

# Research on the Protection of Consumer Rights and Interests under the Live-Streaming with Goods Model

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## Abstract

The spurt of e-commerce development makes "live with goods" this emerging shopping model gradually involved in all aspects of people's lives. However, the live e-commerce industry brings shopping convenience to everyone and also brings a lot of consumer protection problems. For example, imperfect information disclosure will damage the consumer's right to know, the quality of goods fraudulent behavior will also infringe on the consumer's right to fair trade, and in the process of remedy consumers also face the right to seek compensation is difficult to achieve the problem. The reason for this is that the obligations and legal responsibilities of the anchor and the live broadcast platform are not clear, the administrative organs are not in place to supervise, and the redress mechanism for consumer rights is unreasonable. Based on this, the obligations and legal responsibilities of the anchor and the platform should be clarified, the supervision of the administrative department on live streaming should be strengthened and the redress mechanism for consumers' rights should be improved in order to solve the problem of protecting consumers' rights and interests in live streaming.

## Keywords

Live Banding; Consumer Protection; Information Disclosure; Fair Trade Rights.

## 1. Introduction

Live-streaming is essentially a combination of the two processes of marketing and trading goods. With the rapid development of e-commerce, the live-streaming mode is becoming more and more diversified. The live-streaming mode studied in this paper refers to the mode in which a professional anchor introduces and markets a certain commodity to consumers through a live-streaming platform, and charges a fixed pit fee to the merchant and receives a commission according to the transaction amount, which is also the most common mode nowadays. According to statistics, in 2020 China's live e-commerce market size of more than 1.2 trillion yuan, its user size of 388 million people, accounting for nearly 40% of the overall Internet users. [1] In November 2021, Li Jiaqi's "Double Eleven" live first cumulative sales have exceeded 10 billion, and a live female anchor with goods live first sales also reached more than eight billion, live with goods effectively drive economic growth, and gradually on the mainstream stage of economic development. But "live with goods" in the creation of several sales miracles at the same time, but also brings many consumer rights protection problems. 2020, the national 12315 platform received a total of 25,500 live-related complaints, of which the "live with goods" The claims accounted for nearly 80%. [2] Thus, it can be seen that the current situation of consumer rights protection under the live-streaming model in China is serious and urgently needs to be solved and improved. However, since live streaming is a new thing that has just developed in recent years, domestic academic research on it is relatively small and mostly focuses on individual analysis of a single event, lacking a holistic study of the problem, among which there is very little research on consumer rights protection. Therefore, this paper first analyzes and composes the current situation of protection for live-streaming with goods in

China, deeply studies the main problems and causes of consumer rights protection under live-streaming with goods mode, and finally elaborates the solutions of consumer rights protection under live-streaming with goods mode.

## **2. The Current Status of Legislation on Consumer Rights Protection under the Live-streaming Bandwagon Model**

China's live broadcasting industry has been deeply integrated with all fields of economy and society at an unprecedented speed, and the new industry of "live streaming" has become a major means to promote people's well-being and information consumption based on updating the traditional shopping concept and sales model. As an emerging path of e-commerce sales, live streaming has practical significance in driving economic and innovative consumption, but due to its virtual nature, wide participation and low entry threshold, it is also indispensable to carry out the necessary legal regulation. At present, China's legal regulations on live streaming are mainly concentrated in the Law on the Protection of Consumer Rights and Interests (hereinafter referred to as "Consumer Law"), the Advertising Law, the Electronic Commerce Law, the Anti-Unfair Competition Law and other legal regulations.

The Consumer Law, as China's special legislation for the protection of consumer rights and interests, has clear provisions on the rights of consumers during shopping and the obligations of operators. Chapter 2 of the Consumer Law gives consumers the right to know, the right to fair trade, the right to claim compensation and other legal rights, and if their rights are infringed during the live shopping process, they can defend their rights in accordance with the relevant provisions of the Consumer Law.

