

# Comparison of Consumer Rights Protection Laws in Cross-border Consumption among China, Japan, and the Republic of Korea

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**Abstract:** Against the backdrop of regional economic integration in East Asia and the rapid development of cross-border e-commerce, the scale of online cross-border consumption in China, Japan, and the Republic of Korea continues to rise, with issues such as jurisdictional conflicts in cross-border consumer rights protection, excessively high costs, and difficulties in evidence collection becoming increasingly prominent. This paper employs a comparative analysis approach to systematically examine the legal systems and core institutions for cross-border consumer rights protection in the three countries, compare their similarities and differences as well as advantages and disadvantages, and delve into the underlying causes of difficulties in rights protection. From two dimensions—domestic legislative optimization and regional collaboration—the paper proposes targeted and feasible solutions. The study reveals that while the legislative philosophies of the three countries are convergent, significant differences exist in institutional details. Only by addressing legislative shortcomings and establishing a transnational rights protection collaboration mechanism can the challenges in cross-border rights protection be overcome, consumer rights and interests be safeguarded, and the healthy development of cross-border trade among the three countries be promoted.

**Keywords:** Cross-border consumption; Consumer rights protection; Legal comparison of China, Japan, and the Republic of Korea; Regional cooperation; Rights protection challenges

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## 1. Introduction

As digital economy globalization deepens, China, Japan, and the Republic of Korea—three core economies in East Asian regional trade—have seen cross-border e-commerce evolve into a pivotal sector of their economic interactions. Emerging consumption models like online cross-border shopping, direct overseas purchases, and live-streaming e-commerce are rapidly gaining traction. While expanding consumer choices and market boundaries, these trends have simultaneously given rise to novel consumer rights protection challenges. Given its cross-border

nature, cross-border consumption inherently involves legal jurisdiction conflicts, regulatory misalignment, and heterogeneous dispute resolution mechanisms across multiple jurisdictions. Compared to domestic consumption, consumers in cross-border transactions face structural disadvantages characterized by information asymmetry, limited recourse channels, and exorbitant litigation costs. The persistent triple challenges of “difficult evidence collection, cumbersome complaint procedures, and ineffective enforcement mechanisms” have become institutional barriers hindering the healthy development of cross-border consumption.

Currently, China, Japan, and the Republic of Korea have established distinctive consumer protection legal systems based on their respective legal traditions, economic development stages, and consumer protection policies. However, significant differences remain in legislative design concepts, regulatory model choices, and rights protection mechanisms when addressing cross-border consumption scenarios. These differences not only reveal institutional advantages that can be mutually referenced but also expose systemic shortcomings in cross-border rights protection. From a theoretical perspective, existing literature shows limited comparative studies on cross-border consumer rights protection legal systems among the three countries, particularly lacking a systematic exploration of rights protection mechanisms under regional cooperation frameworks. Practically speaking, the absence of regular cross-border consumer protection collaboration mechanisms has resulted in consumers struggling to obtain timely and effective institutional safeguards for their legitimate rights in international transactions <sup>[1]</sup>.

Against this backdrop, this study adopts comparative law as its fundamental analytical framework to systematically examine the similarities, differences, and comparative advantages of cross-border consumer rights protection legal systems among China, Japan, and the Republic of Korea. It delves into the institutional causes and practical obstacles hindering cross-border rights protection efforts, while exploring optimization pathways that balance legislative disparities among nations and regional coordination needs. The research aims not only to enrich comparative law theories in cross-border consumer rights protection but also to provide practical references for establishing regional collaborative mechanisms for cross-border consumer rights protection, demonstrating significant theoretical value and practical implications <sup>[2]</sup>.

## **2. Legal system review on cross-border consumer rights protection in China, Japan, and the Republic of Korea**

China, Japan, and the Republic of Korea all adopt consumer-oriented protection as their core legislative philosophy. Combining their respective e-commerce development processes and judicial practices, they have gradually formed cross-border consumer rights protection legal systems with national characteristics, each featuring distinct characteristics in core institutional design and regulatory models.

China adopts a decentralized legislative model combining “basic laws + comprehensive e-commerce laws + departmental regulations”, with the *Law of the People’s Republic of China on the Protection of Consumer Rights and Interests* as the fundamental guideline, the *E-Commerce Law of the People’s Republic of China* and the *Law of the People’s Republic of China on the Application of Law in Foreign-related Civil Relations* as core supports, supplemented by departmental regulations such as the *Measures for the Supervision and Administration of Cross-border E-commerce Retail Imports* to provide specific details. Its core systems cover key aspects such as the protection of consumers’ right to know, the seven-day no-questions-asked return policy, and the joint liability of e-commerce platforms. In terms of the regulatory framework, market supervision authorities serve as the

primary regulatory bodies, with coordinated efforts from customs, commerce, and other departments, forming a governance pattern that emphasizes “multi-agency supervision alongside platform self-discipline.” However, specialized legislation for cross-border e-commerce remains relatively fragmented, with insufficient institutional integration and targeted measures <sup>[3]</sup>.

