

Toward Fragmented Platform Governance in China: Through the Lens of Alibaba and the Legal-Judicial System

YU HONG
Zhejiang University, China

JIAN XU¹
Shanghai Jiao Tong University, China

By reviewing lawsuits against Alibaba, this article explores the evolving model of platform governance that expresses and constitutes the historical political economy of China's Internet at large. It outlines the significance of platform immunity in legal cases and conceptualizes the construct as a common carrier of governance registering cross-scale, cross-unit, and cross-context concordance and discordance. Beyond the censorship imaginary that has conventionally defined China's Internet governance, the article ultimately reveals a model of fragmented governance: a model that encompasses many moving parts, legal and administrative, authoritarian and mercantile, and across disjointed issue areas from speech to digital trade, from copyright to trademark—a model that sustains platform immunity as a common carrier, keeps alive power struggles among collective interests, makes haphazard institutional tweaking, and repeats regulatory compromises.

Keywords: e-commerce, platform governance, China, intellectual property rights, counterfeiting, digital economy, legal studies

China's new digital economy has grown by leaps and bounds. However, becoming a new epicenter in the global digital economy has generated contradiction and contestation in geopolitical terms. During the ongoing U.S.–China trade standoff, Alibaba's e-commerce platform received the "notorious markets" designation from the United States Trade Representative (USTR) in 2008, 2009, 2010, 2011, and then in 2016 and 2017. The company's global expansion, increasingly part and parcel of the state's Belt and Road Initiative, became more controversial when facing foreign litigation for intellectual property rights (IPR) infringement after its public listing in the U.S. stock market in 2014.

Yu Hong: hong1@zju.edu.cn

Jian Xu: xujian@sjtu.edu.cn

Date submitted: 2019–04–18

¹ Research for this article was funded by the ICCI-Zizhu Research Collaboration Grant (201601) and the Chinese Social Science Fund (18AXW009).

Copyright © 2019 (Yu Hong and Jian Xu). Licensed under the Creative Commons Attribution Non-commercial No Derivatives (by-nc-nd). Available at <http://ijoc.org>.

Hughes (2002) argues that trade- and technology- related regimes, not democratic values, drive the globalization of the Internet and ICTs. Even if this is the case, the influence of policies, laws, and interests renders the idea of one global online marketplace a contentious one. Given that the Chinese model of e-commerce is out of line with Western standards, USTR's move is seen by some as a counterattack against China as the next cyberhegemon. To understand the significance of Alibaba as a global contender, we must study how it changes and why—from the policy and governance perspective. Conversely, if we see Alibaba's platform as a proxy of China's globalizing platforms, there comes a theoretical ground for conceptualizing such a platform as an institutional construct—one that seems flexible enough to mediate an ever-growing torrent of products, money, information, and communication and yet is a constant source of dissatisfaction for its members, its regulators, and outside observers.

Leveraging that IPR infringement has become a hallmark of, and an impediment to, China's globalizing platforms, we first conduct a systematic empirical study of Alibaba's IPR litigation, which reveals so-called safe harbors—or platform immunity from legal risks in dealing with third-party content and actions—as the cornerstone of the legal-judicial system presiding over online litigation. We then historicize platform immunity as a conceptual and institutional construct embraced in China with adaptation, discordance, and difference, and assess the range and nature of articulation and disjuncture across global, national, and local scales. We argue that a key to understanding China's e-commerce, or its platform governance at large, lies in the role of platform immunity as a “common carrier,” an institutional construct responsible for meeting partly and temporarily sectional interests and, for that reason, having fostered the platform economy and its inherent conflicts at once (Schickler, 2001). Ultimately, thanks to ad hoc layering of new regulations on platform immunity when platforms take up newer activities and encompass wider interests, platform governance—with many moving parts and across disjointed issue areas—is leaning toward a fragmented model.

Platform Immunity: A Common Carrier for Sectional Interests

Following a historical political-economy approach that emphasizes the dialectics between structural imperatives and historical contingency (Sewell, 2008), we examine China's platform governance as a sociological formation shaped by the dialectical tension between the structural influence of global digital capitalism on the one hand, and a range of sequences and determinations born of Chinese particularity on the other. We first find that the Chinese platform governance, including in the sector of e-commerce, has not evolved separately from global cyberpolitics, especially as the U.S. forcefully propelled the transplantation of Western standards. That said, the Chinese adoption of standards followed some informal processes of adaptation to the unplanned growth of an online informal economy. Likewise, the deployment of platform immunity—a global movement of paradigmatic shift toward assuming that, with some exceptions, online platforms have legal immunity for things posted or uploaded by their users and are unable to carry out detective inspection—has to co-constitute with the local surroundings.

In tracing the domestic processes of constructing platform governance, we then find that the rule of platform immunity functions as a “common carrier” integrating variable premises, interests,

and ideas. Reflecting the participation of multiple collective interests in the political economy of Internet development, the common carrier model refers to a specific institutional change that enables a temporary confluence of sectional interests (Schickler, 2001). We find three lines of concordance and discordance that make an intersection in platform immunity as a governing construct: concordance and discordance between local and global expectations, between legal-judicial and administrative bodies, and between digital platforms for commerce and for speech. We study how these dialectical tensions were assembled into a mutually reinforcing confluence at the outset, and we explore how the relations between them changed over the course of development.

Still, instead of making an overarching master plan, China's process of constructing a governance regime is disjointed from one issue area to another—say, from copyright to trademark. As a result, we also find that the governance regime is fragmented not only because of the existence of multiple regulatory entities, but also because of the ad hoc layering of new restrictions and compromises on the preexisting platform immunity rule. Ultimately, influenced by power struggles, this haphazard model of governance development faces a new emergent contradiction between the elitist quest for legitimacy in the global corporate network, and the online grassroots counterfeit culture rooted in the work and consumption attributes of China's vast but fractured networked society. The global front of international dispute, especially the Sino-U.S. divide, is a contextual condition—therein lies the inherent fragmentation, which generates certain drive for policy change.

In the remainder of the article, we make the case for reembedding platform governance into historical political-economy contexts, outline and then historicize platform immunity as the decisive feature of the legal-judicial system that was deliberately created to accommodate platforms such as Alibaba, and, last, explore China's piecemeal attempts in altering its governing construct for better serving the globalizing imperative.

A Historical Political-Economy Pathway: Interests, Contexts, and Sequences

Platforms support a new class of businesses. Alibaba's flagship consumer-to-consumer platform, Taobao Marketplace, mediated 500 million registered users by 2014 and shared with Tmall, the company's business-to-consumer intermediary, more than 600 million active consumers in 2019. Just as important, ride sharing, residential sharing, and crowdsourcing all use platforms to mediate buyers and sellers of services to the extent that platforms play an infrastructural role in governing the Internet as well as shaping the social and political lives of their users (Goldsmith & Wu, 2006; Plantin, Lagoze, Edwards, & Sandvig, 2018). Just as platforms take up a wide range of mediation roles, platform governance has moved decisively beyond the traditional notion of governance as a primary domain of state institutions to encompassing all organized efforts of managing online activities (DeNardis, 2014; Suzor, Geelen, & West, 2018). Several distinct kinds of collective interests cast influence on platform governance, including, but not limited to, platforms funded by transnational and domestic capital and their businesses that hinge on "stimulating and capturing" user activity (Helberger, Pierson, & Poell, 2018, p. 2; Jia & Winseck, 2018). Inhabited by platforms, users, regulators, and legislators, platform governance is a site driven by conflict over values and interests.

