

E-Commerce Law of the People's Republic of China

Chapter I General Provisions

Article 1 This Law is enacted for purposes of safeguarding the lawful rights and interests of all parties to e-commerce, regulating e-commerce conduct, maintaining the market order, and promoting the sustainable and sound development of e-commerce.

Article 2 This Law shall apply to e-commerce activities in the territory of the People's Republic of China.

For the purpose of this Law, "e-commerce" means business activities of selling commodities or providing services through the Internet or any other information network.

If any other law or administrative regulation provides for the sale of commodities or provision of services, such other law or administrative regulation shall apply. This Law shall not apply to financial products and services and news information, audio and video programs, publication, cultural products, and other content services provided via information networks.

Article 3 The state shall encourage the development of new business types in e-commerce and the innovation in business models, promote the research, development, promotion and application of e-commerce technologies, advance the development of the e-commerce honesty system, create a market environment favorable to innovative development of e-commerce, and maximize the role of e-commerce in promoting quality development, satisfying the people's ever-growing needs for a better life, and building an open economy.

Article 4 The state shall equally treat online and offline business activities and promote integrated development online and offline, and the people's governments and relevant authorities at all levels may neither take discriminatory policies and measures nor abuse administrative power to exclude or restrict market competition.

Article 5 An e-commerce business shall, in business operation, abide by the principles of voluntariness, equality, equity and good faith, observe the law and business ethics, fairly participate in market competition, perform obligations in aspects including protection of consumer rights and interests, environment, intellectual property rights, cybersecurity and individual information, assume responsibility for quality of products or services, and accept the supervision by the government and the public.

Article 6 The relevant departments of the State Council shall, according to the division of labor based on the duties, be responsible for the promotion of development, supervision, and administration of and other work on e-commerce. Local people's governments at or above the county level may, based on the local actual circumstances, determine the division of duties for departments with respects to e-commerce in their respective administrative regions.

Article 7 The state shall establish a collaborative administration system in line with the characteristics of e-commerce and promote the formation of an e-commerce market governance system jointly participated in by relevant authorities, e-commerce industry associations, e-commerce businesses, and consumers, among others.

Article 8 An e-commerce industry association shall, according to its bylaws, conduct industry self-discipline, establish and improve industry standards, promote the building of industry

honesty, and supervise and guide businesses in the industry so that they fairly participate in market competition.

Chapter II E-Commerce Businesses

Section 1 General Rules

Article 9 For the purpose of this Law, "e-commerce businesses" means natural persons, legal persons or organizations without the status of legal person that engage in the business activities of selling commodities, or providing services, through the Internet or any other information network, including e-commerce platform businesses, in-platform businesses, and e-commerce businesses that sell commodities or provide services through a self-built website or any other network services.

For the purpose of this Law, "e-commerce platform business" means a legal person, or an organization without the status of legal person, which, in e-commerce, provides both or multiple parties to trading with services, such as online places of business, match-making, and releasing information, for them to independently conduct trading activities.

For the purpose of this Law, "in-platform business" means an e-commerce business which sells commodities or provides services through an e-commerce platform.

Article 10 An e-commerce business shall make market participant registration according to the law, unless it, as an individual, sells agricultural or sideline products produced by it, or products of a cottage industry, or uses its own skills to engage in public convenience services, or occasional and low-value transactions, for which no permit is required by law, or unless no registration is required by laws or administrative regulations.

Article 11 An e-commerce business shall, according to the law, perform the obligation of tax payment and enjoy tax incentives.

An e-commerce business not required to make market participant registration under the provisions of the preceding Article shall, upon the occurrence of the obligation of tax payment for the first time, as required by the laws and administrative regulations in relation to tax collection administration, apply for tax registration and faithfully file tax returns

Article 12 Where an e-commerce business, in business operation, is required by law to obtain relevant administrative licensing, it shall obtain it according to the law.

