

Research on Anti-monopoly Regulations of Internet Platforms in China and Comments on the "Anti-Monopoly Guidelines on the Platform Economy Field"

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ABSTRACT

Alibaba was subject to administrative penalties for implementing the "either-or" monopoly. The anti-monopoly regulation of the Internet platform once again attracted people's attention and heated discussions. To understand the anti-monopoly regulatory goals of the Internet platform, it is necessary to comprehensively consider the development stage of the industry, the intensity of competition, the significance of macro-legislation, and policy orientation, and build a heavy-duty regulatory model for the purpose of promoting development. However, the dynamic innovation of Internet platforms, professional algorithmic technical behaviors, and the incalculable consequences of monopolistic behaviors have created a huge challenge to the regulation of anti-monopoly laws. Although the "Anti-Monopoly Guidelines on the Platform Economy Field" issued an effective response, there are still problems such as weak legal binding, confusion in platform positioning, large discretionary power for the application of provisions, and loopholes in the regulation of concentration of operators, which need to be further improved and implemented. The "Anti-Monopoly Law" and the "Guide" and relevant laws and regulations should be successfully undertaken and coordinated, the legislative structure should be improved, and the relevant market definition methods centered on identifying the scope of competition should be enriched. Internet platforms, third-party entities, and regulatory agencies should work together to strengthen pre-regulation, pay attention to post-regulation, and build a legal approach for Internet platform anti-monopoly regulations.

Keywords: Platform economy, Internet platform, Anti-monopoly regulations.

1. INTRODUCTION

The new round of scientific and technological revolution and industrial transformation has profoundly changed technological means and production methods. In May 2020, the National Development and Reform Commission proposed eight measures to vigorously support the development of the digital economy, and encourage the traditional real economy to use information technology and Internet platforms to achieve deep

integration with the Internet and realize digital transformation. As of 2020, the scale of China's digital economy has reached 31.3 trillion yuan, ranking among the top in the world. Digital consumption, digital trade, and digital investment have driven 34.8% of GDP.¹ The outbreak of the COVID-19 pandemic has accelerated the development of the digital economy. The era of the digital economy has indeed arrived. The platform economy based on the Internet has become an important engine for high-quality economic

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1. The data comes from the 45th "Statistical Report on China's Internet Development Status" released by China Internet Network Information Center (CNNIC) on April 28, 2020.

development. Opportunities and challenges often accompany each other. Due to the differences between Internet platforms and traditional industries in terms of dynamic innovation, algorithmic behavior and profit models, new types of monopolies have emerged in bilateral or multilateral markets, phenomena such as forcing merchants or consumers to make "either-or" decisions, big data cheating the familiar, cutting-edge mergers and acquisitions, unreasonable "price subsidies", most-favored-nation treatment, information leakage, and data abuse, are becoming more serious. They erode the reasonable order of the market, infringe on the legitimate rights and interests of consumers and the public interests of the society. They have brought huge tests and challenges to the original anti-monopoly regulations and regulations, and have also attracted great attention from relevant legislatures, law enforcement agencies, and judicial agencies. In order to protect the fair competition of the market and the healthy operation of the economy, it is urgent to establish and improve the platform economy's anti-monopoly regulations and standards that are compatible with it. The Anti-monopoly Guidelines of the Anti-monopoly Commission of the State Council on the Platform Economy Field (hereinafter referred to as the "Guide") came into being. Recently, the State Administration of Market Supervision imposed a fine of 18.228 billion yuan on Alibaba's "either-or" monopoly in the Chinese online retail platform service market, and required and tracked it for comprehensive rectification. With this as a prelude, the market supervision department held an administrative guidance meeting with 34 Internet platform companies. Normalization of supervision, stricter enforcement, and severe punishment has become the general trend of Internet platform anti-monopoly regulations. Then, further grasping the value goals of anti-monopoly regulations, exploring its development and shortcomings, and improving the regulatory methods and content play an important role in promoting the standardized, orderly, innovative and healthy development of the platform economy.

2. THE VALUE GOAL OF ANTI-MONOPOLY REGULATIONS ON INTERNET PLATFORMS

The essence of anti-monopoly law is to restrict monopoly, and competition is the prerequisite and basis for monopoly. In market competition, rational economic man does not have the subjective purpose of maintaining fairness and justice in market order.