The E-Commerce Law mainly makes specific provisions on the responsibility of webcasting platforms. For example, Article 9 of the E-Commerce Law provides that e-commerce platforms shall assume the role of supervision of network operators, provide them with true information about the operators when consumers are infringed, and assist consumers in the defense of their rights. Conversely, e-commerce platforms should share joint and several liability with infringers if they fail to act in supervising and protecting consumers' rights.

The Advertising Law, on the other hand, mainly applies to the promotional behavior of anchors in live banding. Article 2 of China's Advertising Law stipulates that advertising refers to the commercial activities of commodity operators or service providers who directly or indirectly introduce the goods or services they are promoting through certain media and forms. Combined with this article, it can be seen that the advertising law is mainly profit-making commercial advertising, advertising content for the direct or indirect promotion of goods, both by the commodity operators directly to the public to promote, but also to invite third parties to promote goods or services. Therefore, the act of bringing goods anchor to promote goods can be classified as advertising behavior, and live bringing goods should also be regulated by the relevant legal provisions of the Advertising Law.

The Anti-Unfair Competition Law, on the other hand, regulates sales practices in live-streaming. False advertising, exaggerated propaganda and damage to competitors' business reputation are also often found in live-streaming with goods, and these acts are also unfair competition means adopted by operators to increase the sales of goods. Accordingly, Chapter 2 of the Anti-Unfair Competition Law enumerates the specific circumstances constituting unfair competition, including the implementation of confusion, the use of bribery to increase competitive advantage, false commercial propaganda, infringement of trade secrets, and damage to competitors' business reputation.

In addition, in addition to the above-mentioned legal provisions, the China Advertising Association also issued the "Code of Conduct for Live Webcast Marketing" in June 2020, which to a certain extent regulates the behavior of "live with goods" from within the industry; in 2021,

China also promulgated the "Measures for the Administration of Live Webcast Marketing (for Trial Implementation)" to regulate the network Live broadcast with goods chaos.

### **3. Analysis of the Problems and Causes of Consumer Rights Protection under the Live-streaming Mode**

#### **3.1. Problems of Consumer Rights Protection under the Live-streaming with Goods Model**

Live with the rapid development of this new industry has given a new shift in the online shopping model, but live with the industry to enjoy the dividends of its development at the same time also society has brought a succession of consumer rights protection issues, consumer rights violations occur repeatedly, live with the protection of consumer rights under the model there are still many problems to be solved.

##### **3.1.1. Inadequate Information Disclosure Makes it Difficult to Protect Consumers' Right to Know**

The right to information is the right of consumers to know the real situation and information about goods and services when purchasing goods or receiving services, and is also one of the most basic rights of consumers, and is the basis and prerequisite for all other rights of consumers. Article 8 of the Consumer Law provides that "consumers have the right to know the real situation of the goods they buy or use or the services they receive." In order to protect consumers' right to know, Article 28 of the Consumer Law stipulates that operator who sell goods or services through the Internet and other means shall assume the obligation of information disclosure. This article on the network of goods operators whether for their own information or disclosure obligations of their goods and services are made requirements, but not enough to ensure that consumers get the goods or operators information "adequacy". [3] And in the Consumer Law and the E-commerce Law only provides for the information disclosure obligations of online merchandise operators and e-commerce platform operators, but does not clearly provide for the information disclosure obligations of anchors with goods, so there are often situations where consumers' right to know is infringed due to the imperfect information disclosure obligations of anchors in the live-streaming mode with goods. As in the case of the "Simba Live Bird's Nest" mentioned above, the anchors themselves lack the discernment of the quality of goods and services, and are more concerned about their own economic benefits, so sometimes the anchors just sell goods without considering the authenticity and completeness of their information disclosure.

##### **3.1.2. Platform Trading Model Easily Leads to Leakage of Consumers' Personal Information**

Unlike traditional consumers, shopping in live streaming must first register as a user of the platform on the corresponding live streaming platform and log in as required in order to watch the live streaming on the platform and shop for goods. Consumers are often asked to fill in a lot of real personal information when registering as a user of a live streaming platform, such as name, age, ID number, online bank account number, delivery address and even personal or household income criteria, goods or services of interest, etc.