A caution for epistemological parochialism and methodological nationalism is necessary here: When discussing platform governance, global platform studies are often based on liberal values and Western contexts; they presume ontological fractures between states and markets and suggest minimum intervention, corporate self-regulation, or sharing regulatory responsibility with users (W. Y. Wang & Lobato, 2019). This model, either descriptive or prescriptive, rests on an autonomist, middle-range analysis of laws, procedures, and architectures restricted to offensive issues, but makes little reference to history and transcultural political economy. It is insufficient for explaining China's platform governance, which is different but connected. Aiming at "suturing" local, national, and transnational scales of politics when global digital capitalism expands across regional and class divides (Flew & Waisbord, 2015), we reembed platform governance into the enviroing historical political-economy and explore the repetitive yet dynamic relationships between states and capitals, global and domestic dynamics, elitist norms and subaltern practices.

In Chinese Internet research, state information control, or institutional bargaining among overlapping authorities, has been the focus of analysis for explaining the state's relationship with the Internet, good or bad (Gallagher & Miller, 2017; King, Pan, & Roberts, 2013; Negro, 2017). Focusing on a single institutional principle, authors like MacKinnon, Hickok, Bar, and Lim (2014) have noted that China imposes "strict liability" on platforms to restrict the freedom of speech. But the model of focusing on a single imperative cannot explain the wider range of possibilities that the Chinese Internet has manifested. It also deflects efforts of "theoretical synthesis" from capturing "how the relationships among multiple interests drive processes of change" (Schickler, 2001, p. 5).

Indeed, censorship is not the whole story of the state's relationship to media; the state also holds a business-friendly regulatory premise (Harwit, 2017; M. Jiang, 2010; Y. Zhao, 2008). Some evidence shows that platforms and platform-based cyberbusinesses have not received commensurate policy attention until recently (Miao, Jiang, & Pang, 2016; Zhou, 2016). Still, in light of changing technologies and a much wider range of technology-mediated social relations, it is unwise and probably misleading to deduce the logic of platform governance from the arguably timeless statist logic, be it authoritarian or mercantile. Instead, we should look carefully at "the changing contexts for action; and figure out what protocols people actually drew upon when they act" (Sewell, 2008, p. 526). We ask, given the state's penchant for regulation, what gives rise to this "policy silence" (Freedman, 2010, p. 347)? What kind of policy silence? And how does it mesh or alternate with policy intervention in the governance regime?

Platform governance also expresses varying global-domestic entanglements—through e-commerce. The centrality of e-commerce in governance debate is "context-specific" to China, reflecting the country's role as a global production and, increasingly, consumption center (Gasser & Schulz, 2015). So, rather than use China's innate particularity, cultural or institutional, to explain its unsatisfactory IPR record (Peng, Ahlstrom, Carraher, & Shi, 2017), we posit an "evolutionary" nature of governance, an outcome of both external pressures and internal choices (Huang, 2017). Still, just as the Internet has deepened China's global entanglement through "technology, talent, capital, and trade" (M. Y. Wang & Hu, 2016, p. 131), what happens with governance? The extent of U.S. hegemony and how the global movement of e-commerce realigned national laws and policies remain

unclear, so are the geopolitical effects of local factors among “multiple online platform spheres” (Dijck, Poell, & Waal, 2018, p. 163; also Kraemer, Melville, Zhu, & Dedrick, 2006)?

A Two-Step Method: From Legal Cases to Sociolegal History

Research for this article took a two-step methodological approach. It first analyzed adjudication decision documents of IPR-related litigation that involved Alibaba as a defendant from January 1, 2008, to May 31, 2017. A total of 377 such documents were retrieved from the Judicial Opinion of China Online.² Through a procedure of quantitative content analysis that codes the universe of judicial documents in terms of case time, case type, litigation duration, handling court, applied law, judgment, and reason of winning, the analytics reveals patterns of e-commerce-related IPR disputes over the past decade, including legislative concepts, judicial practices, and judiciary structures. The key finding is that Alibaba’s prosperity hinges on platform immunity that limits the platform’s liability for the users’ activity.

Then, to historicize platform immunity as a crucial yet little understood feature of China’s platform governance, research for this article made a historical engagement with the political economy and analyzed a wide array of documents according to the well-established methodology of triangulation, primarily policy decisions and policy commentaries retrieved from the legislators’ websites (e.g., npc.gov.cn and locallaw.gov.cn), news articles and commentaries published in major trade journals such as *China Intellectual Property News* (2000–2017) and *China Internet* (2003–2014), relevant articles published in leading academic journals, and previous research on the Chinese Internet.

The first purpose of this historical political-economy analysis is to think about platforms and the governance thereof as historical meeting points between grassroots practices and subjectivities on the one hand, and global, state, and market-based structures of power, interest, and idea on the other. In this power configuration, the U.S.– China relation is a major international influence over China’s Internet policy, including e-commerce policy. Amid the U.S.-led techno-economic trends from the 1990s, the national-level state authority strives to negotiate the terms of global convergence. However, it is naïve or misleading to think about the Chinese state as if it were a unitary and autonomous actor. In fact, the state is fragmented as much by design as by accident, reflecting and affecting the dynamic topographies of platform governance (Fang, 2016). Branches of the state, including administration, the courts, and the legislators, do not always act in consistent ways. Market liberalization, along with decentralized investment, has further enabled active participation of local authorities and nonstate actors, encouraging their pursuit of alternative ways (Loisen, 2012). Finally, cyberbusinesses tied into global financial and production networks form a transnational clustering of collaboration and contention despite market competition with one another. The assemblage of these forces gives rise to the trajectory of platform governance.

² We collected 1,103 effective adjudication documents after removing repetition and error, among which 377 cases were related to IPR disputes, 255 to contract disputes, 313 to notarial cases, and 158 others. The company’s IPR cases, taking up more than one third of its legal cases, are our focus of analysis.

Still, the governance regime as such is not static; material and ideational forces manifest themselves in the dynamic power topographies. As platforms have mediated between buyers and sellers, citizens and regulators, corporates and publics, territorialized bazaars and transnational networks, the governance regime has addressed demands and continues to do so (Ananny & Gillespie, 2018). In particular, recent power shifts instigated by the global rise of China's e-commerce alter some group interests and therefore fracture the governance regime. This calls for considering anew the construct of platform immunity. To account for change as the second purpose of this historical political-economy analysis, we also deploy an integrative framework that comprises power, interests, and ideas: Power refers to the capacity of projecting both coercive and consensual power; interests refer to the political and economic preferences of the actors, which are mediated by subjectivity and ideology; and ideas refer to competing meanings (Carlson, 2005; Loisen, 2012).