Article 13 An e-commerce business shall sell commodities or provide services meeting the requirements for guaranteeing personal and property safety and for environmental protection and shall not sell or provide commodities or services the trading of which is prohibited by any law or administrative regulation.

Article 14 An e-commerce business shall, when selling commodities or providing services, issue hard-copy or electronic invoices or other documents on purchasing commodities or receiving services, according to the law. An electronic invoice shall have the same legal effect as a hard-copy invoice.

Article 15 An e-commerce business shall, at a conspicuous place of its homepage, continuously publish the information on its business license, the information on the administrative licensing relating to the business operated by it, the circumstances not requiring it to make market participant registration as provided in Article 10 of this Law, and other information, or the mark of the link to the aforesaid information.

If the information specified in the preceding paragraph is modified, the e-commerce business shall promptly update and publish the information.

Article 16 Where an e-commerce business is to independently terminate its engagement in e-commerce, it shall, 30 days in advance, continuously publish the relevant information at a conspicuous place of its homepage.

Article 17 An e-commerce business shall fully, authentically, accurately, and timely disclose the information on commodities or services to safeguard consumers' right to know and right of choice. An e-commerce business may not conduct false or misleading commercial promotion by fabricating transactions, making up user comments or any other means, to defraud or mislead consumers.

Article 18 When providing the results of search for commodities or services for a consumer based on the hobby, consumption habit, or any other traits thereof, the e-commerce business shall provide the consumer with options not targeting his/her identifiable traits and respect and equally protect the lawful rights and interests of consumers.

An e-commerce business shall send advertisements to consumers according to the relevant provisions of the Advertising Law of the People's Republic of China

Article 19 If an e-commerce business performs tie-in sale of commodities or services, it shall request consumers to pay attention in a conspicuous manner and shall not set the said tie-in sale as a default option.

Article 20 An e-commerce business shall deliver commodities or services to a consumer according to its commitment or in the manner and period stipulated with the consumer and

assume risk and responsibility in relation to the shipment of the commodities, unless the consumer separately chooses a logistics service provider.

Article 21 If an e-commerce business collects deposits from consumers as agreed, it shall expressly state the manner and procedure for the refund of the deposits, and shall not set unreasonable conditions. If a consumer applies for the refund of his/her deposit and meets the condition therefor, the e-commerce business shall make a refund in a timely manner.

Article 22 Where an e-commerce business has a dominant market position on account of its technological advantage, number of users, control of the relevant industry, other businesses' reliance on it in trading, or any other factor, the e-commerce business may not abuse the dominant market position to exclude or restrict competition.

Article 23 An e-commerce business shall, when collecting or using the individual information of its users, observe the provisions on protection of individual information in the relevant laws and administrative regulations.

Article 24 An e-commerce business shall expressly state the means of and procedures for search, correction or deletion of user information and user deregistration and shall not establish unreasonable conditions for search, correction or deletion of user information and user deregistration.

When receiving an application for search, correction or deletion of user information in a timely manner, an e-commerce business shall, upon verification of identity, permit search, correction or deletion of user information in a timely manner. In the case of user deregistration, an e-commerce business shall immediately delete the information of the user;

if any law or administrative regulation provides for, or the parties stipulate, the retention, the law, administrative regulation, or stipulation shall prevail.

Article 25 Where the relevant authorities require, according to any law or administrative regulation, an e-commerce business to provide relevant e-commerce data and information, the e-commerce business shall do so. The relevant authorities shall take necessary measures to protect the security of the data and information provided by e-commerce businesses, strictly keep confidential the individual information, privacy, and trade secrets therein, and shall not divulge, sell, or illegally provide them to any other person.

Article 26 An e-commerce business shall engage in cross-border e-commerce according to the laws, administrative regulations, and other relevant provisions issued by the state on the supervision and administration of import and export.

