

# Study on Consumer Rights policies of Return and exchange in Live Streaming E-commerce and its Optimization Path

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**Abstract:** Live-streaming e-commerce, as a new sales model of the digital economy, has rapidly developed but exposed issues in protecting the rights of consumers regarding returns and exchanges. Based on data from the 2024 "Live-streaming E-commerce Consumer Rights Protection Public Opinion Analysis Report," the main manifestations of current return and exchange problems (such as shirking responsibility, refusing returns, and unfair clauses) are analyzed. It points out that existing laws and regulations are difficult to adapt to the particularities of live-streaming e-commerce, leading to unclear platform responsibilities and difficulties in consumer rights protection. In response to these problems, this article will analyze the current state and issues of return and exchange rights protection in live-streaming e-commerce and propose optimization paths in areas such as improving laws and regulations, innovating regulatory mechanisms, optimizing return and exchange processes, strengthening platform responsibility, and raising consumer awareness of rights protection. The aim is to provide governance reference for regulatory authorities, promote the healthy development of the industry, and ultimately achieve a positive interaction between consumer rights protection and high-quality industry development.

**Keywords:** Return and Exchange Rights; Live-streaming E-commerce; Consumer Rights Protection.

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## 1. Introduction

With the development of the internet and 5G technology, live-streaming e-commerce has become an important business model in the e-commerce field. This new shopping model, which combines real-time interaction and product display, has been promoted by short-video platforms like Douyin and Kuaishou, offering consumers a better shopping experience than traditional e-commerce and becoming an important force in promoting the development of China's digital economy. Currently, the live-streaming e-commerce market continues to expand. However, according to the 2024 "Live-streaming E-commerce Consumer Rights Protection Public Opinion Analysis Report" released by Beijing Sunshine Consumer Big Data Research Institute, based on 10,000 consumer survey samples and 5,000 pieces of online public opinion data across the country, the "return and exchange issue" has become one of the top eight core pain points in the industry. Problems like shirking responsibility (31.4%), refusal of returns (24.0%), and unfair clauses (18.3%) are particularly prominent. This reflects the significant shortcomings in the protection of consumer rights regarding returns and exchanges in live-streaming e-commerce. Although the government has introduced relevant measures to regulate live-streaming e-commerce, existing regulatory measures are still difficult to meet the development needs of this emerging business model.

## 2. The Characteristics and Current Status of Consumer Rights Protection for Returns and Exchanges in Live Streaming E-commerce

### 2.1. The Characteristics of Consumer Rights Protection for Returns and Exchanges in Live Streaming E-commerce

#### 2.1.1. Non-contact and Delayed Return/Exchange

In live-streaming e-commerce, there is a physical barrier between the consumer and the product. Consumers cannot directly interact with the product and can only assess the product's quality through the host's display and the product details page. This model not only increases the likelihood of consumers discovering issues with the product after purchase, leading to more frequent returns and exchanges, but also, since transactions are conducted remotely, consumers need to ship the product back to the seller after requesting a return or exchange. The return and exchange process can only be completed after the seller confirms receipt and checks the product, which typically takes a week or longer. This increases time costs and may further extend the rights protection period due to logistics delays. Unlike offline retail, where consumers can check products before purchase, in live-streaming, consumers can only discover product issues after receiving the product, which makes the return and exchange process more complicated.

#### 2.1.2. Policy Protection and Multiple Parties

The "Consumer Rights Protection Law of the People's Republic of China" (hereinafter referred to as the "Consumer Rights Protection Law") provides clear legal protection for consumers, stipulating that, except for custom-made, perishable, or other special products, all online purchased

goods are entitled to a seven-day no-reason return policy. This policy offers clear legal protection for consumers in live-streaming e-commerce. However, live-streaming e-commerce involves multiple parties (such as platforms, sellers, hosts, and consumers), and the responsibilities of these parties are often unclear, leading to issues such as shirking responsibility. For example, some platforms refuse to take responsibility, citing that transactions were not conducted through official channels, while hosts may verbally promise refunds but fail to follow through, making it difficult for consumers to protect their rights.