Therefore, in order to fully realize the decisive role of the market in resource control, maintain the free market mechanism, and at the same time regulate the market structure and create a healthy competitive environment, the anti-monopoly law plays an important role in the "economic constitution," and the US Supreme Court regards the Sherman Antitrust Act as the "Charter of Economic Freedom." The country's macro-control guarantees that the economic order and market structure centered on spontaneous market competition are not threatened by individual economic forces. At the same time, the legal significance of the anti-monopoly law goes far beyond the regulation of the economy and the market. The economic foundation determines the superstructure. The development of the market economy and the realization of political democracy complement each other. The anti-monopoly law guarantees equal economic competition and avoids unreasonable concentration of political power. At the same time, the monopoly's restrictions on the qualifications of SMEs to compete on an equal footing will further affect labor-management relations and consumers' independent choices, and undermine social stability. Therefore, the anti-monopoly law has both economic, political and social missions and values. [1]

The development stage of the Internet platform and the intensity of competition are important considerations for the anti-monopoly regulatory attitude. The development of emerging industries requires not only the support of resources such as capital and technology, but also policy support. In the case of insufficient development, affected by administrative and political factors, relevant departments tend to relax restrictions on Chinese enterprises. However, as of the end of 2020, the number of netizens in China has reached 989 million, and the platform economy based on the scale of netizens is undergoing large-scale development. The supply of products in each segment of the Internet platform is gradually concentrated. At the same time, with the exception of the elderly and infants, the number of Internet users in China has reached the limit, the penetration rate has reached its peak, and the digging of potential users is not strong, thus forming more fierce competition among operators, competing for a certain amount of user resources. Therefore, the government need to not only encourage enterprises to innovate technologies, expand functions, and refine services from the perspective of "open source" to expand market scale and increase user

demand, but also restrict leading companies from launching unfair competition or implementing monopolistic behavior based on their user stock, capital, and technological equipment advantages.

Article 1 of the "Anti-Monopoly Law of the People's Republic of China" (hereinafter referred to as the "Anti-Monopoly Law") states that it is necessary to protect both fair competition and the interests of consumers,² and the issue of which is more important has always been disputed. This article believes that the destruction of competition will eventually lead to the infringement of consumer interests. Relying on the consumer surplus theory of Western economics, after the formation of a monopoly, the output is reduced, and the motivation for technological and functional innovation is insufficient. The low price originally set to attract users will also be treated differently as the user's stickiness increases. The long-term existence of supply and demand makes consumers' net income lower and lower. Therefore, the protection of competition and the protection of consumer interests are not opposed to each other. Appropriately strengthening the restriction on monopoly is the necessary meaning to better realize the value goal of anti-monopoly law.

In December 2020, the Central Economic Work Conference proposed for the first time "strengthening anti-monopoly and preventing the disorderly expansion of capital". The "Action Plan for Building a High-Standard Market System" issued in January 2021 proposes to encourage innovation and equal protection as the principles, and be inclusive and prudent to supervise new business formats.³ In the current state of development and competition of Internet platforms,

2. Article 1 of the "Anti-Monopoly Law of the People's Republic of China" stipulates that this law is formulated in order to prevent and stop monopolistic behaviors, protect fair competition in the market, improve economic operation efficiency, safeguard consumer interests and social public interests, and promote the healthy development of the socialist market economy to enact this law.

3. In January 2021, the General Office of the Central Committee of the Communist Party of China and the General Office of the State Council issued the "Action Plan for Building a High-Standard Market System". The sixth part of "Improving the Modern Market Supervision Mechanism" stipulates that the inclusive and prudential supervision system for new business formats is improved. In accordance with the principles of encouraging innovation and equal protection, it is necessary to implement inclusive and prudent supervision of new technologies, new industries, new business forms, new models, etc., implement corresponding supervision rules and standards according to classification, strengthen and standardize supervision during and after the event, and must not be simplistically prohibited or not supervised.