A Snapshot: Legal-Judicial Practices in the Global E-Commerce Age

To date, IPR infringement is the major side effect that platforms have amplified to the offline Chinese society and is the top sticking point the state fails to contain from the advent of the platform economy. Still, the Chinese state enforces IPR through both administrative and judicial systems, but the lion's share of IPR management takes place at administrative venues. The famous incident in 2015, where the State Administration for Industry and Commerce (SAIC) unexpectedly published online a white paper about counterfeiting in the Taobao Marketplace, reveals the authority's engagement and frustration (Hong, 2017b). In comparison, the legal-judicial system is an important but less visible and little understood venue where the state and platforms interact. Although administrative enforcement is efficient, it cannot provide the deterrent against counterfeiting. This is why the China Anti-Counterfeiting Coalition, an American trademark group, set as its ultimate goal the criminalization of counterfeiting (Mertha, 2005). How well suited are judicial courts for handling IPR disputes when more such cases are brought to the courts?

Our findings shed light on the legal-judicial system presiding over Alibaba's IPR-related litigation and reveal that platform immunity is critical for the operational structure as summarized in Table 1: First, Alibaba is often granted immunity from tort liability as an intermediary. Excluding 183 cases where the court denied Alibaba's relevance as a defendant for litigation, the lawsuits fall into two groups: 51 cases accusing Alibaba, as the sole or first defendant, of direct infringement, and 143 cases accusing the company, as the intermediary, of indirect infringement and joint liability regardless of whether the transactions were B2C or C2C. In the former situation, the plaintiffs had an 88.2% win rate, consistent with the average rate for IP lawsuits in general, whereas in the latter situation, the win rate dropped to 1.4%. Notably, the safe harbor doctrine was key; it was invoked in 132 cases in which the plaintiff's win rate was 5.3%, but the win rate surged to 75.9% in the 245 cases that did not invoke this concept.

Table 1. Alibaba's IPR Cases.

	Case subtype		Number	Win rates for right holders (%)		
Alibaba as defendant	First defendant		51	88.2		
	Joint defendant		143	1.4		
	The third party		183	79.8		
Extent of home-court advantage	Hangzhou Courts			Non-Hangzhou Courts		
		Number	Win rates for right holders (%)		Number	Win rates for right holders (%)
	Nonlocal vs. Alibaba	156	35	Nonlocal vs. Alibaba	156	44
	Local vs. Alibaba	22	48	Local vs. Alibaba	43	54
Plaintiffs	Foreign		72	45.8%		
	Chinese		305	52.5%		

Second, the analytics bears out the general pattern of "home-court advantage" that characterizes judicial results in the Chinese judicial system, not least because of the flexible application of the platform immunity rule (Pelicci, 2012; Tang, 2017). For Alibaba, courts, whether located in Hangzhou (the city where the company is headquartered) or elsewhere, tend to rule in favor of local plaintiffs over nonlocal plaintiffs. For plaintiffs, who sued locally or otherwise, Hangzhou courts in contrast with non-Hangzhou courts, tend to rule in favor of Alibaba; for courts, the combination of local plaintiffs and nonlocal defendants or nonlocal plaintiffs and local defendants makes a remarkable statistical difference in the plaintiffs' win rate: 54% as opposed to 35%. Inside informants offered a set of related explanations:³ One, unlike the courts outside of Hangzhou, those in Hangzhou deal with huge numbers of platform-related cases and, as a result, have developed "sympathy" toward platforms for being unable to carry out onerous online law enforcement without compensation and often with additional expenses. Two, platform immunity applies when no evidence shows that platforms knew about or should have known about infringement; whether platforms "should have known" is often up to judges' subjective criteria and individual discretion.

Third, this adjudication pattern creates geopolitical-economic implications, disfavoring foreign corporations, while China's judicial courts have mediated a wider scope of transnational relations. Foreign corporate plaintiffs won fewer IP infringement cases than their domestic counterparts;⁴ the former won 33

³ Interviews with judges conducted in Shanghai and Hangzhou in October 2018.

⁴ Financial losses in win cases also characterize foreign litigations. A total of 89% of foreign litigations were concerned with expensive trademark or patent violations. They asked for on average ¥640,000 worth of economic compensation, five times what domestic counterparts asked for (¥120,000). Foreign corporate litigations are also more time consuming—37.5% of foreign cases were still ongoing after six months, whereas only 14.1% of domestic cases lasted for more than six months. Nevertheless, judicial

of 72 litigations against Alibaba, or 45.8%, whereas the latter won 160 of 305 cases, or 52.5%. A total of 72.2% of foreign corporate plaintiffs hired lawyers, higher than domestic plaintiffs at 69.5%, but this high capacity indicator did not parlay into a higher win rate.

Historicizing the Most Important Law for the Internet: Concordance and Discordance

What accounts for the centrality of platform immunity in the operation of the legal-judicial system, which is partly responsible for the so-called unruly growth of e-commerce? And what role does the legal system play in platform governance? In the following, we move beyond the data-driven results and look through the prism of a historically engaged political economy. We ask, in the frenzy of lawmaking that has accompanied the global e-commerce movement, is it possible to identify a Chinese stance? To the extent that China has formed a dominant position, what contextual and contingent factors have contributed to it? Given that platform immunity is an important, if not the most important, rule of platform governance, this section examines its formation as a provisional corollary of the local-national-transnational interplay of forces and also accounts for its reformation. The sprawling narrative that follows reflects the generative processes in which heterogeneous components and multiple forces are assembled into a governing whole.

Hegemonic Power: Ideas and Actions for Global Convergence

In the post-Cold War context, when the United States promoted the Internet as an outgrowth of free enterprise while fueling global flows of capital and commodity, China's link with the global Internet was mediated by the country's downstream engagement with the transnational production-and-trade regime (Hong, 2017a). Seeking to forge bilateral and multilateral trade agreements to expand its outward-looking export economy, China accepted a transplantation of the safe harbor provision, which was codified into the global IPR regime, although not in one step.

The global IPR regime was initially consolidated by the U.S. government for its traditional industries. Seeking to leverage U.S. leadership in transnational production, the Special 301 provisions within the U.S. Omnibus Trade and Competitiveness Act (1988) incorporated IPR protection into international trade policy (Qiao, 1993). As U.S.-China bilateral trade talks in the 1990s began after the Omnibus Trade and Competitiveness Act took effect, USTR acted to enshrine the priorities of copyright trade associations in the bilateral negotiations (Mertha, 2005).

The United States also led the updating of the global IPR regime in response to the spectacular development of the Internet and its impact on the international copyright businesses. After the finalization of the Trade-Related Aspects of Intellectual Property Rights agreement in 1992, the U.S. government moved quickly to the signing of the World Intellectual Property Organization (WIPO) Internet treaties in

courts do not offer commensurate compensations. The average compensation courts adjudicated to foreign IP owners was more than ¥20,000, twice the claim of domestic right holders, but was far less than what foreign right owners had claimed, at merely 3.2%.