### **2.1.3. Platform Responsibility**

As an important participant, live-streaming platforms bear significant responsibilities for supervision and management. Platforms should establish review mechanisms to ensure that content is truthful and legal, and strictly examine the qualifications of sellers to prevent false advertising. For example, Kuaishou E-commerce introduced protective measures such as "100-day no-satisfaction refund for first orders" and "return shipping fee reduction," which have, to some extent, enhanced consumer rights protection[1]. However, if platforms fail to fulfill their regulatory responsibilities and do not effectively monitor false advertising by sellers, resulting in consumer harm, the platform should be held jointly liable according to the law.

## **2.2. Current Status of Return/Exchange Rights in Live-streaming E-commerce**

### **2.2.1. Some Platforms Have Established Relatively Complete Return/Exchange Policies**

Since the rise of live-streaming e-commerce, it has rapidly become an important sales model. However, its rapid development has not only brought about a series of issues but also highlighted the importance of protecting consumer rights regarding returns and exchanges. This issue not only affects merchants' operational costs and store sales but also relates to platform credibility. Currently, major e-commerce platforms have established relatively complete return and exchange policy systems, providing solid protection for consumers' rights. For example, Douyin E-commerce strictly enforces the "seven-day no-reason return" policy and, in 2024, upgraded to offer a "Lightning Return/Exchange" service, which significantly improves after-sales efficiency through an automated system. After the launch of this service, "Lightning Return/Exchange" now covers 88% of after-sales orders, shortening the average refund time by 12 hours and increasing user satisfaction by 13%. Taobao Live requires hosts to clearly inform consumers of the return/exchange conditions according to platform rules and has innovatively used the live-streaming replay function to assist consumers in protecting their rights by providing evidence. JD Live uses its self-built logistics advantages to offer convenient door-to-door pick-up services for consumers. These measures not only ensure consumers' return/exchange rights but also enhance trust in live-streaming e-commerce. However, some platforms still have shortcomings in their return/exchange policies, such as complex processes and long response times on certain small and medium platforms. In the future, live-streaming e-commerce platforms need to further improve their return/exchange policies and strengthen coordination with logistics and other aspects to provide higher-quality services for consumers.

### **2.2.2. Consumer Awareness of Rights Protection is Divided into Two Extremes**

With the rapid development of the economy and the increasing prosperity of live-streaming e-commerce, consumer awareness of rights protection has shown a distinct split in the market. On the one hand, some consumers have significantly enhanced their awareness, reflected in their attention to learning relevant laws and regulations, such as actively studying the "Consumer Rights Protection Law" and the "Product Quality Law" to clarify their legal rights and actively complaining through various channels when their rights are violated. Furthermore, they pay more attention to product information, reviewing product manuals, user reviews, and product details pages to understand the quality, functionality, and after-sales service before purchasing goods or accepting services. This behavior of gathering information makes consumers more cautious during the purchasing process, reducing the likelihood of fraud. Finally, they are good at keeping evidence (such as live-streaming recordings and chat logs) and actively complain through platforms, 12315, or social media exposure of dishonest merchants. On the other hand, there are still a significant number of consumers with weak awareness of their rights. They lack understanding of their rights, such as the right to information, the right to fair transactions, and the right to compensation in live-streaming e-commerce. When their rights are violated, they often passively accept the situation or abandon their claims due to the high cost of rights protection. For example, some consumers give up on claims after purchasing products that do not meet their expectations due to concerns about complicated return processes or non-cooperation by the merchant. This division in consumer awareness not only affects personal interests but also poses challenges to the healthy development of the market.

## **3. An Analysis of the Issues and Causes of Consumer Rights Protection for Returns and Exchanges in Live Streaming E-commerce**

