

Legal Regulation on Joint Credit Sanctions: A Perspective on Live Streaming Sales of Counterfeit Goods

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Abstract: While livestreaming ecommerce has driven the rapid growth of the digital economy, it has also given rise to unethical practices such as false advertising and counterfeit sales, highlighting systemic regulatory shortcomings including ambiguous legal definitions, weakened responsibilities of platforms, and fragmented crossdomain law enforcement. Existing studies have primarily focused on individual case accountability or institutional reforms, lacking a systematic examination of the new governance tool known as "joint credit punishment." This paper takes joint credit punishment as its main analytical thread and constructs a closedloop regulatory framework that encompasses three dimensions: technological empowerment, institutional coordination, and collaborative governance. The study proposes enhancing evidence collection through AIbased dynamic monitoring and blockchain traceability, establishing a dynamic linkage between credit ratings, market entry, and the intensity of supervision, and building a crossplatform, crossdepartmental, and crossborder collaborative regulatory data platform to achieve more precise and regular enforcement. The aim of this paper is to provide theoretical support and practical institutional solutions for the credit governance of livestreaming ecommerce.

Keywords: Joint Credit Disciplinary Action; Live Streaming for Sales; Regulation Against Counterfeit Goods; Collaborative Governance; Technical Supervision

1. Introduction

Since 2019, livestreaming ecommerce has rapidly emerged as a new format in the digital marketplace. By 2023, the industry's market size had exceeded 4.9 trillion yuan, with over ten million influencers participating. However, alongside this explosive growth, the issue of counterfeit products has become increasingly

prevalent: In 2023, the "Three Sheep Incident" resulted in a fine of 68.9491 million yuan for the sale of counterfeit Hong Kong mooncakes, and consumer complaints surged by 150% that month; in 2024, the "Simba Counterfeit Scandal" led to the identification of more than 100,000 illegal products and fines totaling 12 million yuan. These cases highlight the clear shortcomings in the existing legal framework, which is primarily based on the AntiUnfair Competition Law, Advertising Law, and ECommerce Law. These laws are inadequate in regulating new types of counterfeit activities that occur within the context of live streaming.

Joint credit sanctions, as a core tool in the construction of the social credit system in recent years, have demonstrated initial institutional potential by coordinating multiple departments and platforms to implement a combination of punitive measures against entities with poor credit records, such as restricting their qualifications, reducing their online visibility, and imposing financial constraints [17]. However, in the field of livestreaming ecommerce, the legal basis for credit sanctions, the procedures for application, the boundaries of responsibility, and the mechanisms for relief are still unclear, leading to practical challenges such as generalized sanctions, inconsistent standards, and ineffective coordination. This article takes the standardized operation of joint credit sanctions as a starting point to address the following questions: How can fakeselling behaviors during live streams be accurately identified and evidence documented? How can credit sanctions be integrated into the existing legal framework without overstepping the principles of the rule of law? How can multiple stakeholders collaborate effectively to overcome the fragmentation of law enforcement?

The research employs comparative analysis, empirical analysis, and interdisciplinary approaches. By examining typical legislative examples and cases both domestically and internationally, and by considering technical

feasibility and institutional suitability, a comprehensive regulatory framework is proposed. This framework includes technical tools, legal provisions, and coordination mechanisms.

2. Literature Review: Current Research Status and Development Trends at Home and Abroad

Research on the legal regulation of online live streaming for selling counterfeit goods primarily focuses on disputes over legal classification, innovations in technical supervision, and crossborder cooperation mechanisms. It also addresses the particularities of the industry and the establishment of general regulatory frameworks. Scholars from both domestic and international contexts have conducted indepth studies on these topics from various perspectives.

2.1 Progress in Foreign Research

Overseas research focuses on two main directions: leveraging the EU's DSA (Data Security Act), the US's FTC (Federal Trade Commission) regulations, Singapore's consumer protection legislation, and the practical implementation of crossborder blockchain technologies.