Section 2 E-Commerce Platform Businesses

Article 27 An e-commerce platform business shall request a business applying for selling commodities or providing services in its platform to submit authentic information including its identity, address, contact information, and administrative licensing, make verification and registration, establish a register, and make regular updates and verification.

When an e-commerce platform business provides services for non-business users selling commodities or providing services in its platform, the e-commerce platform business shall observe the relevant provisions in this Section.

Article 28 An e-commerce platform business shall submit the identity information of in-platform businesses to the administrative authorities of market regulation as required, remind a business that has not made market participant registration to make registration as legally

required, cooperate with the administrative authorities of market regulation, and based on the characteristics of e-commerce, provide businesses required to make market participant registration with registration facilitation.

An e-commerce platform business shall submit the identity information and the information related to tax payment of in-platform businesses to the taxation authorities, according to the laws and administrative regulations on tax collection administration, and remind e-commerce platform businesses, which are not required to make market participant registration under Article 10 of this Law, to make tax registration under paragraph 2, Article 11 of this Law.

Article 29 Where an e-commerce platform business discovers that any information on commodities or services in its platform falls under any circumstances as provided for in Article 12 or 13 of this Law, it shall take necessary disposition measures in accordance with the law and report to the relevant competent authorities.

Article 30 An e-commerce platform business shall take technological measures and other necessary measures to ensure its cybersecurity and stable operation, prevent online illegal and criminal activities, effectively tackle cybersecurity events, and guarantee e-commerce trading security.

An e-commerce platform business shall make a contingency plan for cybersecurity events and when a cybersecurity event occurs, it shall launch the contingency plan forthwith, take corresponding remedial measures, and report to the relevant competent authorities.

Article 31 An e-commerce platform business shall record and retain the information on the commodities and services and transaction information released in the platform and ensure the integrity, confidentiality and availability of the information. The information on

commodities, services, and transactions shall be retained for at least three years from the day of completion of the transaction, unless otherwise provided by any law or administrative regulation.

Article 32 An e-commerce platform business shall abide by the principles of openness, equity and impartiality, develop a platform service agreement and transaction rules, and specify the rights and obligations in the aspects, such as joining and leaving the platform, assurance of the quality of commodities and services, protection of consumer rights and interests, and protection of individual information.

Article 33 An e-commerce platform business shall continuously publish the information regarding its platform service agreement and transaction rules, or the mark of the link to the aforesaid information, at a conspicuous place of its homepage to ensure the easy and complete reading and download by businesses and consumers.

Article 34 An e-commerce platform business shall, when amending its platform service agreement or transaction rules, request public comments at a conspicuous place of its homepage and take reasonable measures to ensure that each side is able to express opinions in a timely manner. The amendment shall be published at least seven days prior to its entry into force.

Where an in-platform business does not accept the amendment and requests leaving the platform, the e-commerce platform business shall not preclude it and shall assume relevant responsibility according to the service agreement and transaction rules prior to the amendment.

Article 35 An e-commerce platform business shall not, by means such as using service agreement, transaction rules, and technology, unreasonably restrict, or additionally set unreasonable conditions against the transactions and trading prices of an in-platform business in the platform, or its transactions with other businesses, or collect unreasonable fees from an in-platform business.

Article 36 Where an e-commerce platform business takes measures, such as warning and suspension or termination of services, against an in-platform business in violation of any law or regulation according to the platform service agreement and transaction rules, timely publication shall be made.

Article 37 An e-commerce platform business that conducts proprietary business in its own platform shall distinguish proprietary business from the business conducted by in-platform businesses in a conspicuous manner and shall not mislead consumers.

An e-commerce platform business shall be civilly responsible according to the law, as commodities seller or service provider, for business labeled with proprietary business.

Article 38 Where an e-commerce platform business fails to take necessary measures, though it knows or should have known that an in-platform business sells commodities, or provides services, inconsistent with the requirements for guaranteeing personal and property safety, or commits any other conduct of infringing upon the lawful rights and interests of consumers, the e-commerce platform business and the in-platform business shall be jointly and severally liable.