### **3.1. Imperfect Laws and Regulations, Large Regulatory Difficulties**

Currently, the regulation of live-streaming e-commerce as an emerging sales model in China is still based on laws such as the "Consumer Rights Protection Law," the "E-commerce Law," and the "Advertising Law." However, due to the particularities of live-streaming e-commerce, existing laws are difficult to fully adapt, resulting in many shortcomings in consumer rights protection. For example, the "burden of proof reversal" rule in Article 23 of the current "Consumer Rights Protection Law" faces applicability challenges in live-streaming e-commerce. Since hosts dynamically display products (e.g., trying on clothes, tasting food), it is difficult for consumers to secure evidence of "misrepresentation," and platforms often evade responsibility by claiming that "the host's statements do not represent the official position." Furthermore, while Article 38 of the "E-commerce Law" requires platforms to verify the qualifications of sellers, it does not clarify the joint responsibility of hosts, leaving "agency-type" hosts (such as those involved in celebrity-driven live-streaming e-commerce activities) in a regulatory gray area. In comparison, the European Union's "Digital Services Act" Article 22 directly places the platform as the

"primary responsible party," requiring them to jointly bear responsibility for the truthfulness of live-streaming content and imposing fines up to 10% of annual revenue. This harsh clause significantly reduces the incidence of false advertising. Additionally, most consumers have limited legal knowledge, and without direct applicable legal norms, their motivation to protect their rights is often lacking. When their rights are violated, consumers tend to search for straightforward norms to resolve the issue. However, if no specific norms applicable to their situation exist and the general regulations require legal knowledge to be understood and applied, consumers are likely to give up on asserting their rights[2]. This allows online operators to exploit legal loopholes and infringe on consumer rights.

The current regulatory system in live-streaming e-commerce faces two urgent structural flaws, which significantly reduce its effectiveness and lead to frequent violations of consumer rights. First, there is a clear gap in defining regulatory responsibility, with a "vacuum" in real-time content supervision. According to Article 20 of the "Online Transaction Supervision and Management Measures," live-streaming platforms are only required to verify the qualifications of sellers but are not given the responsibility to supervise the real-time content of live streams. This regulatory gap directly leads to difficulties in evidence collection and accountability. For example, in a case reported by the State Administration for Market Regulation in 2024, a platform's false advertising of health supplements occurred during a live stream, but when regulators intervened, the live stream had already ended, making it impossible to recover the critical real-time evidence, thus preventing effective accountability and punishment of illegal conduct. Second, the lack of cross-departmental collaboration mechanisms leads to enforcement gaps and delays in problem resolution. In practice, the Cyber Administration focuses on regulating violations in live-streaming content (e.g., false advertising language, harmful guidance), while the Market Supervision Bureau is primarily responsible for product quality and compliance. There is overlap in the responsibilities of these two bodies, but they lack clear coordination, leading to significant delays in addressing issues[3]. For example, in an incident involving a Kuaishou platform host, the host was involved in both false advertising and selling substandard products, but due to unclear jurisdiction between the Cyber Administration and the Market Supervision Bureau, the issue was not resolved promptly, allowing illegal practices to continue harming consumers.

### **3.2. Merchant Shifting Responsibility and Setting Unreasonable Return/Exchange Conditions**

Article 25 of the "Consumer Rights Protection Law" stipulates that consumers are entitled to a seven-day no-reason return policy for online, television, telephone, and mail-order shopping, without having to provide any reason. In live-streaming e-commerce, various disputes and issues are inevitable, such as refusals to accept returns or exchanges under the guise of promotions, vague responsibility attribution, setting harsh exchange conditions, and poor handling of complaints. When disputes or conflicts arise, some merchants may use various excuses to shirk responsibility. For example, some merchants refuse returns or exchanges, citing "no returns or exchanges for unique items" or "clearance sale," and when the issue concerns product

quality, they blame "shipping damage" or "consumer misuse," resorting to delays in refunds, customer service avoidance, or false promises of repairs or compensation, all of which obstruct consumers' rights protection. Additionally, merchants' customer service often uses automated replies, which fail to handle consumer inquiries promptly, increasing the time costs for consumers and reducing the efficiency of returns and exchanges. Some merchants even label products as "non-returnable" or "non-exchangeable" once opened or activated, thereby limiting consumers' rights to returns or exchanges. Most defective products cannot be identified by appearance alone and require opening the package for inspection. However, some merchants raise the return/exchange standards by requiring that products be returned in their original packaging and unopened. In cases of counterfeit or substandard products, merchants may shift the burden of proof onto consumers, claiming "the host's statement does not represent the official position," and requiring consumers to provide proof of authenticity. Under such conditions, consumers often find it difficult to obtain effective solutions, leading to a dilemma in protecting their rights.