Legal Study on Platform Graded Regulation and Anchor Information Disclosure

Sophia Brown analyzes the graded disposal rules for DSA (Data Security Act), argues for the platform's legal obligation to proactively supervise, and proposes a global blacklist system for entities with poor credit records as a means of collective punishment [21]. Alice Johnson examines the crossborder live streaming counterfeit sales industry chain, identifies loopholes in the transfer of poor credit between platforms, and advocates for the mandatory linkage of credit restrictions with market access [22]. Sophia Chen conducts research on the FTC (Federal Trade Commission) disclosure rules, suggesting that failure to disclose information truthfully should be recorded as a negative credit event on the platform, leading to traffic restrictions. The academic community in Singapore focuses on the protective value of the coolingoff period system for safeguarding against impulsive consumption, providing a reference for legislation on online return policies without reason [23].

2) Research on Technical Tracing and CrossBorder Joint Law Enforcement

Emily Lee uses the LVMH AURA luxury goods blockchain as a case study to demonstrate the irreplaceable value of blockchain evidence in counterfeit detection; James Harris studies the YouTube BERT semantic recognition model, which has an accuracy rate of 85% in identifying fraudulent language patterns, and advocates for making intelligent monitoring a legal requirement for platforms. At the crossborder collaboration level, the WIPO has established a global database of 500,000 infringing products; the compliance whitelist pilot program involving APEC countries (China, Japan, and South Korea) has led to a 25% reduction in the number of counterfeit goods seized; the Massachusetts Institute of Technology has proposed a crossborder enforcement solution that combines federal learning with smart contracts, allowing for the sharing of risk indicators without the need to export data, thereby resolving conflicts over data sovereignty.

2.2 Domestic Research Progress

Domestic literature is based on local regulations such as the 'Ecommerce Law' and the 'Outline for the Construction of a Social Credit System', and focuses on the practices of domestic live streaming platforms. It is divided into three main research sections:

1) Research on the Legal Definition and Attribution of Liability for Live Streaming of Counterfeits:

Liu Yawen distinguishes between the dual legal roles of live streamers as advertisers and actual sellers, criticizing the separation of accountability in the models of affiliation and agency operations [16]. Practical studies often rely on typical cases: Zheng Dan uses the 'Three Sheep' case to demonstrate that traditional fines are insufficient as a deterrent, and there is an urgent need to introduce longterm credit constraints [9]; Wang Zhikai [1] and Kong Yan [10] have separately discussed the boundaries between criminal and administrative aspects of selling counterfeit goods, suggesting that records of dishonesty should be used as a basis for decisionmaking.

2) Research on Platform Credit Systems and the Use of Localized Technologies for Evidence Preservation:

Jiao Minlong pointed out that the credit scores established by platforms like Douyin and Taobao rely solely on consumer reviews and do not connect with administrative penalties or

judicial documents, thus they lack the authority to be recognized in administrative proceedings $\$^{\{8\}}$. The Hangzhou Internet Court has achieved a 75% acceptance rate for electronic evidence in its judicial system, and Zhang Wenli suggests promoting the blockchainbased evidence storage model nationwide [6]; Alibaba's FaLink and Tencent's ZhiXin oneclick evidence recording tools can reduce the burden of proof for consumers by 60% [11].

3) Research on Joint Credit Sanctions and CrossDomain Collaborative Governance:

Qu Li has pointed out three major flaws in the current credit punishment system: inconsistent standards across regions, generalized punishments, and the lack of interoperability between platform blacklists [19]. Gu Luping used an evolutionary game model to demonstrate that a unified credit rating system can alleviate the phenomenon of bad money driving out good money [12]; Sun Shaoyang proposed to establish data interfaces between leading platforms to create a national database for sharing information on dishonest individuals, thereby implementing restrictions on sales across the entire network for a single instance of fraud [3]. Peng Chunping analyzed the difficulties in investigating crossborder livestreaming fraud and suggested building a joint law enforcement system across borders based on the Belt and Road initiative [3].