Japan has established a comprehensive and meticulously structured consumer protection system under the guidance of the *Consumer Basic Act*, supported by laws such as the *Consumer Contract Act* and the *Act on Special Measures of the Civil Code Concerning Electronic Consumer Contracts and Electronic Acceptance Notice*. Although no specific legal provisions for cross-border consumption have been established, general consumer laws provide robust regulations for online transactions. The country’s core framework emphasizes proactive prevention, featuring an online consumption cooling-off period and stringent oversight of unfair contract terms. At the enforcement level, the Consumer Affairs Agency serves as the central regulatory body, implementing high-standard supervision throughout the entire process, with businesses demonstrating strong compliance awareness. Nevertheless, foreign consumers still face challenges in rights protection within Japan, including cumbersome procedures and inefficient cross-border dispute resolution mechanisms <sup>[4]</sup>.

The Republic of Korea pioneered cross-border e-commerce consumer protection legislation in East Asia, establishing a specialized framework combining “basic laws” with “cross-border-specific legislation”. Centered around the *Act on the Consumer Protection in Electronic Commerce, Etc.* and the *Act on the Promotion of Cross-Border Electronic Commerce Transactions*, the country implements targeted legal regulations for cross-border consumption activities. Key measures include a dedicated cooling-off period system, rapid dispute resolution mechanisms for minor transactions, and priority compensation provisions for consumers. The Republic of Korea Consumer Agency has also developed an integrated rights protection service platform, significantly enhancing cross-border consumer rights protection efficiency. However, it should be noted that the legislation primarily applies to domestic cross-border transactions, and regional-level transnational cooperation mechanisms still require further development and refinement <sup>[5]</sup>.

### **3. Comparative analysis of legal systems and their pros and cons among the three countries**

#### **3.1. Institutional commonality**

The legislative approaches of the three countries in consumer rights protection legislation demonstrate highly convergent core principles. Firstly, in terms of legislative philosophy, all three nations adhere to the fundamental principle of prioritizing consumer protection, which aims to address structural disparities between businesses and consumers in cross-border transactions through institutional design, particularly regarding information access, resource allocation, and bargaining power, thereby establishing substantive fairness as a core value orientation. Secondly, regarding core rights protection, all three countries consistently prioritize fundamental safeguards, including the right to information, fair transaction rights, return/exchange policies, and compensation for damages, forming a unified rights protection framework. Thirdly, in dispute resolution mechanisms, a multi-tiered system integrating negotiation, mediation, arbitration, and litigation has been established across the nations. Special emphasis is placed on facilitating swift resolution of small cross-border disputes through non-litigious means to reduce consumer litigation costs and enhance remediation efficiency. These shared characteristics reflect a common legislative approach in cross-border consumption sectors, where all three countries strive to

balance consumer protection with commercial efficiency—a hallmark trend in modern consumer protection law development <sup>[6]</sup>.

### 3.2. Institutional differences

Although the three countries share commonalities in institutional logic, they still exhibit significant differences in specific institutional arrangements. In terms of legislative models, China adopts a decentralized legislative approach, with consumer rights protection regulations scattered across multiple laws such as the *Consumer Rights Protection Law* and the *E-Commerce Law*. Cross-border consumption rules are relatively fragmented and lack systematic integration. Japan employs a unified integrated legislative model, based on laws such as the *Consumer Contracts Act* and the *Act on Specified Commercial Transactions*, with mature general rules and strong institutional compatibility. The Republic of Korea promotes a specialized legislative model, using specific laws like the *Act on the Consumer Protection in Electronic Commerce, Etc.* to provide targeted regulations for cross-border consumption, with clear institutional direction. At the level of institutional details, there are notable differences among the three countries regarding cooling-off periods, scope of no-questions-asked returns, and standards for defining platform responsibilities <sup>[7]</sup>. China's seven-day no-questions-asked return policy has a broad application scope but includes statutory exclusion scenarios and limited adaptability to cross-border contexts. Japan's and the Republic of Korea's cooling-off period rules are designed with greater emphasis on the particularities of cross-border transactions, demonstrating stronger relevance and flexibility in terms of duration setting, scope of application, and exceptional circumstances. In terms of regulatory enforcement, China implements multi-departmental segmented supervision with diverse regulatory entities, which may lead to overlapping responsibilities and functional redundancies. The law enforcement standards in Japan are stringent with standardized procedures, yet the overall process remains relatively cumbersome, resulting in prolonged time consumption for cross-border rights protection. In contrast, the Republic of Korea has established a one-stop rights protection mechanism centered on consumer protection agencies, achieving efficient coordination across complaint acceptance, investigation, and handling, as well as dispute resolution, with relatively leading regulatory efficiency <sup>[8]</sup>.