1994. Notably, while various categories of copyright owners supported the extension of IPR protection, Internet service providers joined library and educational associations in opposing many aspects of the update (Ficsor, 2006). Indeed, the global IPR regime is never free from conflict and dissent; it unifies various blocks of interests despite internal differences and external struggles.

The Internet intermediary industry finally prevailed in the U.S. Congress to enact the safe harbor provisions in the Digital Millennium Copyright Act signed into effect in 1998, extending beyond the preexisting scope of platform immunity from third-party torts granted by the Communications Decency Act of 1996. Afterward, the industry and USTR succeeded in incorporating safe harbor provisions into free-trade agreements the United States forged with other countries (Rimmer, 2001). The European Union's Directive on E-Commerce effective in 2000 is closely based on the Digital Millennium Copyright Act (McEvedy, 2002).

This global IPR regime—fusing Internet exceptionalism and corporate self-regulation—is key to developing countries' interaction with ICTs and the Internet, partly because the global model supports a certain trajectory of legal development (Chenou, 2014; May, 2008). Notably, the Chinese state's own plan in ramping up the export-driven growth model, atop the unbalanced bilateral relation, created a receptive official stance toward American pressures in the 1990s (Han, 2014). After its WTO accession in 2001, China continued institutional convergence with the global market economy, emulating global IPR protection standards.

The U.S. pressure ramped up nevertheless, mostly with regard to enforcement in cyberspace. In 2005, the U.S. Congress's demand on China to clamp down on online digital infringement ratcheted up (Xiao, 2005). In response, the Chinese government negotiated a comprehensive set of commitments with the U.S. Department of Commerce, vowing to join the WIPO Internet treaties. It also sent a delegation to the United States to discuss necessary legislative steps and enacted the Regulations on the Protection of the Right to Communication Through Information Networks in 2006, all to prepare China for joining the WIPO Internet treaties in 2007 (Friedmann, 2017; Senate Committee on Commerce, Science, and Transportation, 2006). Notably, China did not adopt the safe harbor rule until 2006.

Still, the Western imposition is not the full picture. After the formalistic principles aligned with global standards had fallen in place, high-ranking Chinese policy makers began to seek operationalizing the legal program in accordance with national developmental needs.

Sociopolitical Interests: Forming the Problem of Many Hands

Just as external pressure outlined in the preceding section cannot adequately explain China's institutional change, formal rules alone cannot explain the distinctive feature of China's e-commerce, that is, online marketplace platforms feeding on the grassroots counterfeit culture. Decentralization and liberalization, along with state disinvestment in cyberspace, mean that e-commerce develops across multiple levels and draws on bottom-up mechanisms. So, like a "problem of many hands" (Thompson, 1980, p. 905), the online bazaar economy, both a driver and benefactor of the Chinese variant of safe harbor, emerges out of a

relational configuration of the interests and practices of key stakeholders, including states, platforms, and users.

Indeed, China's Internet comprises decentralized initiatives and heterogeneous programs. It was an elite project at the outset, dealing with the dynamic relations between the Global North and the Global South, the East and the West, before becoming a corporate-driven project conflating technological revolution and neoliberal reforms. Fearing isolation and lagging behind, the Chinese national science and technology community reacted first to the U.S.-led digital revolution by connecting with the global Internet (Yang, 2004). The ensuing state-orchestrated campaigns prioritized constructing networks and networking the state-managed economy (Mueller & Tan, 1997). Still, technocrats realized in the 1990s that Internet-carried services, applications, and content were missing. In the larger promarket milieu, where the state actively redefined its relationship with the economy, policy makers liberalized value-added Internet services to domestic investors as early as 1993 (Ni & Wang, 2004).

As the state took a back seat, fledgling cyberentrepreneurs found Internet content provision to be a market with few vested interests and scant regulatory oversight. They secured the first batch of foreign venture capital investment in 1998, giving birth to the nascent commercial Internet. Despite heated internal discussion, the government ultimately acquiesced to this investment mechanism, choosing not to clamp down on foreign-invested portals (Q. P. Jiang, 2008). Notably, the burst of the Internet bubble in 2001 mainstreamed the commercialization of the Internet, as telecoms reform created new telecom operators that aggressively promoted broadband, and international organizations, states in developed countries, and equipment vendors all deemed broadband development as the way to recover from the global telecom crisis (Hong, 2017a). This proved fertile for the corporate-driven platformization of cyberspace in China. As the ebbing of foreign capital inflow came to an end, more than 5,000 value-added Internet companies came into existence by 2004 (Yi, 2004).

Transnational IT corporations had pitched e-commerce as a development-oriented utility of the Internet when first engaging China in the 1990s (Hong, 2017a). This took effect: Governments at various levels organized campaigns to harness the power of e-commerce for China's traditional manufacture-and-trade businesses (M. Y. Wang & Hu, 2016). But local authorities, not the central government, gave private investors enough encouragement to invest in e-commerce (Rosen, 1999). As the director of the Department of Commerce of Zhejiang Province recalled, the local authority fostered e-commerce through a decade-long strategic suspension of regulatory oversight (Zhejiang Provincial People's Congress, 2017). Thanks to favorable local policy environment, nearly 70% of business websites were registered in Zhejiang (Q. P. Jiang, 2008).

The state did have an impulse for administrative control aimed at the hustle and bustle in cyberspace. It took a flurry of policy-making actions after 2000 to regulate first portals and then platforms and applications for ideological-political reasons. Still, platform companies are indispensable in this authority structure. In 2001, the establishment of the Internet Society of China marked the beginning of a salient role played by trade associations in Internet governance, a more salient role than in traditional sectors (Fang, 2016). Conversely, many early regulatory efforts fell flat because of the defiance of online enterprises. For instance, although registration was required, a large number of unregistered websites accessible worldwide

came into existence thanks to the assistance of local telecom operators. The licensing mandate for online publishing was sporadically honored—the majority of existing websites chose to operate in this illicit area (Gao, 2007; H. S. Zhao, 2007, 2016). Notably, both measures were expected to facilitate copyright protection.

In the elite-driven e-commerce movement, the rise of platforms has unleashed a wider range of sociopolitical energy, albeit in the general configuration of networked inequality (Yu, 2017). Like the market La Salada in Veronica Gago's study (2017), online platforms have fostered an entrepreneurial counterfeit culture with distinctive class and spatial dimensions. A field study of Yiwu in Zhejiang Province, a well-known regional hub of the export economy, revealed that small business owners who sell on Taobao Marketplace are not required to register with the state authority. Unlicensed entities, migrants, part-timers, the unemployed, and micro-entrepreneurs usually reopen an online store even after it has been closed down for IPR infringement (author unknown 2018). While the coastal export economies have fostered online retailers and wholesalers targeting certain categories of consumers with counterfeits, China's vast worker-peasant communities have formed a strong pole of demand. In 2011, vendors and buyers jointly forced Taobao Marketplace to withdraw the corporate plan of eviscerating grassroots vendors, a plan intended to improve Alibaba's reputation among brand-name companies. In 2019, an authoritative report, on top of our interviews with grassroots enforcement staff, revealed a systematic difficulty to date in curtailing production-and-distribution networks of online counterfeiting when counterfeits find a vast market in the countryside (Zhejiang Provincial Revolutionary Committee, 2019).