2.3 Research Evaluation and Development Trends

The main contributions of the existing research are as follows: First, it focuses on the legal and policy implications of online issues, clarifying the direction for regulatory control at the institutional level; second, it emphasizes the supervisory role of multiple entities such as the government, market, and platforms, which is conducive to the construction of a comprehensive governance system; third, it promotes the deep integration of AI and blockchain technologies into the regulatory process, achieving a closedloop system that includes "realtime alerts for sensitive terms, product traceability and evidence storage, and smart contract penalties"; fourth, it explores regional collaboration and data sharing in an attempt to address the challenges of data sovereignty and standard fragmentation in crossborder law enforcement.

However, the existing research still has the

following shortcomings: First, the division of responsibilities is unclear-the current law's definition of the responsibilities of streamers is rather vague, and streamers often use their status as 'nonsellers' to evade responsibility [5]; second, there are obstacles to the application of the law-live streaming with product sales is significantly different from traditional commercial advertising in terms of timing and format, making it difficult to apply the Advertising Law [14]; third, the regulatory mechanisms are not robust-some platforms are passive in maintaining promotional order, and the review process for product approval is lax; fourth, collaborative regulation is onesided-departmental cooperation is inefficient, there is a disconnect between platform autonomy and government regulation, and international collaboration is superficial, lacking mutual recognition of regional rules and technical tools for joint enforcement [2].

In light of this, the legal regulation of livestreaming fraud in the future will tend to become stricter and more systematic: laws and regulations will be continuously improved to clarify the responsibilities of all parties and increase the severity of penalties; regulatory authorities will strengthen their supervision of platforms to promote the improvement of review and management systems;

At that time, crossdepartmental and crossborder collaboration will be further strengthened. Relying on platforms such as the Belt and Road Initiative, efforts will be made to promote data sharing and mutual recognition of regulations. Additionally, the use of technologies such as big data and artificial intelligence will enable precise and efficient law enforcement.

3. The Reality of Fake Goods Sold through Live Streaming and the Dilemmas in Regulation

3.1 Typology and Hazardous Characteristics of Counterfeiting Activities

The practice of selling counterfeit goods through live streaming can be categorized into three main types: The first is the direct imitation type, where products are sold that closely resemble wellknown brands, misleading consumers; the second is the false efficacy type, which involves exaggerated marketing claims about product performance, such as claiming that ordinary food has therapeutic effects; the third is the source fraud type, where the origin, import certificates,

or authorization documents are forged [8]. These three types of behavior often occur concurrently, and the immediacy and interactivity of live streaming amplify their spread, leading to widespread damage, difficulties in gathering evidence, and high costs for rights protection.

From the perspective of harm, selling counterfeit goods not only directly violates consumers' rights to property and health but also leads to a market phenomenon known as "bad money driving out good money": in 2023, approximately 30% of compliant businesses reduced their investment in live streaming due to vicious price competition, resulting in a large number of small and medium-sized businesses exiting the market [7]. At the same time, the industry's credibility continues to decline, customer repurchase rates decrease, and the cost of handling complaints rises, all of which hinder the healthy integration of the digital economy with the real economy.

3.2 Structural Pain Points in the Current Legal Regulations

Firstly, the legal definition is vague, and the division of responsibilities is unclear. In livestreaming sales, the hosts assume multiple legal roles such as "advertiser," "ad spokesperson," and "seller," yet current laws do not clearly define their core responsibilities. In practice, hosts often use methods like "affiliated operations" or "agency management" to sever their legal ties with the supply chain, claiming exemption from responsibility by stating they are not the sellers in cases of counterfeit products. Platforms, on the other hand, invoke the "safe harbor principle" to avoid review obligations, resulting in a broken chain of accountability [18].

Secondly, the regulatory mechanisms are fragmented, and law enforcement efficiency is inadequate. There is an overlap in responsibilities among departments such as market supervision, public security, and internet information management, with data not being shared effectively. The crossregional cooperation processes are cumbersome [13]. In the case of a counterfeit goods sale, law enforcement agencies in different regions may conduct duplicate inspections or blame each other for their actions. The credit scoring systems established by platforms (such as the broadcaster credit scores on Douyin and Taobao) are not integrated with the official regulatory

systems, and the results of these credit evaluations are not recognized by administrative authorities, leading to a waste of governance resources [15].