### **3.3. Unclear Platform Responsibility**

In protecting consumer return/exchange rights, the issue of unclear platform responsibility is particularly prominent, mainly in areas such as unclear responsibility division, ambiguous legal status of hosts, and challenges in supervision and enforcement. First, there is a lack of sufficient information disclosure. Live-streaming e-commerce platforms have an obligation to disclose information and are responsible for the authenticity of the information provided by sellers on their platform. However, some platforms fail to provide consumers with the seller's real name, address, and valid contact details, making it difficult for consumers to identify the responsible seller or party when issues arise with returns and exchanges, hindering their ability to protect their rights. Second, in some live-streaming e-commerce models, platforms refuse to take responsibility for returns or exchanges, citing "technical neutrality" or "redirecting to third-party links." Some hosts recommend products on the platform and provide purchase links that lead to third-party e-commerce platforms or the host's self-built platform. When users click the link, they are automatically redirected to place orders on these third-party platforms, with the live-streaming platform using this as an excuse to shirk responsibility. Additionally, the ambiguous legal identity of hosts is a central issue in return/exchange disputes. Hosts have complex and varied roles, generally falling into two categories: first, as employees hired by the merchant, where the host's actions in the live-stream are part of their work duties. In this case, any disputes should be handled by the merchant, and consumers can directly claim compensation from the merchant. Second, as advertisers or salespersons, in which case the host's responsibility for disputes needs to be analyzed according to the specific situation and relevant provisions of the "Advertising Law of the People's Republic of China[4]." Depending on the role, the host's responsibilities vary, but consumers often struggle to distinguish their exact legal status, leading to unclear responsibility. For example, a "commission-based" host may be held accountable both as an advertiser and possibly as a seller, responsible for returns and exchanges. Merchants and hosts may shift blame onto each other, with merchants claiming that the host's misleading

promotion misled consumers, while hosts may refuse responsibility, citing that they were merely promoting the product.

### **3.4. Weak Consumer Awareness of Rights Protection**

Some consumers do not fully understand their rights, such as the right to information, fair trading, and compensation, in live-streaming e-commerce, and fail to realize that they can protect these rights through legal means, choosing to passively accept their situation. Furthermore, due to a lack of knowledge of relevant laws, they are unaware of the legal ways to protect their rights, often opting for a "temporary tolerance for peace" or "giving up for a larger gain." Additionally, the process of protecting their rights can be difficult, and in most cases, the cost of rights protection exceeds the value of the product itself, leading consumers to abandon their claims and compromise. Impulse buying is common in live-streaming e-commerce, where consumers are easily tempted by false advertising and marketing tactics such as "lowest price on the internet," making blind purchases. Moreover, many consumers do not fully understand the platform's return/exchange policies before shopping, neglecting to inquire about postage, return timelines, and processes, and only realizing their rights were violated after the fact. Even when consumers realize their rights have been infringed, they may not take active action to protect them, such as negotiating with merchants, filing complaints with platforms, seeking help from consumer protection associations, or exposing issues via online media[5]. In live-streaming e-commerce, several parties are involved, including platforms, merchants, and hosts, making it difficult for consumers to determine the responsible party when seeking to protect their rights. Additionally, responsibility may be shifted between parties, creating situations where consumers find no recourse. Live-streaming e-commerce is also instantaneous, making it difficult for consumers to preserve relevant evidence. Evidence such as live-stream content and product information can be modified or deleted, and some platforms and merchants are unwilling to cooperate when consumers attempt to protect their rights, or even refuse to provide relevant information, which increases the difficulty of evidence collection. Furthermore, the complaints and rights protection rules of platforms can be cumbersome, adding to the challenges faced by consumers.