However, some unscrupulous operators who are only concerned about maximizing commercial interests do not fulfill their pre-commitment to take measures to keep the personal information and user data filled in by live shopping consumers confidential, but use technical means to classify and analyze them, and use them for profitable business activities, which leads to "big data to kill the ripe" This has led to the frequent occurrence of incidents that infringe on consumers' personal information security, such as "human flesh search" and "cyber violence". For example, in the "Simba Live Bird's Nest" incident, one of the first consumers who bought

bird's nest from Simba's live stream was threatened and intimidated by Simba's team after she voiced her opinion that the bird's nest was sugar water. He was threatened and intimidated by Simba's team and received several calls to delete his comments. Articles 14 and 29 of the Consumer Law provide for the right of consumers to have their personal information protected in accordance with the law, as well as the obligation to inform and keep confidential the personal information collected by operators, and the right of consumers to self-determination and informed consent. These two articles only abstractly and literally stipulate the obligations of operators and the rights of consumers, but there are no specific provisions to ensure the realization of consumers' rights.

### **3.1.3. The Frequency of Fraudulent Practices Seriously Undermines Consumers' Right to Fair Trade**

In contrast to the huge group of anchors with goods, not every anchor has sufficient ability to identify and judge goods and services, in addition, some unscrupulous merchants cheat anchors and provide them with goods that do not match with consumers, or anchors recommend inferior products and goods for the sake of profit, all these factors together eventually make it difficult to effectively protect consumers' right to fair trade. However, there is still a problem that needs to be solved is whether this kind of data falsification, false propaganda to create the illusion of product sales to attract consumers to place orders constitutes "fraudulent behavior". Article 55 of the Consumer Law provides for the legal liability of operators who provide goods or services in a fraudulent manner, but does not specify the elements of "fraudulent" behavior. In the Civil Code, the elements of fraud are subjective fraudulent intent, objective fraud, the fraudulent person trapped in a false understanding of the fraud, the fraudulent person based on the false understanding of the intention. [4] Accordingly, the academic community has also been "consumer law" in the fraudulent behavior and civil fraud is consistent with the differences. The author believes that if the four elements of civil fraud to determine the fraudulent behavior of the merchant and anchor in the live with goods, then the standard for ordinary consumers to determine too high, will give consumers the right to increase the difficulties, making the consumer's right to fair trade is not protected.

### **3.1.4. Difficulty in Realizing Consumer Claims in the Process of Breach of Contract Remedies**

The consumer's right to claim is a legal right to redress, when the consumer's rights and interests are infringed, the operator to compensate for the damage caused to the consumer, the consumer's personal damage includes damage to the right to life and health and moral damage in two aspects, property damage includes direct damage and indirect damage. The process of live shopping is easy for consumers to consume, but it is very difficult to carry out after-sale rights.

On the one hand, for the traditional shopping consumers, they are for the purchase of goods are prior physical inspection, for goods already have an accurate judgment. But for the goods in the live broadcast, consumers are mostly after the anchor's praise of the goods strong push, incitement and temptation and limited time offers and other stimulation of the case will occur under the purchase behavior, at this time, consumers will lack of evidence preservation awareness, but also the lack of experience in the problem of post-event rights, much less think about interception to retain the relevant original data.

On the other hand, live with goods belongs to the new industry, many systems are not yet perfect, consumers in the process of after-sales rights also have many difficulties. For example, some consumers receive poor quality goods, and anchor communication, but some anchors exist to shirk responsibility, claiming that they are not sales merchants, only responsible for the introduction of goods, so that consumers seek business solutions, but consumers are through the live link to buy goods, about the merchant's information is not known, for the live platform

of these business enterprise specific information, consumers are also very difficult to know from the Internet. It is difficult for consumers to know from the Internet.