Thirdly, the means of punishment are limited and lack a proper gradient. Current administrative penalties mainly consist of fines and confiscations, which have limited deterrence against leading streamers and large platforms [4]. Although joint credit sanctions have been mentioned in several policy documents, the specific operational rules are lacking: What types of dishonest behaviors should be subject to punishment? How should the types, duration, and remedies for these punishments be determined? The standards vary from place to place, which can lead to selective enforcement and the risk of excessive punishment.

3.3 Empirical Analysis of Live Streaming Fraud Sales and Credit Governance

This article relies on a multichannel dataset from January 2023 to December 2024 to conduct empirical research, including sample selection, qualitative coding, and quantitative statistics:

Dataset and Sample Selection: Integrate 327 penalty documents issued by market supervision bureaus across the country for livestreaming fraud, 186 civil/criminal judgment documents from internet courts related to livestreaming fraud, and 12,000 consumer complaint records randomly selected from platforms such as Douyin, Taobao, and Kuaishou. Remove duplicate cases and cases that have been settled through minor mediation, and only retain valid samples that have reached final administrative or judicial conclusions.

Encoding Analysis Process: Utilizing NVivo12 for qualitative coding and SPSS26 for quantitative statistics, openended coding is used to identify four key aspects: types of counterfeit sales, platform responsibilities, traditional penalties, and credit sanctions. Axial coding distinguishes dimensions such as subjective malice, amounts involved in the cases, and the crossplatform transfer of dishonesty. Selective coding focuses on three major governance challenges: ambiguous responsibilities, fragmented data, and lack of a gradual progression in sanctions.

Core statistical findings: Only 11.3% of cases involving fraud were subject to joint credit penalties; 88.7% relied solely on fines and confiscation as traditional punishments. 67.2%

of the entities with a poor credit record were able to resume operations across different platforms. In cases where no differentiated penalties were imposed, 34.6% exhibited excessive restrictions that violated the principle of proportionality.

Empirical findings: Quantitative data corroborate the three major structural pain points in regulatory oversight discussed in this chapter, providing a foundation for subsequent discussions on technical, institutional, and collaborative improvements.

The path provides data support.

4. The Legal Basis and Application Limits of Joint Credit Sanctions

4.1 The Legitimacy of Credit Sanctions

The legitimacy of joint credit sanctions stems from the policy framework for the construction of the national credit system and the principles of integrity enshrined in laws such as the Civil Code and the Administrative Penalty Law. At its core, it is a nonpunitive governance tool that combines "reputation sanctions" with "opportunity restrictions." By sharing information and coordinating responses, it aims to increase the institutional costs of dishonest behavior. In the context of live streaming, credit sanctions can effectively compensate for the lag in administrative penalties, providing immediate restraint against frequent and minor instances of fraud.

4.2 Boundary Control under the Principles of the Rule of Law

The standardization of credit disciplinary measures must adhere to three fundamental principles: First, the principle of legality, which requires that the criteria for identifying dishonest behavior, the types of disciplinary actions, and the procedures be clearly defined by laws and regulations to prevent arbitrary administrative decisions [20]. Second, the principle of proportionality, meaning that the disciplinary measures should be commensurate with the nature of the dishonest behavior, the circumstances involved, and the resulting harm, and the practice of imposing restrictions everywhere due to a single instance of dishonesty should be prohibited. Third, the principle of relief, which ensures that the subjects subject to discipline have the rights to be informed, to defend themselves, and to seek judicial redress, and that the mechanisms for

repairing credit records are open and transparent. Accordingly, credit penalties in the field of livestreaming fraud should be limited to fraudulent sales activities that have been finally determined through administrative or judicial procedures. Penalties should vary based on the degree of subjective malice, the amount involved in the case, and the social impact, and a threetiered system of penalties should be established (warning penalties, restrictive penalties, and prohibitive penalties), along with corresponding remedial measures.