Filtering Ideas: A Statutory Construct of Chinese-Style Safe Harbors

Ultimately, the assemblage of power relations informs, constructs, and alters the terrain of legal discourses and judiciary practices. The fusion of the Western-led paradigmatic shift with the corporate-driven platformization of cyberspace set the tone for the statutory construct of safe harbor in China. The special agenda of local governments, especially local courts, further reinforced platform immunity as an implicit industrial policy. This institutional structure is not stable, however. High-profile platform-IPR lawsuits created a cycle of discussion and rethinking, ultimately forming margins for change, especially in administrative branches of the state.

China revised its IPR laws in 2001 to meet WTO accession requirements. Although the revised copyright law did not outline the parameter of platforms' legal obligation, in a series of litigations, the judiciary considered websites liable for carrying copyright infringing content and obliged them to conduct active inspection (Yan, 2003). Thus, unlike U.S. authorities, which extended the insulation of platforms from legal risks arising from user-generated content to risks arising out of copyright and trademark (Chander & Le, 2014), Chinese authorities subjected Web portals and bulletin boards to strict liability for users' action and also imposed enforcement responsibility, initially for both speech and commercial considerations.

But an indigenous idea of reciprocity that indicates leeway for online enterprises soon prevailed. The legal director of Sohu, a well-known Web portal, contended that copyright holders should support Web portals as adults support kids—and the latter would step up with rights protection once becoming a mature business (Zhang, 2002). Gao Lulin, China's first commissioner of the State Intellectual Property Office, also

supported granting Web portals exemption from strict liability (Yan, 2003). In academia, Zheng Chengsi, a first-generation scholar on IPR law, described the year 2000 as the most active year for Internet-related rule making, but expressed concern that most regulations pertain to control, not to development (Zheng, 2002).

Informed by international practices, corporate input, and, ultimately, the pro-Internet ethos in law and business communities that regards cyberspace as an outgrowth of deregulation, the state acted to fragment its stance on blanket platform liability and carved out conditions for platform immunity to accommodate new Web companies. The Regulations 2006 adopted four safe harbors and specified the procedure of “notice and takedown.” The rule of immunity applies in situations in which ISPs “did not know or had no reasonable grounds to know” about infringing activities, but blindness to obvious infringement renders ISPs liable according to the accompanying “red flag” principle. The passage of the Regulation—marking a temporary confluence of sectional interests—was welcomed by the Internet industry for significantly reducing Internet companies’ legal liability (Ma, 2006; Sun, 2006).

This suspension of strict liability and detective obligation fueled China’s commercial websites, especially Web 2.0 platforms, but also caused abuse. Tudou.com, for example, had nearly 600 cases of copyright-related litigation before its IPO on the NASDAQ stock market in 2011 (Wu, 2011). Despite legal trouble, the online video website claimed legal immunity by offloading responsibility to users who uploaded content (H. C. Wang, 2009).

Still, the legal and reputational risks to platform companies were real amid waves of criticism and lawsuits registered by copyright industries. From 2003, litigation mostly concerned with copyright infringement in such categories as motion pictures, literature, images, and music surged (Lin, 2017). Copyright industries also turned to administrative authorities to fashion a remedy consisting in making online enterprises assist annual IPR protection drives. The interaction between different branches of the state revealed the inconsistency in the structure of governance, prompting practitioners and commentators to call for substantiating the “red flag” principle in cyberlaw (Dai, 2012; J. L. Wang, 2011).

Courts grew strict in response (Liu, 2010; You & Ren, 2008). An empirical study reveals that when sued, Baidu and Tencent, two leading platform companies, had win rates above 50%; traditional Internet service providers had much lower win rates, with Sohu at 15% and Sina and NetEase below 10% (Lin, 2017). Still, in 2011 and 2012, even Baidu lost a few famous lawsuits against its online repository and its MP3 service, marking the courts’ expectation for platforms to fulfill a duty of care.

Ultimately, the controversy tilted the governance model toward a soft imposition of legal obligation on content platforms. Enacted in 2012, the legal clause “Provisions of the Supreme People’s Court on Several Issues Concerning the Application of Law in Hearing Civil Dispute Cases Involving Infringement of the Right of Dissemination on Information Networks” (2012) defines platforms’ knowledge levels under conditions of financial benefits and editorial alteration and stipulates related duties of care, while affirming the exemption of platforms from proactive monitoring roles.

Notably, this fine-tuning in copyright law refined criteria for inferring the extent to which platforms “should have known,” setting a precedent for e-commerce ruling. But, until the passage of E-Commerce Law

in 2018, no parallel refinement had been extended to e-commerce, which led to the adjudication pattern we found in Alibaba's legal cases.

E-Commerce Law: Piecemeal Politics of Layering Duty

The passage of E-Commerce Law in 2018, atop the National Cyber Security Law enacted in 2016, illustrates the central position that online marketplace platforms now occupy in the debate regarding China's cyberspace governance. Notably, before the passage of the new law, e-commerce had risen to be a major growth pole, contributing 35% to China's GDP. In addition, platforms host 90% of what is the largest volume of online retail businesses. The blending via platforms of informal employment and micro-entrepreneurship, on the one hand, and transnational value chains and national brand-name suppliers, on the other, is celebrated for helping relieve the post-2008 crisis of employment and consumption.

But the monopoly power of platforms and their growing importance characteristic of public and globalizing infrastructure, as noted by Vice Minister of Commerce, have amplified the tension between local and global expectations and between corporate and public interests (B. N. Wang, 2017). In light of the coarticulation between legal rules and informal culture, both of which are hard to change, the administrative authorities form a leading vector of change: In 2017, 80% of complaints made to SAIC were about e-commerce; in response, the bureau pressed toward constraining e-commerce platforms (She, 2017). In 2014, the SAIC placed some overseeing and reporting responsibility on third-party e-commerce companies. Likewise, the Ministry of Commerce put the archival administration of online transaction rules under its purview. Such oversight has been extended to flagship platforms, which in turn have enacted "notice and takedown" mechanisms. But loopholes exist widely for new platforms, small corporate vendors, and countless micro-entrepreneurs.

As a result, internal ambivalence accrued to the judicial system, especially in the language of consumer rights and even public interests. To date, the judiciary has been a venue mostly for IPR-related disputes, but broader concerns found a way into legislations—for example, the 2013 Law on Protection of Consumer Rights and Interests, when fraud and homicide began to occupy headlines with regard to the platform economy (Zhou, 2016). In this shifting context, the E-Commerce Law renewed negotiation over the construct of platform immunity, although in a piecemeal fashion.