If, in respect of commodities or services relative to the life and health of consumers, an e-commerce platform business causes damage to a consumer by its failure to perform the

obligation of reviewing the qualifications of an in-platform business, or the obligation of guaranteeing the safety of consumers, the e-commerce platform business shall be correspondingly liable in accordance with the law.

Article 39 An e-commerce platform business shall establish and improve a credit rating system, publish credit rating rules, and provide channels for consumers to make comments on the commodities sold or services provided in the platform.

An e-commerce platform business may not delete any comment made by a consumer on the commodities or services sold or provided on its platform.

Article 40 An e-commerce platform business shall show the search results of commodities or services to consumers by various means based on the price, sales, credit of the commodities or services; and conspicuously indicate "advertisement" for commodities or services ranked as a result of pay for placement.

Article 41 An e-commerce platform business shall develop rules for protection of intellectual property rights and strengthen cooperation with owners of intellectual property rights, so as to protect intellectual property rights according to the law.

Article 42 Where the owner of an intellectual property right considers that his or her intellectual property right has been infringed upon, he/she shall have the right to notify the e-commerce platform business of taking necessary measures, such as deletion, blocking or disconnection of links and termination of transactions and services. The notice shall include prima facie evidence that the infringement has been committed.

The e-commerce platform business shall, after having received the notice, take timely and necessary measures and forward the notice to the in-platform business; and if e-commerce

platform business fails to take timely and necessary measures, it shall be jointly and severally liable with the in-platform business for any aggravation of the injury.

Civil liability shall be assumed according to the law for any damage caused to the in-platform business by erroneous notice. Double compensation liability shall be assumed according to the law for any damage caused to the in-platform business by erroneous notice given in bad faith.

Article 43 An in-platform business may, upon receipt of the notice forwarded, give a declaration of non-existence of infringements to the e-commerce platform business. The declaration shall include prima facie evidence of non-existence of infringements.

The e-commerce platform business shall, upon receipt of the declaration, forward it to the owner of the intellectual property right that gives the notice, and advise the owner that he/she may file a complaint with the relevant competent authority or bring an action in the people's court. If the e-commerce platform business does not receive notice, within 15 days after the forwarded declaration reaches the owner of the intellectual property right, that the owner has filed a complaint or sued, the e-commerce platform business shall promptly terminate the measures it has taken.

Article 44 An e-commerce platform business shall publish the received notice, declarations and disposition results as specified in Articles 42 and 43 of this Law in a timely manner.

Article 45 Where an e-commerce platform business knows or should have known that an in-platform business infringes upon any intellectual property right, it shall take necessary measures such as deletion, blocking or disconnection of links and termination of transactions and services, or, failing that, it shall be jointly and severally liable with the infringer.

Article 46 In addition to the services as provided for in paragraph 2, Article 9 of this Law, an e-commerce platform business may, under the platform service agreement and transaction rules, provide such services for e-commerce between businesses, as warehousing, logistics, payment settlement, delivery, and other services. When providing services for the e-commerce between businesses, an e-commerce platform business shall observe the laws, administrative regulations, and the relevant rules issued by the state and shall not conduct trading, by call auction, market maker, or any other means of centralized trading, or by standardized contract.

Chapter III Formation and Performance of E-Commerce Contracts

Article 47 The formation and performance of contracts by e-commerce parties shall be subject to this Chapter, the General Provisions of the Civil Law of the People's Republic of China, the Contract Law of the People's Republic of China, the Electronic Signature Law of the People's Republic of China, and other laws.

Article 48 The act that an e-commerce party forms or performs a contract by using an automatic information system shall be legally binding on the party using the system.

A party shall, in e-commerce, be presumed to have corresponding capacity for civil conduct, unless contrary evidence is sufficient to rebut the presumption.