### 3.3. Comparative analysis of advantages and disadvantages

In a comprehensive comparison, the systems of the three countries each have their own advantages and shortcomings. The institutional advantage of China lies in the broad legislative coverage of consumer rights protection and a relatively clear framework for the application of foreign-related laws, which can provide a fundamental legal basis for cross-border consumption disputes; the main shortcoming is the lack of specialized legislation for cross-border consumption, with scattered relevant rules and inconsistent application standards, resulting in high costs for resolving small disputes and limited actual benefits for consumers <sup>[9]</sup>. Japan's institutional advantage is reflected in its mature legislative system, stringent enforcement standards, and relatively well-established preventive mechanisms, which help reduce disputes at the source; however, its shortcoming is the lack of exclusive rules for cross-border consumption, leaving foreign consumers facing multiple barriers such as language, procedures, and legal application during actual rights protection efforts, making it difficult to resolve disputes. The Republic of Korea's institutional advantage lies in its forward-looking specialized legislation, convenient and efficient rights protection channels, and clear consumer relief pathways; however, its shortcoming is the absence of regional cooperation mechanisms and an underdeveloped two-way cross-border rights protection

system, which not only hinders domestic consumers from seeking redress abroad but also fails to effectively address the relief needs of foreign consumers. Overall, Japan and the Republic of Korea are relatively ahead in specialized regulation and rights protection efficiency for cross-border consumption, while China stands out more in the completeness of its legislative system. There is strong complementarity and reference value among the systems of the three countries <sup>[10]</sup>.

## **4. Core issues in online cross-border consumer rights protection**

### **4.1. Prominent conflicts between cross-border jurisdiction and the application of law application**

Cross-border online consumption involves three countries with distinct legal jurisdictions, resulting in significant overlaps in judicial jurisdiction. Consumers struggle to accurately identify the competent courts and applicable laws for rights protection, while legal application rules across nations lack coherence. Multinational litigation must adhere to international judicial procedures, which are often cumbersome and time-consuming, sometimes spanning several years. Consumers frequently find it difficult to endure such prolonged timelines, leading to a significant decline in their willingness to pursue legal remedies <sup>[11]</sup>.

### **4.2. Significant challenges in electronic evidence identification and cross-border evidence collection**

The transaction vouchers and communication records of online cross-border consumption are predominantly electronic data. The authenticity and legality of cross-border electronic evidence lack unified mutual recognition standards. Coupled with language barriers and complex notarization certification procedures, consumers face significant challenges in establishing compliant evidence. The high costs and cumbersome processes involved in cross-border evidence collection directly lead to a deadlock in the evidence presentation phase for rights protection <sup>[12]</sup>.

### **4.3. Severe imbalance between rights protection costs and actual benefits**

Cross-border online consumption among China, Japan, and the Republic of Korea primarily involves small-scale retail transactions with generally low single-transaction amounts. However, cross-border rights protection entails additional costs such as translation fees, notarization fees for evidence, and cross-border travel expenses, with total costs often far exceeding the value of the goods themselves. Due to excessive costs and perceived ineffectiveness, most consumers are ultimately forced to abandon legitimate rights protection efforts, leaving their rights difficult to obtain effective redress <sup>[13]</sup>.

### **4.4. Ambiguous delineation of responsibilities for cross-border e-commerce platforms**

Cross-border e-commerce platforms involve multiple operational entities both domestically and internationally. There are significant differences among the three countries regarding the criteria for determining cross-border liabilities and the scope of accountability for platforms, making it highly susceptible to platforms exploiting platforms to exploit regulatory loopholes to evade responsibility. Consumers face difficulties in directly engaging with overseas operators, while domestic platforms frequently cite foreign entity status as a pretext to avoid liability, ultimately leaving consumers with no recourse for accountability <sup>[14]</sup>.