Even though the drafting process of the E-Commerce Law—driven by government authorities, business entities, research institutions, and local legislators—had minimum participation of consumer rights groups (Zhu, 2016), it pays lip service with provisions to protect consumers, such as the proscription of products and services that would harm public health and property safety. And even though the law ultimately dropped the prescription that platforms actively oversee product and service information, the second draft lowered the knowledge level from "actually knew" to "knew or should have known," obliging platforms to take action in conditions that they "knew and should have known" infringement.

Still, rather than shift to a master plan centered on consumer rights or public interests, the new law bears out the power distribution between legislators, courts, platforms, e-traders, and users. One legislator confessed that the public is keen to enact the law, but companies that operate platforms are even more motivated to enact a law that is conducive to their corporate interests (Y. J. Wang, 2017). Internet companies weighed in during the drafting process, inducing the removal or vagueness of newly added rules that would have increased corporate responsibilities (Deng & Liu, 2017). Take Article 38, for example: It stipulates that if platforms knew, or should have known, about products that violate personal and property safety and did not take proper action, platforms have joint liability with e-traders. But the law does not specify conditions of "should have known." As for goods impinging on consumer health, the law stipulates that platforms have corresponding liability if they fail to verify the credential of e-traders or to take proper action. Notably, corresponding liability, which again gives leeway for judicial discretion, is a compromise reached after an agonistic public reaction to lawmakers' attempted replacement of joint liability with secondary liability at the behest of corporate lobbying.

After all, the elite-driven legislation process is concerned mostly with the long-term development of e-commerce, especially for enhancing platform trustworthiness and security so as to gain global legitimacy and reduce internal frictions. This has led to imposing negotiated duties over disjointed issue areas to reduce ruptures and discord in platforms, but without contesting the kernel of presuming platforms to be a facilitating intermediary unable to take up detective obligations. This law is likely to have wider implications as online platforms mediate a growing range of commodity, service, information, and communication.

Epilogue: Toward a Model of Fragmented Governance

By analyzing lawsuits against Alibaba, this article explores the evolving model of platform governance that expresses and constitutes the historical political economy of China's Internet at large. In particular, the article outlines the significance of platform immunity in legal cases and conceptualizes the construct as a common carrier of governance registering cross-scale, cross-unit, and cross-context concordance and discordance. Beyond the censorship imaginary that has conventionally defined China's Internet governance, the article ultimately reveals a model of fragmented governance: a model that encompasses many moving parts, legal and administrative, authoritarian and mercantile, and across disjointed issue areas from speech to digital trade, from copyright to trademark—a model that sustains platform immunity as a common carrier, keeps alive power struggles among collective interests, makes haphazard institutional tweaking, and repeats regulatory compromises.

Moving forward, we propose seeing platform governance as part and parcel of the so-called global domestic politics of platform societies, a power space and also a space of possibility that transcends the distinctions between international and national, regulatory and grassroots, and material and virtual spheres (Beck, 2005).

First, like online platforms in the United States and, to some extent, in Europe, China's platforms have inhabited in a parallel legal universe, although the parameter is distinctly defined for speech consideration. Unlike U.S. authorities that extended a system of blanket immunity to protect platforms

dealing with third-party speech and digital trade, the Chinese state chose to fragment the initially comprehensive system of platform liability to accommodate digital trade of content and goods. This rule of platform immunity is key to the triumph and dilemma of the online platform ecosystem. It amalgamates the Western influence of corporate libertarianism and an indigenous pro-Internet developmental rationality, and ultimately crystallizes through the dynamic terrain of legal discourses and judiciary practices.

Second, China's system of platform governance registers global pressures from the outside—and globalizing imperatives from the inside. Online platforms are the nexus between various categories of capital and the state charged with “enabling, leveling, and constraining” platforms for developmental and societal interests (Gasser & Schulz, 2015, p. 89). The shift of the state's approach toward platforms, from enabling to leveling and then to constraining, is motivated as much by the U.S.–China policy divide as by the preference of and for transnational corporate platforms. As e-commerce platforms lead the digitization and reglobalization of the Chinese economy following 2008, and as governance in local and national spheres becomes governance in the global sphere, a transnational elitist space for ideational reformation is generated.

Third, China's law, policy, and jurisprudence are the direct results of neither the U.S. hegemonic imposition from the international perspective, nor the state's unitary or unilateral design from top-down; instead, in the spirit of propelling the so-called innovative power of platforms, the fragmented model of governance is cast to accommodate the platform-based sphere where corporate logic can capture and subsume social relations, cultural practices, and economic inventions that seek to adapt to, and also derail, top-down control and rationality. As China's online platform economy has reached the critical threshold of seeking wider extraterritorial expansion and deeper downward societal incorporation at once, the platform-based sphere is likely to become a globally networked space of discordance, rendering governance inherently unstable and innovative going forward.

References

- Ananny, M., & Gillespie, T. (2018, September). *Public platforms: Beyond the cycle of shocks and exceptions*. Paper presented at the Internet, Policy & Politics Conference 2018, University of Oxford, Oxford, UK. Retrieved from <http://blogs.oii.ox.ac.uk/ipp-conference/sites/ipp/files/documents/anannyGillespie-publicPlatforms-oii-submittedSept8.pdf>
- Author unknown. (2018). *State developmentalism with a neo-liberal face: Building the e-commerce economy in Yiwu*. Manuscript submitted for publication, but not accepted.
- Beck, U. (2005). *Power in the global age: A new global political economy*. Cambridge, UK: Polity.
- Carlson, A. (2005). *Unifying China, integrating with the world: Securing Chinese sovereignty in the reform era*. Stanford, CA: Stanford University Press.