## **4. The Optimization Path for Consumer Rights Protection in Returns and Exchanges in Live Streaming E-commerce**

### **4.1. Improve Laws and Regulations, Innovate Regulatory Mechanisms**

To ensure the protection of consumers' return and exchange rights in live-streaming e-commerce, relevant laws and regulations must be further improved. The responsibilities of live-streaming platforms, merchants, and hosts should be clearly defined, especially regarding the host's duty to provide truthful information during product promotion and their joint responsibility, to avoid shirking responsibility. According to the "Implementation Regulations of the Consumer Rights Protection Law of the People's Republic of China," live-streaming platforms should establish a sound

consumer rights protection system and clarify the dispute resolution mechanism[6]. Platforms should strictly review live-streaming operators and marketing personnel, clearly disclose who is involved in product promotion and who is selling the products, including information about the product producers, sellers, and return/exchange policies, ensuring that all parties have legal qualifications. In the event of a consumer dispute, platforms should provide relevant information as requested by the consumer to avoid harm due to a lack of transparency. Hosts need to clearly define their legal status and obligations in live-streaming e-commerce activities. If their content falls under commercial advertising, they should fulfill the corresponding duties as advertisers, advertisers' representatives, or spokespeople in accordance with the "Advertising Law of the People's Republic of China[7]." Merchants, as product providers, should ensure product quality meets standards, avoid false advertising, and refrain from selling counterfeit goods. Additionally, return and exchange conditions should be refined, with reference to the "After-sales Service No-Reason Return Service Standards" to be officially implemented on May 1, 2025. Special conditions for live-streaming e-commerce scenarios like "flash sales" and "limited-time promotions" should be considered to formulate differentiated return/exchange policies. At the same time, process designs should be optimized, utilizing technologies like electronic signatures and blockchain to shorten return and exchange cycles, ensuring consumers' rights to hassle-free returns and exchanges within a reasonable time frame. Moreover, the regulatory approach should be innovated to achieve cross-departmental collaboration. A cross-departmental coordination mechanism should be established, integrating market regulation, commerce, and other departments to create a standardized and transparent regulatory system. Additionally, technologies like big data and blockchain can be used to create detection systems that track the entire transaction process in live-streaming. Through technological means, abnormal transaction behavior can be flagged and checked, improving regulatory accuracy. Platforms, merchants, and hosts who violate the regulations should face credit penalties, and a credit evaluation system should be established, forming a "one breach affects all" system, thereby creating a fair and transparent environment for live-streaming e-commerce and effectively protecting consumers' legal rights.

### **4.2. Optimize Return/Exchange Process and Improve Service Efficiency**

Live-streaming e-commerce often leads to impulse buying, which in turn causes a higher return rate. Traditional return processes are cumbersome, requiring consumers to provide proof, fill out forms, and engage in repeated communication, significantly reducing consumer satisfaction. Therefore, e-commerce platforms should optimize the return application process, supporting "one-click returns" or AI-powered automatic reviews to reduce human intervention and improve return/exchange processing efficiency. For example, Douyin has launched a "Fast Return" service, allowing consumers to submit return requests directly on the order page, with the system automatically reviewing the request, greatly shortening the return time. Given the diverse range of products in live-streaming e-commerce and the varying return/exchange policies from different merchants, unclear policies often lead to consumer disputes. Platforms should

establish unified return/exchange standards, clearly define the scope of products applicable to the "seven-day no-reason return" and "shipping insurance," and provide clear after-sales service policies on product pages. They should also offer detailed return/exchange processes and contact information, building standardized return/exchange rules to minimize disputes. Additionally, the high return rate in live-streaming e-commerce also poses challenges to the logistics system. To optimize logistics and reverse supply chain management, platforms could collaborate with logistics companies to provide free door-to-door pick-up services, set up regional return warehouses to shorten return times, and use blockchain technology to track returned products, preventing malicious returns or product swapping. Finally, introducing intelligent customer service is essential. Traditional human customer service has slow response times, but AI-powered customer service could automatically handle common return/exchange inquiries and combine with manual review to improve response efficiency.