combining the value goals of the anti-monopoly law, and taking tolerance and prudence as the basic principle of supervision, on the one hand, it is required to avoid excessive supervision, leave room for development and trial and error costs for Internet platforms whose supervision methods are not yet mature, encourage them to carry out technological innovations, and prevent excessive market intervention; on the other hand, weak supervision or non-supervision cannot be implemented, which makes the supervision of the Internet market absent. It is necessary to attach importance to the restriction of monopolistic behavior, strengthen law enforcement, increase the cost of illegality, and finally form a heavy-duty supervision model for the purpose of promoting development. [2]

3. MONOPOLY CHARACTERISTICS OF INTERNET PLATFORMS

Today, Internet technology is booming, and Internet platforms are supported by information technology, software and services are developed by using specialized algorithm instructions and massive data information. Operators use traffic as the basic point of profitability, in order to meet the ever-increasing requirements of multi-party users to compete for user resources, rapid product iteration, and dynamic innovation. The characteristics of the Internet platform cause the traditional anti-monopoly regulatory goals and ideas to be separated from it. New types of monopolistic behavior cannot be characterized and dealt with, and the methods and capabilities of law enforcement and justice in practice are too high.

3.1 Internet Platforms Have Innovative and External Characteristics

The market equilibrium price of software and services of the Internet platform is zero, and its innovation, quality, service and consumer experience have become the main effective means of competition and the source of enhancing the competitiveness of operators. The software and services of the Internet platform must quickly adapt to the ever-changing and increasing needs of users in order to occupy the market, with fast update and iteration, high technical requirements, and large demand for talents, technology and resources. Compared with traditional industries, the monopoly of Internet platform operators greatly restricts technological innovation, and other operators cannot have the innovation ability to compete with

monopolists and develop software services that rival them. This will seriously affect the high-quality development of the national economy in the digital economy era, and will be more harmful. While the main points of traditional anti-monopoly regulations are limited to the protection of market order, their traditional thinking cannot fully understand the operation mode of platform monopoly and the consequences of monopoly, and cannot adapt to the focus of anti-monopoly regulation on Internet platforms.

Internet platforms have obvious characteristics of externalities, which are realized through their network effects and lock-in effects. Once the Internet platform attracts a sufficient number of users and obtains sufficient user information and related data, data advantages will gradually be formed through the increase in transaction volume and mutual promotion between users, resulting in increased use efficiency, and at the same time, the full trust of advertisers who take traffic as an absolute reference can be obtained. At the same time, the interconnection and interoperability of the Internet platform fixes the user's relevant information and social network, and the cost of users switching to other products is too high, and the user's dependence is strong. The virtuous circle of network effects and lock-in effects naturally forms a situation where "the stronger will be stronger" and the "winner takes all" situation. [3] The Internet platform industry spends a lot of time, cost and resources on software development, technology application and basic server construction in the research and development stage. During the operation process, it needs to process a huge amount of data and store a large amount of information. The cost is huge and the return period is long. This means that the maintenance and iteration of the Internet platform requires a huge amount of capital accumulation. Most business operators do not have the economic strength and technical capabilities of a monopolist, and it is difficult to innovate and attract users to expand value-added services and advertising profits, unable to increase output, difficult to maintain the operation of software and services, and forced to withdraw from the market. The cost for potential competitors to enter the market has also increased significantly, and the monopoly position has become more stable. Therefore, the traditional regulatory thinking does not consider the harmful effects brought about by the characteristics of the Internet industry and the unique way of forming the dominant position. The standardization paradigm is

consistent, and obviously it cannot adapt to the development of the platform economy.

3.2 Internet Platforms Use Algorithmic Technology to Implement Monopoly

At present, the anti-monopoly law pays more attention to monopolistic behavior rather than market structure. However, the monopoly method and monopolistic behavior of the platform economy have undergone tremendous changes. The original regulatory content cannot judge the legitimacy of the behavior from the perspective of the behavior connotation and justification. Among them, the leakage of user privacy, travel services and other software using big data to cheat the familiar, e-commerce platforms that force merchants or consumers to make "either-or" choice, and monopolistic behaviors such as tying software on the grounds of software integration have caused heated discussions.