- Chander, A., & Le, U. P. (2014). The free speech foundations of cyberlaw. *SSRN Electronic Journal*.
<https://doi.org/10.2139/ssrn.2320124>
- Chenou, J. (2014). From cyber-libertarianism to neoliberalism: Internet exceptionalism, multi-stakeholderism, and the institutionalisation of Internet governance in the 1990s. *Globalizations*, 11(2), 205–223.
- Dai, X. Q. (2012, April 24). Dui woguo bifenggang guize de lifa wanshan [Legislation to improve the escape clause of China's network service providers]. *Legal Daily*. Retrieved from <http://news.ifeng.com/c/7fbzQWzEqIt>
- DeNardis, L. (2014). *The global war for Internet governance*. New Haven, CT: Yale University Press.
- Deng, J., & Liu, P. (2017). Consultative authoritarianism: The drafting of China's Internet Security Law and E-Commerce Law. *Journal of Contemporary China*, 26(107), 679–695.
- Dijk, J. van, Poell, T., & Waal, M. D. (2018). *The platform society*. New York, NY: Oxford University Press.
- Fang, X. D. (2016). Zhongguo hulianwang zhili moshi de yanjin yu chuangxing [On the evolution and innovation of the Chinese Internet governance model]. *Frontiers*, 6, 56–75.
- Ficsor, M. (2006). The WIPO "Internet treaties": The United States as the driver: The United States as the main source of obstruction—As seen by an anti-revolutionary central European. *The John Marshall Review of Intellectual Property Law*, 6, 17–39. Retrieved from <https://repository.jmls.edu/cgi/viewcontent.cgi?article=1113&context=ripl>
- Flew, T., & Waisbord, S. (2015). The ongoing significance of national media systems in the context of media globalization. *Media, Culture & Society*, 37(4), 620–636.
- Freedman, D. (2010). Media policy silences: The hidden face of communications decision making. *The International Journal of Press/Politics*, 15(3), 344–361.
- Friedmann, D. (2017). *Oscillating from safe harbor to liability: China's IP regulation and omniscient intermediaries*. Retrieved from <https://ssrn.com/abstract=2969807>
- Gago, V. (2017). *Neoliberalism from below: Popular pragmatics and baroque economies*. Durham, NC: Duke University Press.
- Gallagher, M., & Miller, B. (2017, February 21). Can the Chinese government really control the Internet? We found cracks in the Great Firewall. *The Washington Post*. Retrieved from <https://www.washingtonpost.com/news/monkey-cage/wp/2017/02/21/can-the-chinese-government-really-control-the-internet-we-found-cracks-in-the-great-firewall/>

- Gao, F. P. (2007, August 3). Neirong chanye miandui shuzihua langchao [The content industry facing the wave of digitization]. *China Intellectual Property News*, p. 5.
- Gasser, U., & Schulz, W. (2015). Governance of online intermediaries: Observations from a series of national case studies. *Korea University Law Review*, 18, 79–98.
- Goldsmith, J. L., & Wu, T. (2006). *Who controls the Internet? Illusions of a borderless world*. New York, NY: Oxford University Press.
- Han, D. (2014). How the copyright law was (not) made: Intellectual property and China's contested reintegration with global capitalism. *International Journal of Communication*, 8, 1516–1535.
- Harwit, E. (2017). WeChat: Social and political development of China's dominant messaging app. *Chinese Journal of Communication*, 10(3), 312–327.
- Helberger, N., Pierson, J., & Poell, T. (2018). Governing online platforms: From contested to cooperative responsibility. *The Information Society*, 34(1), 1–14.
- Huang, C. (2017). Recent development of the intellectual property rights system in China and challenges ahead. *Management and Organization Review*, 13(1), 39–48.
- Hughes, C. R. (2002). China and the globalization of ICTs: Implications for international relations. *New Media & Society*, 4(2), 205–224.
- Hong, Y. (2017a). *Networking China: The digital transformation of the Chinese economy*. Urbana, IL: University of Illinois Press.
- Hong, Y. (2017b). Pivot to Internet plus: Molding china's digital economy for economic restructuring? *International Journal of Communication*, 11, 1486–1506.
- Jia, L. R., & Winseck, D. (2018). The political economy of Chinese Internet companies: Financialization, concentration, and capitalization. *International Communication Gazette*, 80(1), 30–59.
- Jiang, M. (2010). Authoritarian informationalism: China's approach to Internet sovereignty. *SAIS Review of International Affairs*, 30(2), 71–89.
- Jiang, Q. P. (2008). Jidang de shinian: Zhongguo hulianwang shinian fazhan baogao [The aggressive decade: The ten years report of the Internet development in China]. *China Internet Week*, (20), 28–38.
- King, G., Pan, J., & Roberts, M. E. (2013). How censorship in China allows government criticism but silences collective expression. *American Political Science Review*, 107(2), 326–343.

- Kraemer, K. L., Melville, N. P., Zhu, K., & Dedrick, J. (2006). *Global e-commerce: Impacts of national environment and policy*. Cambridge, UK: Cambridge University Press.
- Lin, F. (2017). Digital intellectual property protection in China: Trends and damages in litigation involving the big five websites (2003–2013). *Asia Pacific Law Review*, 25(2), 149–169.
- Liu, R. (2010, December 17). Baidu wenku shangchuan ziyou shu zhongnu [The free upload of Baidu library has been arousing the anger of public]. *China Intellectual Property News*, p. 2.
- Loisen, J. (2012). Prospects and pitfalls of Douglass North's new institutional economics approach for global media policy research. In M. Puppis & N. Just (Eds.), *Trends in communication policy research: New theories, methods and subjects* (pp. 33–35). Bristol, UK: Intellect.
- Ma, Y. X. (2006, July 17). Sousuo yinqing qiye jiang bifenggang biancheng jiasuqi [Search engine companies will accelerate fast]. *China Business Journal*, p. C09.
- MacKinnon, R., Hickok, E., Bar, A., & Lim, H. I. (2014). *Fostering freedom online: The role of Internet intermediaries*. Paris, France: UNESCO Publishing.
- May, C. (2008). Intellectual property rights, capacity building, and "informational development" in developing countries. In W. Drake & E. Wilson (Eds.), *Governing global electronic networks: International perspectives on policy and power* (pp. 401–426). Cambridge, MA: MIT Press.
- McEvedy, V. (2002). The DMCA and the E-Commerce Directive. *European Intellectual Property Review*, 24(2), 65–73.
- Mertha, A. (2005). *The politics of piracy: Intellectual property in contemporary China*. Ithaca, NY: Cornell University Press.
- Miao, W. S., Jiang, M., & Pang, Y. (2016). *Regulating the Internet in China: Tracing the Trajectory of Chinese Internet policies (1994–2015)*. Unpublished manuscript.
- Mueller, M. L., & Tan, Z. (1997). *China in the information age: Telecommunications and the dilemmas of reform*. Westport, CT: Praeger.
- Negro, G. (2017). *The Internet in China: From infrastructure to a nascent civil society*. Cham, Switzerland: Springer International.
- Ni, N., & Wang, M. (2004). Ganwei ren xian: Fang zhongguo hulianwang zhifu Liu Yunjie [The pioneer: An interview of China's Internet father Liu Yunjie]. *China Internet*, 4, 5–8.