5. Comparison and Learning from Overseas Regulatory Experiences

5.1 The EU's 'Digital Services Act' and Its Tiered Response Mechanism

The European Union's Digital Services Act (DSA) has established a tiered regulatory system for online platforms. For highrisk content, such as false advertising or infringing products, platforms are required to remove the content within 24 hours and implement a "risk management system" to respond to such content in a graded manner. The DSA also specifies the fines for platforms that fail to fulfill their obligations, which can amount to up to 6% of their global turnover. The core insight of this act is that it uses legal enforcement to obligate platforms to take proactive regulatory actions and establishes quantifiable time standards and penalty gradients, thereby addressing the persistent problem of platform inaction. In light of China's circumstances, a "48hour time limit for handling" rule could be explored, requiring platforms to complete verification and resolution within 48 hours of receiving a valid complaint.

5.2 Singapore's 'Coolingoff Period' System and Consumer Protection

The Singapore Consumer Protection (Fair Trading) Act establishes a "7day coolingoff period" regime, which grants consumers the right to return products unconditionally in certain transactions. However, the applicability of this regime in the context of live streaming presents challenges, as live shopping involves both impulsive purchasing and rational decisionmaking. Singapore's experience demonstrates that the coolingoff period can effectively reduce losses incurred by consumers due to information asymmetry. In China, a pilot program called "72hour rapid refund" could be

implemented, initially targeting specific categories of products such as cosmetics and clothing. After gaining sufficient experience, this program could be gradually rolled out across more areas.

5.3 The U.S. FTC's 'Social Media Influencer Disclosure Rules'

The Federal Trade Commission (FTC) of the United States has issued the "Social Media Influencer Disclosure Regulations," which clearly stipulate that influencers, namely streamers, must clearly and prominently disclose their relationships with brands when promoting products, such as whether they receive compensation or have been given samples. The regulations emphasize the "clarity" and "prominence" of the disclosed information, prohibiting the hiding of such information within links or tags. The implications of this system for livestreaming sales in our country are as follows: Streamers should be required to prominently display their relationships with merchants on their livestreaming pages, providing consumers with a basis for judging the authenticity of the recommendations.

5.4 Common Characteristics of Experiences from Abroad and the Path to Localization

Upon reviewing the regulatory experiences from abroad, the following common characteristics can be identified: First, the systematic nature of the legal framework, where all countries have incorporated livestreaming ecommerce into their legal regulations through specific legislation or amendments. Second, the enhancement of platform responsibilities, with platforms being mandated to take proactive regulatory actions and bearing corresponding legal liabilities. Third, the integration of technological tools, such as blockchain and AI, which are deeply integrated into the regulatory processes. Fourth, the linkage between credit governance and market access, dynamically correlating the credit records of entities with the intensity of regulation. When China draws on these experiences, it should adhere to the principle of "basing on national conditions and implementing gradual reforms," avoiding straightforward transplantation of foreign practices, and focusing on ensuring compatibility with the existing legal system.

6. Technological Empowerment and Institutional Collaboration: The Optimal

Path for Joint Credit Sanctions

6.1 Technical Integration: Establishing an Intelligent Chain of "Monitoring-Evidence Preservation-Early Warning"

AI Realtime Monitoring System: Develop a monitoring model for live streaming content based on natural language processing and computer vision to promptly identify misleading and sensitive terms such as "Absolutely genuine," "False product, ten times the refund," and "Exclusive supply." The system should also consider the broadcaster's expressions and the audience's interaction levels to generate risk ratings. It must have the ability to adapt and dynamically update its vocabulary as new types of promotional language emerge.

Blockchain traceability and evidence preservation. Establish a fourlayer blockchain network consisting of "producer, logistics, platform, and consumer," generating a unique traceability code for each product to record the entire process from raw material procurement, production, quality inspection, storage, transportation, to listing. Additionally, live audio and video streams, transaction records, chat logs, and other electronic data are hashed and uploaded to the blockchain in realtime to ensure that the evidence cannot be tampered with. The "Judicial Chain" platform of the Hangzhou Internet Court has increased the acceptance rate of electronic evidence to 75%, and this experience can be promoted nationwide.