Article 49 Where the information on commodities or services released by an e-commerce business meets the conditions for an offer, the contract shall be formed if a user chooses the commodities or services and successfully submits an order, unless otherwise stipulated by the parties.

An e-commerce business may not stipulate by standard form clauses, or any other means, that a contract is not established after the consumer pays the price; and if standard form clauses, among others, contain such a stipulation, the stipulation shall be invalid.

Article 50 An e-commerce business shall clearly, fully, and explicitly inform users of matters such as procedures for formation of a contract, the dos and don'ts, and download methods and ensure easy and complete reading and downloading by users.

An e-commerce business shall ensure that users may correct any typo before submitting an order.

Article 51 Where the subject matter of a contract is delivery of commodities by express delivery, delivery time shall be the time of signature by the consignee. Where the subject matter of a contract is provision of services, delivery time shall be the time specified in the created electronic document or hard-copy document; and if the said document specifies no time, or the time specified is not the same as the time for the actual provision of services, delivery time shall be the time of the actual provision of services.

Where the subject matter of a contract is to be delivered by means of online transmission, delivery time shall be the time when the subject matter enters the particular system designated by the other party and is capable of being searched for and identified.

Where contractual parties separately agree upon the manner or time for delivery, the agreement shall prevail.

Article 52 E-commerce parties may agree upon delivery of commodities by express delivery.

An express delivery service provider shall, in providing express delivery services for e-commerce, observe laws and administrative regulations and comply with promised service

specifications and time limits. When the express delivery service provider delivers commodities, it shall remind the consignee to conduct inspection in its presence; and if delivery is taken by another person on behalf, he/she shall have the consignee's consent.

An express delivery service provider shall use environment-friendly packaging materials as required and achieve the reduction in the quantity and recycling of packaging materials.

An express delivery service provider may, in addition to providing express delivery services, collect payments on behalf as authorized by e-commerce businesses

Article 53 E-commerce parties may agree upon payment of prices in the electronic manner.

An electronic payment service provider shall, in providing electronic payment services for e-commerce, observe the provisions issued by the state, inform users of matters such as functions of electronic payment services, usage, the dos and don'ts, relevant risks, and fee rates, and shall not set additional unreasonable transaction conditions. An electronic payment service provider shall ensure the integrity, consistency, traceability, verifiability, and tampering resistance of electronic payment instructions.

An electronic payment service provider shall gratuitously provide users with statements of account and the transaction records in the latest three years.

Article 54 An electronic payment service provider shall bear compensation responsibility for the damage caused to users by providing electronic payment services not in compliance with the requirements for payment security management issued by the state.

Article 55 A user shall, before issuing payment instructions, verify the amount, payee and other complete information contained in the payment instructions.

Where payment instructions encounter any mistake, the electronic payment service provider shall find out the reasons in a timely manner and take relevant measures for corrections. The electronic payment service provider shall bear compensation responsibility for the damage caused to the user, unless it is able to prove that the mistake is not due to it.

Article 56 An electronic payment service provider shall, upon completion of electronic payment, provide users with timely and accurate information on the acknowledgment of payment in a manner as stipulated.

Article 57 A user shall properly keep transaction password, electronic signature data, and other security tools. Where a user discovers loss or theft of security tools, or unauthorized payment, he/she shall notify the electronic payment service provider in a timely manner.

An electronic payment service provider shall be responsible for the damage resulting from any unauthorized payment; and if it proves that the unauthorized payment was caused by the fault of the user, it shall not be responsible.

When an electronic payment service provider discovers any unauthorized payment instruction or receives a notice of an unauthorized payment instruction of a user, it shall take timely measures to prevent any aggravation of damage. If the electronic payment service provider fails to do so, it shall be responsible for any aggravation of the damage.

Chapter IV Settlement of E-Commerce Disputes

Article 58 The state shall encourage e-commerce platform businesses to develop commodities and service quality assurance mechanism favorable to e-commerce development and protection of consumer rights and interests.