### **3.2. Analysis of the Causes of the Problems of Consumer Rights Protection under the Live-streaming Model**

Based on the special nature of live network shopping transactions, there are many problems with the protection of consumers' right to know, fair trade, right to claim compensation and consumers' personal information security in the live broadcast with goods, the root cause of which lies in the lack of clarity of the obligations and legal responsibilities of the anchor and the live broadcast platform, the lack of supervision of the administrative authorities on the live broadcast with goods and the unreasonable redress mechanism for consumers' rights.

#### **3.2.1. The Obligations and Legal Responsibilities of the Anchor and Live Broadcast Platform are not Clear**

As we can see from the previous analysis, whether it is the imperfect disclosure of information that leads to the damage of consumers' right to know, or the difficulty of identifying fraudulent acts in the Consumer Law that leads to the damage of consumers' right to fair trade, or the difficulty of safeguarding consumers' personal information and the difficulty of realizing their right to claim compensation, it is in fact due to the failure of anchors and live broadcast platforms to fulfill their due obligations or the failure of the law to clarify their obligations at all.

In terms of the responsibilities and obligations of anchors, the existing laws in China are still not clear and specific enough on the disclosure obligations of anchors, the criteria for determining fraudulent acts committed by anchors and the related legal liabilities. The right to compensation. In addition, most of the anchors in the live broadcast with goods also have the identity of advertising publisher and advertising spokesman, and the "Advertising Law" has no clear and specific provisions on their relevant responsibilities and obligations. [5]

In terms of the responsibility and obligations of the live platform, China's "E-commerce Law" Article 38 provides that the operator of the e-commerce platform in the knowledge or should know that the products or services sold by the operator of the platform may infringe on the personal and property safety of consumers, shall take the necessary measures, if not, shall be jointly and severally liable with the operator of the goods or services. It can be seen, for the live platform liability issues, the law only the principal provisions, no specific provisions for the live platform to bear the situation clearly.

#### **3.2.2. The Administrative Authorities are not in Place to Regulate the Live Banding**

In the physical store sales, due to the physical storefront operations, market supervision and management departments at all levels for the store's product quality and safety can carry out risk monitoring, supervision and sampling, as well as product quality issues for traceability, so in the physical store sales model, the administrative agencies departments can play a good regulatory role. But for the live network of goods transactions and services, administrative organs if you want to perform the same offline regulatory responsibilities, regulatory difficulties will increase exponentially. With the rapid development of the live goods industry, the regulatory departments are more intentional.

Due to the suddenness and temporary nature of live broadcast and other characteristics, the market supervision and management departments of the live broadcast review also exists a significant lag, it's difficult to live with a comprehensive review of the behavior, but only limited to the qualifications of the live subject, the formal review of the conditions. Given the number of live subjects on the network is too large for the relevant departments, even the formal review is a huge review of the project. In today's practice, supervision and management departments use network information technology for automatic screening, but the current monitoring

technology is still difficult to achieve the expected standard. [6] In addition, the administrative organs and relevant departments are not strict in the supervision of the advertising behavior of the live broadcast, resulting in the existence of a variety of live broadcast exaggerated propaganda, false advertising chaos, so in the process of the development of the live broadcast industry needs to be effective regulation of live advertising behavior, not to let it continue to damage the legitimate rights and interests of consumers.

### **3.2.3. Unreasonable Redress Mechanism for Consumer Rights**

In live shopping disputes, the unreasonable redress mechanism for consumers' rights is mainly reflected in the difficulty of consumers' proof and the difficulty of jurisdictional court confirmation.