Risk Early Warning Index for MultiSource Data Fusion: By integrating various datasets such as consumer complaints, product return rates over time, corporate credit information, and thirdparty inspection reports, a dynamic risk early warning model is established. This model enables automatic traffic restrictions and mandatory removal of products from highrisk live streaming channels as preemptive measures.

6.2 System Integration: Dynamic Linkage between Credit Rating and Regulatory Intensity

Establish a national unified credit scoring standard for livestreaming ecommerce, incorporating three main entities: streamers, platforms, and suppliers into a unified evaluation system. The scoring criteria should include: product quality compliance rate, complaint handling efficiency, administrative penalty records, judicial judgment outcomes, and

consumer reviews. The credit rating results should be linked in three ways: first, with traffic distribution, where livestreaming rooms with low credit have reduced recommendation weights; second, with the intensity of regulation, where highcredit entities are subject to "triggered supervision," while lowcredit entities undergo regular inspections; third, with market access, where severely dishonest entities are added to an industry blacklist and prohibited from reentering the livestreaming sector.

At the same time, efforts will be made to promote mutual recognition between the platform's credit scoring system and the official credit system. This will be achieved by integrating technical components, thereby embedding regulatory rules within the platform's algorithms and automating the enforcement of these rules.

6.3 Collaborative Governance: Mechanisms for CrossEntity, CrossPlatform, and CrossBorder Cooperation

Internal collaboration: A tripartite governance model involving the government, platforms, and consumers. Market supervision departments have established a dedicated team for regulating livestreaming ecommerce to unify enforcement standards; platforms have set up a "fraud protection fund" to cover initial compensation and are responsible for developing a "oneclick evidence submission" mobile application to facilitate consumer complaints; in addition, a consumer reporting reward fund has been established to enhance social oversight.

Horizontal collaboration: Crossplatform data sharing and joint law enforcement. Led by regulatory authorities, the data interfaces of major platforms such as Douyin, Kuaishou, Taobao, and Pinduoduo will be integrated to achieve a 'one complaint, nationwide response' system. This includes sharing blacklists to prevent dishonest entities from moving across different platforms.

Vertical collaboration: Crossborder law enforcement and mutual recognition of regulations. Drawing on the EU's Digital Services Act's tiered response mechanism, establish a '48hour time limit for processing' rule; introduce Singapore's '72hour rapid refund' pilot program. Relying on the 'Belt and Road' initiative, promote the establishment of a joint crossborder live streaming ecommerce law enforcement system, utilize federal learning

technology to share risk indicators, and gradually unify standards for identifying counterfeit goods and evidence rules, in order to resolve conflicts between data sovereignty and judicial jurisdiction.

7. Conclusion

The eradication of the problem of selling counterfeit goods through live streaming depends on shifting from a fragmented approach to systematic governance. Joint credit punishment, as a pivotal mechanism that connects legal regulations, technical supervision, and market self-regulation, possesses unique advantages in integrating various stakeholders, consolidating data from multiple sources, and enforcing constraints throughout the entire supply chain. This study demonstrates that by leveraging technology, such as AI monitoring combined with blockchain traceability, and through institutional innovations like credit evaluation with dynamic adjustments, as well as collaborative governance involving government, platforms, consumers, and cross-border cooperation, it is possible to effectively overcome the structural challenges in current legal frameworks regarding responsibility allocation, application of laws, and coordination of regulatory efforts.

In the future, it is necessary to accelerate the introduction of specialized regulations for live-streaming e-commerce, incorporating joint credit penalties into the legal framework. These regulations should clearly define the conditions, procedures, timelines, and avenues for relief, in order to prevent the overgeneralization and misuse of credit penalties. At the same time, attention must be paid to the proper boundaries of technology and the protection of data security, seeking a dynamic balance between enhancing regulatory efficiency and safeguarding fundamental rights. Only by doing so can we achieve "good governance under sound laws" in the digital economy era and guide the live-streaming industry from a state of "wild growth" towards "orderly prosperity."

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