### **4.3. Strengthen Platform Responsibility**

Strengthening the responsibility of live-streaming platforms in protecting consumer return and exchange rights requires constructing a four-in-one responsibility enforcement mechanism consisting of "institutional constraints, technological empowerment, credit supervision, and multi-party governance." First, in terms of institutional frameworks, platforms should strengthen merchant qualification reviews based on Article 38 of the "E-commerce Law" and Article 20 of the "Online Transaction Supervision and Management Measures," requiring live-streaming accounts to be categorized and establishing a strict grading and classification management system for live-streaming accounts. Platforms should take actions such as issuing warnings, limiting account functionality, suspending account usage, and permanently banning accounts for violations of relevant laws and regulations. Additionally, a joint responsibility mechanism for "platform-merchant-host" should be established, particularly specifying the platform's responsibility for advance compensation in self-operated live-streaming rooms. Second, in terms of technology, platforms should be required to establish an intelligent return system to improve return/exchange efficiency, using blockchain technology for evidence preservation, and providing evidence for consumer rights protection when necessary. In terms of credit supervision, platforms can rate merchants and hosts based on dimensions such as complaint rates, refund rates, after-sales service, and dispute resolution efficiency. The platform should publish these ratings and implement "red and yellow card" warnings and traffic-limiting measures for live-streams with high complaint rates. For process regulation, platforms should establish a "green rights protection channel" for round-the-clock dispute mediation and regularly publish high return-rate products and their resolution progress. In terms of the penalty mechanism, platforms that create return barriers should face the strictest penalties, and significant infringement events should be linked to corporate credit records.

### **4.4. Enhance Consumer Awareness of Rights Protection**

Given the rapid development of live-streaming e-commerce, enhancing consumer awareness of rights protection is particularly important. First, consumers should

actively verify the merchant's qualifications and the host's professional qualifications before purchasing products. They may also request key documents such as product quality inspection reports and official brand authorization certificates to avoid purchasing "three-no" products (products without a production date, quality certificate, or manufacturer). Second, in addition to the platform and host's duty to proactively inform consumers, consumers should also understand the return/exchange conditions before shopping. When shopping in live-streaming, which is characterized by immediacy, consumers should be more careful to preserve key evidence, such as live-stream replays and chat logs. Additionally, relevant departments should enhance consumer education by conducting online and offline consumer rights protection campaigns. Online, they can release promotional videos on return/exchange knowledge on social media and short video platforms. Offline, they can hold educational lectures in communities, schools, and malls to raise consumer awareness. At the same time, platforms should clearly display return/exchange policies in prominent places on product pages and in live-stream rooms, ensuring that consumers fully understand their rights before purchasing and maintaining information transparency. They could also develop smart reminder functions that automatically pop up key points of the return/exchange policy when consumers place an order, reminding them to keep evidence. Industry associations can periodically release typical cases to help consumers identify common return/exchange traps. It is important to note that consumers should exercise their rights rationally and legally, and while they should be brave in defending their rights, they must also adhere to principles of honesty and good faith, avoiding the abuse of return/exchange policies. Finally, consumers should focus on developing rational consumption habits. When faced with common marketing phrases like "limited-time offers" or "lowest prices on the internet," they should maintain objective judgment and avoid making impulsive or irrational purchases due to such promotional tactics. Only through the formation of a well-functioning interaction between platforms operating in a standardized manner, consumers making rational consumption choices, and well-executed regulation, can a healthy live-streaming e-commerce consumption environment truly be established.

## **5. Conclusion**

The healthy development of live-streaming e-commerce relies on the strong protection of consumers' return and exchange rights. Currently, although the industry has established some return/exchange rules (e.g., "seven-day no-reason return"), it still faces challenges such as unclear responsibility allocation, delayed regulation, and difficulty for consumers to provide evidence. Addressing these issues requires efforts from multiple dimensions. From a legislative perspective, the responsibilities of all parties and the specific conditions for returns and exchanges should be clarified. From a technological perspective, there should be efforts to promote the traceability of the entire transaction process and the development of intelligent services. From the platform's side, credit regulation mechanisms should be improved, and the platform's ability to respond to issues quickly should be enhanced. Meanwhile, consumers should strengthen their awareness of rational consumption and rights protection. In the future, through a combination of institutional innovation and technological means, a "prevention - handling - punishment" closed-loop management system should be

constructed. This will not only effectively protect consumers' rights but also promote high-quality development in the live-streaming e-commerce industry, achieving a win-win situation for all parties. The optimization paths proposed in this article provide a reference for policymakers and offer practical directions for platforms and merchants to improve services, ultimately contributing to the sustainable prosperity of the live-streaming e-commerce industry.

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