Data is the basic element of the platform economy. Operators occupying a dominant market position control a large amount of user data. Licensed operators to use data in a format contract is a prerequisite for service provision. Operators reasonably understand the needs of users by analyzing relevant information or perform machine learning, but some network operation platforms exceed legal limits, sell user data, and digital platforms collude with each other, destroying the protection of user privacy. Furthermore, they illegally misuse user personal data, or even break through technical boundaries, use crawlers and other methods to obtain non-public data to identify or track potential competitors. Or they distort the relationship between personal information protection and big data technology mining, use algorithms to filter out valuable and profitable data, accurately portray consumer portraits, and recommend products to consumers and even implement discriminatory pricing behaviors with illegal profits as the destination. Behind this is the problem of serious asymmetry of main body information in the bilateral market. Consumers cannot clearly understand preferential rules and information ordering methods at all, and their behavior seriously violates their right to know and their right to choose.

Algorithm is the behavioral structure of platform economy, [4] and technology is the way for platform economy to achieve monopoly. Two products are objectively technically incompatible or impossible to be subjectively selected by users at

the same time, which constitutes forced users to make "either-or" choice, which is a unique form of Internet platforms restricting transactions and rejecting transactions. In addition, with software integration as a "justified reason", there is no relevant prompt in the custom installation options and shortcut options without the user's involuntary or knowledge, and access to the user system without download and installation authorization. The fundamental purpose is to expand its market dominance to the segmented market of tied-up products and exclude other competitors.

3.3 The Consequences of Monopolistic Behavior on Internet Platforms Are Difficult to Define

The multi-directional interaction, massive information accumulation, and professional technology of the Internet platform place extremely high requirements on the capabilities of law enforcement agencies and judicial agencies. First, it requires a high degree of integration of subject knowledge. Enforcers and judges need to have knowledge reserves of Internet software technology and algorithm engineering in order to accurately understand the internal logic of monopoly formation, not limited to the external appearances used by users, and grasp the purpose of behavior. Second, it is difficult to measure the consequences of monopoly. It consumes incalculable manpower, material resources and financial resources to evaluate the illegal behavior behind the massive data accumulated over a long period of time. The operability is low, and it is difficult to achieve accurately and stop losses in time. [5] Third, it is difficult to identify the relevant market. The Internet is global, and there are still controversies in the definition of relevant markets in the Internet field. It is in the stage of trial and improvement. Economic models are difficult to construct and calculate, which makes the judgment of monopolistic behavior lack a basic link.

The challenge to law enforcement agencies is not only reflected in the stage of judging the legitimacy of the behavior, but also in the way of stopping illegal acts and restoring market order. In the field of Internet platform economy, administrative agencies cannot directly curb monopolistic behavior through administrative compulsory measures such as sealing places, facilities or properties, seizing properties, freezing deposits, and remittances. These require the intervention of national mandatory technical means

and algorithms to passively eliminate the adverse effects.

4. COMMENTS ON "ANTI-MONOPOLY GUIDELINES ON THE PLATFORM ECONOMY FIELD"

On February 7, 2021, the Anti-Monopoly Commission of the State Council formulated and issued the "Guide" to absorb the regulatory practices of China's Anti-Monopoly Law in recent years. It also draws on the useful experience of countries outside the region, takes the characteristics of the Internet platform economy as the starting point, and fits the regulatory model that promotes development and encourages innovation. It highlights the problem orientation, responds positively to social concerns, and makes specific and targeted provisions on the application of the "Anti-Monopoly Law" in the field of platform economy. It has made specific and targeted provisions on the application of the "Anti-Monopoly Law" in the field of platform economy. It is a systematic regulation of platform monopoly that still has major disputes, and has important guidance and practical significance. Among them, algorithms and data have become elements of competition in reaching a monopoly agreement. Regulate hub-spoke agreements and cross-platform parity agreements, etc., and relevant platforms can be used as necessary facilities. The two-pronged approach of economic monopoly regulation and administrative monopoly regulation has made more specific supplements to prominent problems in the field of platform economy. However, the "Guide" still has some shortcomings, which need to be further improved and implemented.