In terms of the allocation of the burden of proof, according to the principle of "whoever claims, whoever proves" in China's Civil Procedure Law, it is the consumer's responsibility to provide evidence of his or her claims in a lawsuit to defend his or her rights. However, due to the serious information asymmetry in online trading disputes, the specific data of the transaction is mostly in the hands of the merchant, so it is not easy for consumers to prove their claims. In the live mode, if consumers file a lawsuit due to the quality of goods, the shopping platform often requires consumers to provide relevant quality inspection reports from product manufacturers or relevant identification departments to prove the existence of defects in the goods, but the quality inspection process is not only time-consuming and costly, to live shopping consumers caused by the difficulties of proof. [7]

In terms of jurisdictional court confirmation, according to the provisions of China's Civil Procedure Law, consumers need to go to the merchant's domicile or the place of performance of the contract for off-site litigation. In network transactions, if the defendant is a merchant, due to the serious asymmetry of information, it is not easy for consumers to confirm the domicile of the merchant or the place of performance of the contract, which is very unfavorable to live shopping consumers to defend their rights. And most of the live network transactions are off-site transactions and small transactions, to the merchant's place of residence or the place of performance of the contract for litigation, not only waste the consumer's time, but also increase the cost of litigation, and is not conducive to the court to enforce the decision.

## **4. The Improvement Path of Consumer Rights Protection under the Live-Streaming with Goods Model**

### **4.1. Clarify the Legal Obligations of Each Subject and Related Legal Responsibilities**

Since the live streaming mode involves more subjects and more complex legal relationships, and the relevant legislation in China is more principled in terms of the legal obligations of each subject and their legal responsibilities, lacking specific rules of refinement, the first step to solve and improve the protection of consumer rights and interests in the live streaming mode should be to clarify the legal obligations and responsibilities of each subject.

#### **4.1.1. Clarify the Disclosure Obligations and Legal Responsibilities of Anchors for Goods**

Under the live-streaming with goods mode, the information disclosure obligation of the anchor with goods should be required in two aspects: one is the disclosure obligation of commodity information, and the other is the information disclosure obligation of the commodity operator. In the disclosure of commodity information, combined with the relevant provisions of Article 27 of China's "Product Quality Law", the information disclosed can be supplemented by the following aspects: first, the use of goods, performance, product specifications, quality level, main components, etc.; second, the origin of goods, producers; third, the production date and

expiration date of goods, quality inspection certificate, etc.; fourth, the instructions for use of goods; fifth, for special commodities, such as potentially dangerous goods, must be made in a prominent way in a prominent position to make a warning statement, and detailed instructions for the correct use of goods, marked to mitigate the damage, etc. [8] In terms of information disclosure of commodity operators, the operator's name, detailed information about the person in charge of the operation or legal representative and the commitment or guarantee of the quality of the goods need to be clearly informed enough for consumers to identify, so that consumers can communicate with the commodity operator quickly and effectively, so that online shopping consumers can accurately identify the operator when the right to information is infringed.

In addition, the anchor's obligation to disclose information about the goods, but also need to strengthen the civil liability and increase the penalty for violation of this obligation. In the event that the anchor is unable to provide the real and effective information of the merchandise operator and the consumer is unable to defend his or her rights, the consumer can request the anchor to compensate the consumer for the loss first, and the anchor who refuses to perform can be restricted or even disqualified from anchoring with the goods. [9]

#### **4.1.2. Clarify the Obligations and Legal Responsibilities of the Live Broadcast Platform to Protect the Information Security of Consumers**

As a collector and holder of personal information, the live broadcast platform has a large amount of consumers' personal information. In order to protect the personal information security of the majority of consumers, the platform should adopt various forms of notification when collecting or processing information to ensure that consumers are aware of the platform's collection and processing of their information. [10] In addition, in the information collection process, platforms should follow the principle of legal necessity and not over-collect personal information; in the information storage process, platforms should protect consumers' personal information from external intrusion and strengthen internal management, not just "compliance"; in the personal information processing process, platforms should In the processing of personal information, the platform should limit the use of information to the scope of its stated purpose at the time of collection, and should not be used for other purposes without the express consent of the consumer; and after the leakage of information, it should promptly remedy the situation and notify the information subject, i.e., the relevant department, of the leakage to prevent further expansion of damage.