## **5. Deep-rooted causes of challenges in online cross-border consumer rights protection**

### **5.1. Lack of regional coordination and alignment in cross-border consumption legislation**

China, Japan, and the Republic of Korea have all formulated consumer protection laws based on their respective national conditions, yet have failed to establish a unified rule alignment mechanism for cross-border online transactions. The provisions regarding foreign-related legal application and jurisdiction determination lack targeted specificity. Each country's legal system operates in isolation without dedicated cross-border adaptation rules, directly leading to legal conflicts and procedural barriers during rights protection processes, making it difficult to accommodate the multinational nature of cross-border transactions <sup>[15]</sup>.

### **5.2. Lack of cross-border consumer cooperation and judicial assistance mechanisms**

The three countries have yet to establish a regularized cross-border consumer rights protection collaboration system. Core mechanisms such as mutual recognition of electronic evidence, judicial assistance, and transnational dispute resolution are entirely absent, with no dedicated cross-border rights protection coordination channels. The lack of institutional support for cross-border rights protection and inefficient processing of foreign-related procedures result in cumbersome and protracted rights protection processes, which have become the primary obstacle to consumer rights protection <sup>[16]</sup>.

### **5.3. Insufficient cross-border regulatory coordination and inadequate penalties for violations**

The regulatory authorities for consumer protection in China, Japan, and the Republic of Korea exhibit divergent jurisdictional responsibilities, with fragmented cross-border transaction oversight mechanisms and no established joint regulatory frameworks or transnational monitoring systems. Cross-border operators face minimal penalties for violations, coupled with the absence of unified compliance standards. E-commerce platforms frequently exploit regulatory loopholes to evade accountability, while persistently lax regulatory environments have indirectly facilitated cross-border consumer rights infringements <sup>[17]</sup>.

### **5.4. Shortcomings in supporting safeguards and cognitive capacity for consumer rights protection**

Specialized guidance for cross-border consumer rights protection and public welfare assistance systems has yet to be established, resulting in insufficient consumer awareness of legal regulations, rights protection procedures, and evidence preservation requirements across three countries. Additionally, the lack of language assistance and cost-reduction support for rights protection further exacerbates the challenges faced by ordinary consumers. Confronted with complex cross-border rights protection processes, they possess neither professional expertise nor adequate resources to pursue legal remedies <sup>[18]</sup>.

## **6. Feasible solutions for enhancing consumer rights protection in cross-border consumption**

### **6.1. Addressing legislative gaps in cross-border rights protection laws across countries and simplifying rights protection procedures**

To address the prevalent issues of fragmented legislation and cumbersome procedures in cross-border consumer

rights protection among China, Japan, and the Republic of Korea, the three countries should leverage their respective institutional foundations to advance legislative optimization and process reengineering.

China should, on the basis of the existing consumer rights protection legal system, add special provisions for cross-border consumption, making centralized regulations on core issues such as jurisdiction determination, law application of law, and admissibility of evidence, and evidence admissibility in cross-border transactions, filling the gap in specialized legislation, and enhancing the systematization and predictability of rules. Japan should, on the basis of integrating legislative advantages, introduce simplified procedural mechanisms for foreign consumers, reducing procedural barriers in areas such as language, legal capacity, and document service, thereby improving the accessibility and convenience of rights protection for foreign consumers. The Republic of Korea should further expand the scope of application of the two-way rights protection system, ensuring both the relief rights of domestic consumers when shopping abroad and providing equivalent convenience for foreign consumers seeking rights protection on the Republic of Korea's platforms, thereby forming a more balanced institutional arrangement.

While each of the three countries strengthens its legislative framework, they should jointly standardize and streamline procedures for recognizing foreign-related evidence. This includes clarifying acceptance criteria for electronic evidence and cross-border transfer protocols, unifying jurisdictional and legal application rules, and eliminating redundant processes such as duplicate reviews and multi-agency determinations in practice. By addressing these issues at the institutional level, we can reduce time and financial costs for consumer rights protection and significantly improve the efficiency of resolving cross-border consumption disputes <sup>[19]</sup>.

## **6.2. Establishing a trilateral transnational rights protection collaboration mechanism to dismantle cross-border barriers**

The uniqueness of cross-border consumer disputes lies in their inherent need for institutional coordination and law enforcement collaboration across different legal jurisdictions. The structural challenges of cross-border rights protection cannot be fully resolved by the regulatory frameworks of any single country. Therefore, China, Japan, and the Republic of Korea should leverage their existing economic and trade cooperation framework to establish a permanent cross-border consumer rights protection joint task force. This initiative should involve consumer protection agencies and regulatory authorities from all three countries, conducting regular policy coordination and practical consultations. Building on this foundation, a regional cooperation agreement should be signed to clarify rules for cross-border mutual recognition of electronic evidence, procedural arrangements for judicial assistance, and division of responsibilities in law enforcement collaboration. Such measures will provide a stable institutional framework for effective cross-border rights protection.