First, the "Guide" is not a legal norm and is not strictly legally binding. On the one hand, in accordance with the provisions of the Legislation Law, the Anti-Monopoly Commission of the State Council does not have the authority to interpret the Anti-Monopoly Law, nor does it have the power to establish and regulate monopolistic behaviors other than those expressly stipulated in the Anti-Monopoly Law. On the other hand, the soft laws determined in the form of "guides" cannot use national coercive force to guarantee their implementation. Their legal status is lower than that of regulations or rules.[6] These guides only have a guiding effect on the content and direction of law enforcement, but have no right to restrict the judgment of the judicial department. Therefore,

although the "Guide" has legitimacy and rationality, and guides operators' behavior and law enforcement process, it basically does not make up for the lack of content in the Internet platform regulation of my country's "Anti-Monopoly Law".

Second, the "Guide" does not consider the different positioning of Internet platforms. [7] The "Guide" defines an Internet platform as a form of business organization in which bilateral or multilateral entities rely on and interact with each other to create value together.⁴ However, the existing laws and regulations in China have not yet accurately defined the nature and boundaries of the platform. The relationship between operators and users under different Internet platforms is different. According to whether the platform operators provide support for trading activities, the platforms can be divided into online trading platforms and online non-trading platforms; [8] From the perspective of the scope of operations, the platforms can also be divided into comprehensive or unitary platforms, different regional platforms, and different industry platforms. Attention should be paid to the prerequisite and basic role of platform positioning in the application of anti-monopoly regulations, and the nature of the platform should be identified in combination with specific case conditions, so as to accurately apply relevant market definition methods and consideration factors for monopolistic behavior according to its operating scope, profit model, behavior logic, etc.

Third, the application of the "Guide" is quite vague. The "Guide" has adopted flexible expressions in many places due to the unclear methods and effects of anti-monopoly regulations on Internet platforms. Article 4 stipulates that the accuracy of the definition of the relevant market shall be judged according to the needs of different types of cases;⁵ When judging whether it is a monopolistic behavior, the method of "enumerating + all the details" is used to suggest that the law

enforcement agencies "consider" relevant factors; regarding the practical dilemma of applying China's "Anti-Monopoly Law" to determine whether monopolistic behavior is constituted, no specific legal requirements have been put forward, and the lack of legal argumentation makes it difficult to guide judges to try. Although reform and improvement is a gradual process, the anti-monopoly regulation of Internet platforms is an important direction that all countries are exploring together. However, this article believes that in the early stage of platform economic anti-monopoly regulation research, when relevant practical experience is lacking and it is difficult to expand the specific scope, the discretion of law enforcement agencies and judicial agencies should be appropriately reduced, which will help the implementation of relevant guiding policies.

Fourth, the "Guide" contains loopholes in the regulation of operator concentration. For the first, the "Guide" stipulates the declaration standards for the concentration of business operators and the active investigation by law enforcement agencies based on their powers. However, in practice, the main reason for the lack of implementation of the operator concentration declaration system is that most operators cannot measure the degree of concentration and it is easier to ignore the declaration requirements. Therefore, this article believes that the calculation method of the declaration standard for concentration of undertakings should be clarified first, and corresponding resource support should be provided. In the early stage, law enforcement should be strengthened and the cost of violations should be increased to guide operators to form anti-monopoly awareness and shoulder the responsibility of maintaining the order of competition. For the second, the remedy measures for the concentration of undertakings take into account algorithm and data factors, but still use structural and behavioral conditions as the standard, and fail to thoroughly explore and stipulate the implementation, practice, and supervision issues of the divestiture of intangible assets, the openness of data and algorithms, and the balance of guaranteed rights. [9]

4. Article 2 of the "Anti-monopoly Guidelines of the Anti-Monopoly Commission of the State Council on the Platform Economy Field" stipulates that Platform, which referred to in this guide is the Internet platform, refers to the form of commercial organization that enables mutually dependent bilateral or multilateral entities to interact under the rules provided by a specific carrier through network information technology to jointly create value.

5. Article 4 of the "Anti-Monopoly Guidelines of the Anti-Monopoly Committee of the State Council on Platform Economy" stipulates that the principle of case analysis is adhered to. Different types of monopoly cases have different actual needs for the definition of relevant markets.