The legal liability of the live streaming platform when it collects consumer information in violation of the law or fails to fulfill its obligations to protect consumers' personal information security according to the law should also be strictly regulated, and the live streaming platform should be legally required to give a certain amount of financial compensation to the consumers whose personal information has been leaked. The leakage of personal information is often followed by fraud, stalking and other acts, which can cause substantial damage to consumers in terms of property and person. Therefore, if consumers' personal information is violated during live shopping, the law should allow consumers to claim compensation for all damages in accordance with the relevant provisions of the Civil Code, or moral damages and punitive damages if the circumstances are serious. In terms of the burden of proof for information leakage, the presumption of fault of the live webcasting platform can be set, i.e., if the live webcasting platform cannot prove that it is not at fault, the live webcasting platform is presumed to be at fault in the leakage of personal information in the event that the subject of responsibility cannot be determined.

### **4.1.3. Clarify the Criteria for Determining Fraud and the Legal Responsibility of Each Subject in Live Banding**

Clarify the criteria for determining fraudulent behavior in the Consumer Law should be analyzed from both the subjective psychology of the operator and the objective fraudulent behavior: on the one hand, in the subjective psychology of the operator, the determination of fraudulent behavior in the Consumer Law should not adopt the subjective intent in civil fraud as a constituent element. In the process of live-streaming with goods, if the host or business must prove its subjective intention in the determination of fraudulent behavior, it will further aggravate the difficulty of proof in the consumer's rights, the host or business will also often use the excuse of no subjective intention, resulting in its silence in the process of live-streaming with goods, not truthful, not timely fulfillment of the obligation to inform other forms of misconduct, in the difficulty of identifying fraudulent behavior at the same time will also be "On the other hand, in the objective fraudulent behavior, if the anchor or merchant has external obvious fraudulent behavior in the process of consumer transactions, such as exaggerated description of the quality, performance and ingredients of the product and false propaganda and other illegal acts, can However, if the operator's exaggerated propaganda does not affect the legitimate rights and interests of consumers and does not have a substantial impact on the transaction process and the establishment of the contract, it should not be considered as fraudulent behavior. [11]

In terms of legal liability, as long as consumers fall into misconceptions due to the fraudulent behavior of the anchor and purchase live goods or services, regardless of whether it belongs to the scope of application of the seven days of no reason to return, consumers can anchor fraud for the reason that the anchor, and the operator of the goods jointly bear tort liability and compensation for damages, rather than the legal responsibility of the anchor removed from the scope of the law. The live broadcast platform for the fraudulent behavior of the anchor should immediately ban its live account and timely report to the regulatory authorities, for the bad consequences, can be permanently banned from the platform's live qualification. For fraudulent merchandise operators, they should also be banned from selling their goods in the platform's live broadcast. At the same time, the live platform for the content of the live with goods should also have regulatory obligations, it should be aware of the live content involves false propaganda within a reasonable time mandatory closure of its live account, otherwise for a reasonable period of time outside the expansion of consumer damage consequences, the anchor, commodity operators and live platform to bear joint and several liability. [12]

## **4.2. Strengthen the Supervision of the Administrative Authorities on Live Banding Behavior**

The healthy development of the live banding industry cannot be separated from the supervision of the relevant government departments, and the strengthening of the administrative authorities on the supervision of live banding can start from the following two aspects.