- Pellicci, L. J., Jr. (2012). China and the anti-counterfeiting trade agreement—ACTA faith, or ACT futility? An exposition of intellectual property enforcement in the age of Shanzhai. *Penn State Journal of Law & International Affairs*, 1(1), 121–156.
- Peng, M. W., Ahlstrom, D., Carraher, S. M., & Shi, W. (2017). An institution-based view of global IPR history. *Journal of International Business Studies*, 48(7), 893–907.
- Plantin, J., Lagoze, C., Edwards, P. N., & Sandvig, C. (2018). Infrastructure studies meet platform studies in the age of Google and Facebook. *New Media & Society*, 20(1), 293–310.
- Qiao, D. X. (1993). A survey of intellectual property issues in China–U.S. trade negotiations under the special 301 provisions. *Pacific Rim Law & Policy Journal* 2(2), 206–288.
- Rimmer, D. (2001). Back from the future: A proleptic review of the Digital Millennium Copyright Act. *Berkeley Technology Law Journal*, 16(4), 855–876.
- Rosen, D. (1999). Hype versus hope for e-commerce in China. *China Business Review*, 26(4), 38–41.
- Schickler, E. (2001). *Disjointed pluralism: Institutional innovation and the development of the U.S. Congress*. Princeton, NJ: Princeton University Press.
- Senate Committee on Commerce, Science, and Transportation. (2006). *Impacts of Piracy and Counterfeiting of American Goods and Intellectual Property in China: Hearing Before the Subcommittee on Trade, Tourism, and Economic Development of the Committee on Commerce, Science, and Transportation, United States Senate, One Hundred Ninth Congress, Second Session, March 8, 2006* (Vol. 109, No. 1105). Washington, DC: U.S. Government Printing Office.
- Sewell, W. H. (2008). The temporalities of capitalism. *Socio-Economic Review*, 6(3), 517–537.
- She, Y. (2017, December 25). Dianzi shangwu fa lifa tisu shangjia buneng suiyi kanda shan chaping [“E-commerce Law” legislation speeds up, businesses cannot cut the list arbitrarily]. *Economic Daily*. Retrieved from http://www.localaw.gov.cn/dffw/Desktop.aspx?PATH=dfw/sy/xxll&Gid=2b59d8e1-d6b7-4382-8256-1e6519299df5&Tid=Cms_Info
- Sun, J. (2006, July 5). Sousuo yinqing jingxi qinquan guansi zhiyu bifenggang [Search engine companies are pleasantly surprised that infringement lawsuit ends in exemption regulations]. *China Business News*, p. C04.
- Suzor, N., Geelen, T. V., & West, S. M. (2018). Evaluating the legitimacy of platform governance: A review of research and a shared research agenda. *International Communication Gazette*, 80(4), 385–400.

- Tang, M. (2017). *Tencent as a nexus: The political economy of China's Internet industry* (Unpublished doctoral dissertation). University of Illinois at Urbana-Champaign, IL.
- Thompson, D. (1980). Moral responsibility of public officials: The problem of many hands. *American Political Science Review*, 74(4), 905–916.
- Wang, B. N. (2017, June 29). Guoneiwai dianzi shangwu de xianzhuang he fazhan [The present situation and development of domestic and foreign electronic commerce]. Retrieved from http://www.npc.gov.cn/npc/xinwen/2017-06/29/content_2024895.htm
- Wang, H. C. (2009, May 5). Bifenggang bushi yongyuan de shangfang baojian [The escape clause won't always be privileged]. *China Art*, p. 2.
- Wang, J. L. (2011, August 19). Bifenggang bushi wangluo qinquan mianze dangjianpai [The escape clause cannot be excuse for network infringement]. *China Intellectual Property News*. Retrieved from <http://www.chinawriter.com.cn/zjqy/2011/2011-08-31/101937.html>
- Wang, M. Y., & Hu, Y. (2016). Zhongguo hulianwang zhili de lishi yanbian [The history evolution of Internet governance in China]. *Modern Communication*, 4, 127–133.
- Wang, W. Y., & Lobato, R. (2019). Chinese video streaming services in the context of global platform studies. *Chinese Journal of Communication*, 1–16. <https://doi.org/10.1080/17544750.2019.1584119>
- Wang, Y. J. (2017, January 11). Dianzi shangwu fa jixu mingque ruogan wenti [Issues for clarification on E-Commerce lawmaking]. *China Youth Daily*. Retrieved from http://www.locallaw.gov.cn/df/fw/Desktop.aspx?PATH=df/fw/sy/xxll&Gid=83094c0f-1d74-47e0-b01c-4a8223362e5f&Tid=Cms_Info
- Wu, X. (2011, July 29). Bifenggang yuanze jixu tiaozheng [The escape clause needs to be adjusted]. *China Culture Daily*, p. 2.
- Xiao, M. P. (2005, March 17). Mei cheng jinnian yanda zhongguo wangluo qinquan [The United States has continued to focus on China's export violations this year and has stepped up its fight against Chinese Internet infringements]. *Minying Jingji News*, p. 1.
- Yan, W. F. (2003, August 5). Hulianwang shang zhishi chanquan ruhe baohu [How to protect intellectual property on the Internet]. *China Intellectual Property News*, p. 2.
- Yang, L. (2004). Jianzheng zhongguo hulianwang: Fang zhongguo yu hulianwang de xingzheng yu jishu lianluoyuan Qian Hualin [Witness the Chinese Internet: An interview of Qian Hualin, an administrative and technical liaison on Internet]. *China Internet*, (2), 5–8.

- Yi, Q. (2004). Niepan zhong chongsheng de hulianwang chanye [Nirvana's rebirth of the Internet industry]. *China Internet*, (8), 3–5.
- You, W., & Ren, M. Y. (2008, December 3). Wei wangluo zhuzuoquan yinanzazheng xunzhao liangfang [Find a cure for the Internet copyright dilemma]. *China Intellectual Property News*, p. 2.
- Yu, H. (2017). Beyond e-commerce: The social case of China's digital economy. *China Perspectives*, (4), 3–8.
- Zhang, X. M. (2002, January 9). Wangluo banquan huhuan falv [Internet copyright calls for legal protection]. *China Intellectual Property News*, p. 3.
- Zhao, H. S. (2007, December 7). Xujia shouquan dasi qinfan zhuzuo quanli renquan quanyi ["False authorization" is infringing the rights of copyright holders]. *China Intellectual Property News*, p. 2.
- Zhao, Y. (2008). *Communication in China: Political economy, power, and conflict*. Lanham, MD: Rowman & Littlefield.
- Zhejiang Provincial People's Congress. (2017, December 27). Zhejiangsheng dianzi shangwu tiaoli caoan gongkai zhengqiu yijian [Provincial E-Commerce Regulation (Draft)]. Retrieved from http://www.locallaw.gov.cn/dflfw/Desktop.aspx?PATH=dfllw/sy/xxll&Gid=1082870b-7a70-4869-b395-979d5e2a8ee3&Tid=Cms_Info
- Zhejiang Provincial Revolutionary Committee of Kuomintang. (2019, March 15). Wu Jing: Zhili nongcun jiahua xu jiada dui shejiao dianshang tuangou dianshang jianguan [Wu Jing: Governing rural fakes needs to increase supervision of social e-commerce and group-buying e-commerce]. Retrieved from <http://www.mingge.gov.cn/n1/2019/0315/c415694-30978124.html>
- Zheng, C. S. (2002, January 18). Jiantao woguo xinxi wangluo anquan lifa [A review on China's information network security legislation]. *China Intellectual Property News*, p. 5.
- Zhou, H. H. (2016). Lun hulianwang fa [On Internet law]. *China Legal Science*, 3, 20–27.
- Zhu, N. N. (2016, March 16). Dianzi shangwu fa dui kongbai lingyu jiayi mingque [E-commerce law needs to be clear about blank areas]. *Legal Daily*, p. 1.