Meanwhile, efforts could be made to establish a cross-border online dispute resolution platform for consumers in China, Japan, and the Republic of Korea. This platform would integrate complaint channels from consumers across the three countries, enabling end-to-end processing of cross-border disputes—including online case acceptance, referral, resolution, and feedback. Key functionalities such as case transfer, document exchange, evidence sharing, and progress tracking should be implemented to streamline international dispute resolution processes. By eliminating redundant evidence submission, multiple complaints, and cross-border travel for consumers, the platform would significantly reduce additional costs and processing delays caused by cross-border factors, ultimately achieving streamlined and user-friendly consumer rights protection procedures <sup>[20]</sup>.

### **6.3. Establish a public welfare assistance and fee reduction mechanism to provide a safety net for minor rights protection claims**

In cross-border consumption, one of the core challenges consumers face lies in the severe imbalance between the costs of rights protection and the value of disputed claims. In small-scale cross-border disputes, consumers often abandon legal recourse due to insufficient legal expertise, lack of professional support, and excessive financial burdens, rendering the remedial functions of institutional designs ineffective. To address this issue, the three countries should jointly establish a cross-border consumer public assistance system involving consumer protection agencies, non-profit legal organizations, and professional service providers. This system should offer specialized legal services and multilingual translation support for consumers involved in cross-border disputes. Particular attention should be paid to small claims, providing free mediation services, evidence preparation assistance, and legal consultations to help consumers overcome language barriers and professional thresholds while enhancing their rights protection capabilities. Building on this foundation, policies should be implemented to reduce costs for small claims resolution, including clear criteria for identifying minor disputes and waiving essential expenses such as arbitration fees, appraisal fees, and notarization fees for eligible cases, or covering these costs through dedicated funds. Through institutionalized fee reduction mechanisms, the government can fundamentally resolve the dilemma of consumers abandoning rights protection due to high costs, ensuring that rights relief channels for small cross-border disputes remain genuinely accessible.

### **6.4. Strengthening platform responsibility and credit sanctions to reduce infringements at the source**

While post-incident remedies are important, preventing infringement at the source and reducing dispute occurrence are more effective approaches to enhance consumer protection. To this end, the three countries should collaborate to strengthen cross-border e-commerce platforms' primary responsibilities, requiring them to establish dedicated compensation funds and implement a pre-compensation system for consumer rights violations. When disputes arise and operators fail to fulfill their obligations, platforms should provide upfront compensation to consumers before pursuing claims against overseas sellers. This mechanism avoids the challenges of accountability and enforcement faced by consumers directly engaging with foreign merchants, significantly reducing the burden of rights protection for consumers.

Meanwhile, a cross-border operator credit linkage system will be established among the three countries, integrating non-compliant and dishonest practices of cross-border operators into a unified credit management system to enable inter-country credit information sharing and joint disciplinary measures. Operators engaging in severe infringement activities may face coordinated sanctions—including public disclosure, market access restrictions, and product removal—across all three nations, significantly increasing compliance costs to create effective deterrence. By reinforcing dual mechanisms of platform accountability and credit-based penalties, this framework encourages operators to voluntarily adhere to regulations, reducing infringement incidents at the source. Consequently, it fundamentally lowers consumer rights protection risks, shifting consumer protection strategies from reactive remedies to proactive prevention.

## **7. Conclusions**

The legal frameworks for consumer rights protection in cross-border consumption among China, Japan, and the Republic of Korea exhibit high consistency in legislative philosophies and core rights protection, yet demonstrate

significant differences in legislative models, institutional details, and regulatory enforcement, each with distinct strengths and weaknesses. The fundamental challenges in safeguarding online cross-border consumer rights stem from legal conflicts, a lack of coordination, and excessive costs. Relying solely on domestic legislation improvements cannot fully resolve these issues. It is imperative to align with the trend of East Asian regional economic integration, promote domestic legislative gap-filling efforts across countries, and simultaneously establish sustainable transnational rights protection collaboration mechanisms.

By leveraging the strengths of specialized legislation and efficient rights protection mechanisms from Japan and the Republic of Korea, China can enhance its cross-border consumer rights protection system. Simultaneously, fostering in-depth collaboration among the three countries in regulatory coordination, dispute mediation, and mutual recognition of evidence will effectively lower barriers to cross-border rights protection, safeguard consumers' legitimate interests, and promote the healthy and orderly development of China-Japan-Republic of Korea cross-border trade. As trilateral cooperation continues to deepen, the integration of cross-border consumer rights protection is becoming an inevitable trend, offering valuable East Asian experience for global cross-border consumer rights protection efforts.

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