5. THE PERFECT APPROACH TO ANTI-MONOPOLY REGULATIONS ON INTERNET PLATFORMS

5.1 Improving the Legislative Structure of Platform Monopoly Regulation

On the whole, the "Guide" does not break through the legislative framework of the "Anti-Monopoly Law", sorting out the characteristics and outstanding issues of the platform economy, but has not promoted the construction of the platform monopoly regulation system and the improvement of the legal system in the field of digital economy because the legal status is a guiding norm.

The first is to amend the "Anti-Monopoly Law" or formulating regulations to legalize the results of the "Guide". Some provisions of the Anti-Monopoly Law promulgated in 2008 have been unable to adapt to actual changes and needs, and are aimed at the most pressing problems encountered in law enforcement practice. The draft revision of the Anti-Monopoly Law (draft for public comments) published in January 2020 is the first to supplement the basis and elements for determining market dominance for new Internet formats, but it is not sufficient to respond to the challenge of traditional anti-monopoly regulations by Internet platforms. Relevant regulations and guidelines have been promulgated one after another. The 2021 legislative plan recently announced by the Standing Committee of the National People's Congress also indicated that the Anti-Monopoly Law will be reviewed for the first time. The law revision work has been accelerated, and fair competition rules that adapt to the development of the new economy and solve the issues that people are most concerned about are formulated in a timely manner. The current "Anti-Monopoly Law" has an excessively large scope of regulatory objects, ignoring the complexity of regulatory content and the differentiation of regulatory fields. The existence of the "Guide" conforms to the wave of platform economic development, conforms to the status quo of industry monopoly in China, and is legitimate. Platform monopoly urgently requires the "Anti-Monopoly Law" to effectively respond to the development of the platform economy and the beneficial attempts made by the "Guide", to emphasize supervision as a means, to encourage innovation and promote development as the value pursuit, and to formulate a new set of rules for the platform economy through

amendment. Or it can be handed over to an agency or department with the power to interpret the law to regulate monopolistic behavior that is not expressly prohibited by the Anti-Monopoly Law by formulating regulations or rules.

The second is to establish coordination and benign interaction between the "Anti-Monopoly Law" and relevant laws and regulations. At the level of competition law, the anti-monopoly law and the anti-unfair competition law have different applicable conditions and regulatory behaviors. The boundaries of law are clear. However, they have the common goal of maintaining the order of market competition. The anti-unfair competition law is more widely applicable, and the anti-monopoly law is stronger in deterrence. In practice, it should be standardized and applied and punished reasonably, and "heavy supervision" but not "dead supervision". It is also necessary to strengthen the connection between laws and regulations, uniformly define the connotation and extension of related concepts, so that the platform monopoly regulation is compatible with the "E-commerce Law", the Intellectual Property Law, and the "Internet Transaction Management Measures", and the formulation and use of relevant guidelines are the forerunners. The role of sexuality has gradually established a legal system that confirms each other in the field of digital economy and has its own focus. It is a must to formulate and play the leading role of relevant guidelines, and gradually build a legal system that confirms each other in the field of digital economy.

5.2 Optimizing the Competition Analysis Framework of Platform Monopoly Regulation in Law Enforcement

The Central Economic Work Conference emphasized the need to strengthen the analysis of competition behind platform monopoly. The "Guide" combines the characteristics of the Internet business format, and refines the factors that define the relevant market and the factors that determine that the operator has a dominant market position. At first, the "Guide (Draft for Comment)" proposed that the relevant market may not be defined or clearly defined, which caused widespread controversy and was eventually deleted. However, Article 4 of the "Guide" leaves a flexible space for case analysis to define the actual needs of the relevant market, which slightly shakes the traditional framework that defines the relevant market as a prerequisite for judging monopoly. This

article believes that, based on the current value objectives and the level of law enforcement and judicial practice of China's "Anti-Monopoly Law", defining the relevant market should and still be the basis for judging monopoly over the long term. From a legal perspective, the protection of competition is one of the direct goals of the "Anti-Monopoly Law". Defining the relevant market also takes the identification of competitors and potential competitors as the fundamental purpose and limit. To judge and protect competition, it is a must to first delimit a reasonable scope of competition, starting from defining the relevant market.