### **4.2.1. Innovative Ways to Supervise the Administrative Organs**

In the face of the complex regulatory dilemma under the mode of live banding, the lack of market supervision ability is reflected in the backwardness of the supervision mode and the low level of supervision technology. In view of the current situation that the efficiency level of regulatory departments is not high, the relevant departments can use the current high-tech means to improve the efficiency of administrative supervision, such as big data, blockchain and other high-tech means of regulatory innovation, to improve the level and efficiency of supervision. [13] On this basis, it is also necessary to further implement the concept of "unity of authority and responsibility" for law enforcement, in accordance with the principle of "who regulates, who is responsible", the special supervisors to implement the "one-stop responsible" system, so as to strengthen the responsibility of supervisors. At the same time,



the regulator should also provide a convenient and efficient complaint path for the regulated object. [14]

#### **4.2.2. Increase the Supervision of Advertising Behavior in Live Banding**

To increase the supervision of advertising behavior in live-streaming with goods, the first step should be to strictly regulate the advertising access system. The anchors and business operators who carry out live with goods require business licenses, and those who do not have business licenses are restricted from carrying out relevant advertising activities, and the review of advertising behavior should be strengthened to clarify advertising behavior and regulate hidden advertising, so as to avoid the relevant anchors from carrying out hidden advertising with goods in order to avoid supervision and maintain the industry order; secondly, the advertising in live with goods should also be strictly regulated Behavior, live consumers are mainly through the live broadcast before or during the live broadcast of promotional advertising to pay attention to the live goods or services, so the live broadcast of promotional advertising is the main means of publicity for anchors and businesses. The advertising in the live broadcast has the characteristics of fast dissemination, timeliness and high difficulty of supervision, and consumers are easily deceived by false advertisements, thus causing loss of consumer interests. [15] Finally, the relevant disciplinary system should be improved. For false advertising behaviors in live-streaming with goods, in addition to disclosing these behaviors, punitive damages as well as administrative penalties should be imposed according to the illegal income of anchors, platforms, and merchants to rectify the advertising chaos in a timely manner, establish a positive impression of the live-streaming with goods industry among consumers, and promote the sustainable development of the industry. [16]

#### **4.3. Improve Consumer Rights Redress Mechanism**

In order to solve the problem of difficult to prove and difficult to confirm the jurisdictional court in the process of consumer rights protection under the live-streaming model, we can try to introduce a system of reversing the burden of proof and promote the network dispute resolution mechanism in practice.

##### **4.3.1. Introduction of a Reversal of the Burden of Proof System**

According to the principle of "who claims and who proves" in China's Civil Procedure Law, consumers are required to provide sufficient proof to prove the facts they claim, and if they cannot provide sufficient evidence to prove the facts they claim, they must bear the adverse consequences. However, due to the virtual nature of the live trading platform and the asymmetry of information, most of the transaction data is in the hands of the merchant or platform operator, and it is difficult for the consumer to obtain it, so it is very difficult for the consumer to prove. On the contrary, it is relatively easy to let the network operator or platform operator to prove. Therefore, in line with the principle of fairness, in justice should take into account the difference in the ability of the operator and the consumer to prove the respective live with the dispute, can consider inverting the burden of proof, that is, let the operator to prove that there is no causal relationship between its behavior and the results of the damage and the exemptions provided by law to prove, and live shopping consumers only need to prove that their rights and interests are damaged. [17]

##### **4.3.2. Promote Network Dispute Resolution Mechanism**

Due to the openness of the platform, live shopping transactions are not subject to regional restrictions, which also leads to the possibility of live shopping consumers and the relevant operators of the situation in different parts of the world. After the occurrence of live shopping disputes, if the traditional dispute resolution model, off-site mediation or litigation will inevitably result in a huge waste of human and material resources costs. As a new form of dispute handling, online dispute resolution mechanism can provide a more open, flexible and

efficient way to resolve online shopping disputes, and to a certain extent solve the inconvenience of off-site litigation. The online dispute resolution currently adopted in China is mainly through the network platform for online complaints, such as the main acceptance of online shopping disputes China e-commerce complaints and rights protection public service platform. The online dispute resolution mechanism can be fully utilized to have an efficient and convenient way to alleviate the inconvenience of litigation faced by consumers and is worth promoting. It is suggested that an online network mediation and arbitration system could be established by the relevant departments of the State Council, specifically to deal with disputes in online or live shopping, and to ask consumer associations to mediate in accordance with dispute resolution procedures.

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