocking consumer rights protection channels. In short, live e-commerce will try all kinds of ways and excuses to refuse to return goods for merchants by setting return conditions and refusing after-sales services.

4. Legal Protection of Consumer Rights and Interests under the Mode of "Live Streaming with Goods"

4.1. The Relevant Laws are not Sound

At present, there are no targeted laws and regulations in our country's network live delivery. In the management of webcast delivery, it still relies on relevant legal provisions such as the E-commerce Law, the Protection of Consumer Rights and Interests, or the self-regulatory management methods within the industry. For example, in the Code of Conduct for Network Broadcast Marketing, clear standards are given for the live broadcast requirements and behaviors of the live broadcast carrier. China's Consumer Rights and Interests Protection Law has made clear provisions on consumers' right to privacy and right to know during the transaction process, but has not put forward targeted solutions for the infringement of consumers' rights and interests in the live delivery of goods between the two parties. In addition, new problems of infringing consumers' rights and interests in live streaming have emerged endlessly, and there is an obvious lag in the updating of strategies and methods in relevant regulations. The existing relevant laws can not directly summarize the live delivery behavior into the advertising behavior, and there are essential differences between live delivery and traditional advertising, and no perfect legal norms have been formed for the special behavior of live delivery. Therefore, in order to better safeguard the legitimate rights and interests of consumers in live streaming, and solve the problem of safeguarding the rights and interests of consumers in live streaming, it is necessary to strengthen the legislation in the field of live streaming.

4.2. Consumer Rights Infringement Evidence is Difficult

The article discusses challenges in consumer rights protection during live stream sales. Anchors may embellish product information or exaggerate benefits, leading to false advertising. With products promoted across various channels, the issue is compounded by the extensive data the Internet collects on consumer behavior. Live streams, which are lengthy and cover numerous products, make it difficult to store and ensure the accuracy of the data, potentially resulting in unfulfilled promises to consumers. While China's Consumer Rights and Interests Protection Law and Network Security Law mandate the protection of personal information, enforcement is lax, leading to frequent data breaches and unwanted communication for consumers. The laws lack
clarify on the definition and storage duration of personal information, making it tough for consumers to gather evidence for claims and often leaving them to bear losses without recourse [4].

4.3. Imperfect Legal Supervision Mechanism
The article reviews the challenges of regulating the "live broadcast with goods" marketing model, which combines live streaming with e-commerce. The complexity of this model and the diversity of involved parties complicate oversight. In China, statutory responsibilities for supervising live streaming sales are fragmented across various authorities like the Municipal Regulatory Bureau, Public Security Bureau, and others, leading to overlapping jurisdiction, inconsistent standards, and management gaps. This disarray hinders effective consumer rights protection. Moreover, the varied consumer roles in live streaming contribute to the dispersed responsibility for product production, distribution, and sales, resulting in a lack of clear regulatory accountability and impacting consumer rights.

5. Legal Protection Strategy for Consumers' Rights and Interests under the Mode of "Live Streaming with Goods"

5.1. Standardize the "Live Delivery" Legal Documents
To streamline the discussion on improving consumer rights protection in the context of live delivery sales, the following key points can be focused on:

1) Expand Consumer Rights Protection Channels: High litigation costs and difficulty in evidence collection deter consumers from seeking justice. An online complaint and mediation system tailored to live delivery sales can reduce these costs and improve dispute resolution efficiency.

2) Establish Information Disclosure Systems: To counter the information asymmetry between consumers and sellers in live streaming, stringent information disclosure rules must be implemented. Sellers and hosts should accurately review and present products, with severe penalties for false advertising.

3) Strengthen Live Broadcasting Platform Norms: Live streaming platforms must enforce strict governance, ensuring a safe purchasing environment. This includes diligent review of host qualifications and content, with a clear process for addressing issues through notifications, deletions, rectifications, and bans.

By addressing these areas, the aim is to create a more standardized and clear legal policy framework for consumer protection in the fast-growing live delivery sales sector.

5.2. Mandatory Generation of Evidence of Consumption
The live streamer shows the characteristics and performance of the products through the live camera. In order to attract consumers' attention and place orders, the streamer will be automatically saved after the live broadcast. Some consumers have a weak sense of security, although they may have doubts about the content of the publicity in watching the live broadcast, they are often lazy to act, resulting in difficulty in collecting evidence in the later stage. Through compulsory screen recording, it is helpful to help consumers save evidence, which can be used to provide evidence in the later rights protection. Evidence is the basis of law implementation and the key to the protection of consumer rights and interests, so it is necessary to pay more attention to evidence collection.

5.3. Innovative Legal Supervision Methods
The live delivery marketing itself has the characteristics of immediacy, and the traditional post-supervision method cannot make a quick response to violations in time. Therefore, in the supervision of live delivery of goods, it is necessary to adopt a combination of supervision before, during, and after the event. In the prior supervision, it mainly starts from the qualification review of e-commerce and anchors to reduce the infringement problem from the root. Avoid mixed in some businesses only emphasize the interests, do not pay attention to the grasp and screening of product quality. Establish live streaming market access rules and assessment mechanisms, and increase the crackdown on illegal platforms and anchors. In the process of supervision, the online inspection mechanism should be established, professional online inspectors should be set up to inspect the situation of network broadcast and timely discover illegal behaviors. Finally, build an Internet + regulatory management legal system, make full use of high-tech means such as blockchain technology, extract fixed evidence, and ensure the legitimate rights and interests of consumers.

6. Conclusion
In summary, as an emerging marketing model, live streaming with goods has the characteristics of virtuality, complexity and instantaneous sales behavior, which leads to certain difficulties for consumers to defend their rights in the later stage. The main problem that causes consumers to protect their rights is imperfect legal norms, and it is necessary to strengthen the optimization of the legal system and law enforcement work in combination with the problems in consumer rights protection, to provide consumers with rights protection, and to provide a sustainable development path for live streaming.

References