The "Guide" still retains the substitution analysis as the basic principle for defining the relevant market, and uses the hypothetical monopolist test of rising prices or declining quality as specific methods. The European Commission adopts the profit model test method when handling cases related to the media and the Internet to avoid complicated professional technical issues, and to include operators of the same profit model into the relevant market, which covers a wide range of subjects. [10] Merchants, consumers, advertisers and other multilateral entities can choose multiple products whose performance cannot be fully replaced, so they do not have a strong competitive relationship. Using only the profit model test as a method will ignore the operators who actually have a dominant market position and allow them to implement monopolistic behavior on the grounds of not occupying a dominant position. Therefore, this article believes that the definition of the market related to platform monopoly regulation should focus on identifying the scope of competition and the fundamental goal, and choose the test method based on specific factors such as case conditions, operational difficulty, and market characteristics.

5.3 Improving the Regulatory Model of Platform Monopoly Regulation

In terms of regulatory thinking, it is necessary to realize the simultaneous efforts of strengthening pre-regulation and emphasizing post-event regulation. The "Guide" highlights the issue orientation, focuses on resolving disputes, reflects the lag in the formulation of regulations, and fails to actively grasp the development trend of the Internet platform economy. The continuous innovation of the Internet platform and the flow of resources are dynamic and uncertain. The regulation after the event is poor and costly. The restoration of market competition also requires

periodic operation. Therefore, it is more helpful to control the formation of monopoly power and behavior from the source to achieve the regulatory goals of the Anti-Monopoly Law. The "Anti-Monopoly Law" and the "Environmental Protection Law" have something in common. The former protects the market environment and the latter protects the natural environment. The "Anti-Monopoly Law" can learn from the pre-conditions of the environmental impact assessment system, environmental standard system and other project construction, refine the industry standards formed by monopoly, regularly conduct market research and competition level evaluation, and supervise all operators to use this as a precept to conduct self-examination and take the initiative to adjust.

Regarding regulatory entities, the Internet platform, third-party entities, and regulatory agencies must work in a three-pronged manner. [11] It is necessary to standardize the pre-regulation system, increase law enforcement, increase the cost of violations, and enable Internet platforms to conduct self-inspection and self-correction. The Internet Industry Association conducts self-supervision on operators and regularly publishes relevant information in the form of industry white papers; The Consumer Protection Association fully understands the demands of consumers, conducts external supervision of platform monopoly, and initiates public interest lawsuits when necessary to protect the legitimate rights and interests of many consumers; Internet platforms focus on the scale and preferences of users. In reality, social and media supervision of public opinion plays a huge role. Therefore, online and offline reporting and feedback channels must be opened up. The algorithmic technical foundation and behavior of the platform economy are the difficulties of anti-monopoly regulation. People can learn from the patent examiner system under the intellectual property law system, relying on the strength of technical talents, and form a professional technical department under the regulatory agency to combine active supervision with competition evaluation. At the same time, in order to avoid errors in law enforcement, operators should be given sufficient space for answers, and expert consultation meetings can be held when necessary to improve the effectiveness, accuracy and scientificity of supervision.

6. CONCLUSION

The advent of the digital economy era has profoundly changed productivity and production relations, and has also launched a realistic challenge to traditional legal regulations. The vitality of the anti-monopoly law stems from the mutual balance between encouraging innovation and development and curbing capital expansion, and protecting consumer interests and public interests. The development status, competition level, dynamic innovation and externality characteristics of Internet platforms guide the direction of legislation. The regulation of platform monopoly should not be severe cracking and punishment, but should pay attention to effective supervision, create a market atmosphere of healthy competition, and protect the rights and interests of operators and users.

The "Anti-Monopoly Guidelines on the Platform Economy Field" is a practical response to social concerns and a pilot attempt in anti-monopoly regulation. There must be some areas that need to be improved. The three levels of improving the legislative structure, optimizing the competition analysis framework in law enforcement, and innovating the regulatory model will surely explore the rule of law approach to the anti-monopoly regulation of Internet platforms and promote the improvement of the legal regulation system of the digital economy.

AUTHORS' CONTRIBUTIONS

Rui Gao is responsible for writing, revising and editing the article, Fan Zhang is responsible for the article idea and framework design.

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