Where an e-commerce platform business and in-platform businesses establish consumer rights and interests guarantee funds by agreement, both parties shall explicitly stipulate the measures for the amount of withdrawal, management, use and refund of the funds, among others.

Where a consumer requires the e-commerce platform business to assume compensation responsibility in advance, and after compensating, the e-commerce platform business exercises recovery against the in-platform business, the Law of the People's Republic of China on the Protection of Consumer Rights and Interests shall apply.

Article 59 An e-commerce business shall develop an easy and effective complaint and report mechanism, release complaint and report methods and other information, and accept and handle complaints and reports in a timely manner.

Article 60 An e-commerce dispute may be settled by reconciliation through consultation, requesting mediation by a consumers' organization, an industry organization, or any other mediation organization established according to the law, filing a complaint with the relevant authorities, referring it to arbitration, bringing an action, or any other means.

Article 61 When a consumer buys commodities or receives services on an e-commerce platform and is involved in a dispute with the in-platform business, the e-commerce platform business shall actively help the consumer defend his/her lawful rights and interests.

Article 62 An e-commerce business shall, over the course of handling an e-commerce dispute, provide the original contract and transaction records. Where the people's court, arbitral institution, or relevant authority is unable to ascertain the facts for the reason that the

e-commerce business loses, fabricates, tampers with, destroys, conceals, or refuses to provide the aforesaid materials, the e-commerce business shall assume corresponding legal liability.

Article 63 An e-commerce platform business may establish an online dispute settlement mechanism, develop and publish dispute settlement rules, and equitably and impartially settle the disputes between parties according to the principle of voluntariness.

Chapter V Promotion of E-Commerce

Article 64 The State Council and the people's governments of provinces, autonomous regions and municipalities directly under the Central Government shall include e-commerce development in national economic and social development plans, make scientific and reasonable industry policies, and promote the innovative development of e-commerce.

Article 65 The State Council, local people's governments at or above the county level, and their relevant departments shall take measures to support and boost green packaging, warehousing, and transportation and promote the green development of e-commerce.

Article 66 The state shall promote the construction of e-commerce infrastructures and the logistics network, improve the e-commerce statistics system, and strengthen the development of the e-commerce standard system.

Article 67 The state shall promote the application of e-commerce in each field of the national economy and support the integrated development of e-commerce and all industries.

Article 68 The state shall promote the application of Internet technologies at such links as agricultural production, processing and circulation, encourage various social resources to strengthen cooperation, promote the development of rural e-commerce, and use the role of e-commerce in precision poverty alleviation.

Article 69 The state shall maintain e-commerce transaction security, protect e-commerce user information, encourage the development and application of e-commerce data, and protect the orderly and free flow of e-commerce data by law.

The state shall take measures to promote the establishment of a public data sharing mechanism and encourage e-commerce businesses to use public data by law.

Article 70 The state shall support credit rating institutions established according to the law in rating e-commerce credit and providing the public with e-commerce credit rating services.

Article 71 The state shall promote cross-border e-commerce development, establish and improve administrative systems for Customs, taxation, entry and exit inspection and quarantine, and payment settlement, among others, in line with the characteristics of cross-border e-commerce, improve facilitation at each link of cross-border e-commerce, and support cross-border e-commerce platform businesses in providing storage and logistics, customs declaration, inspection and quarantine declaration, and other services for cross-border e-commerce.

The state shall support micro and small-sized enterprises in engaging in cross-border e-commerce.

Article 72 The administrative authority of import and export of the state shall advance the building of the comprehensive services and regulatory systems for cross-border e-commerce in customs declaration, tax payment, inspection and quarantine, and other links, optimize the regulatory process, promote the achievement of information sharing, mutual recognition of regulation, and mutual assistance in law enforcement, and raise the efficiency of the services for and regulation of cross-border e-commerce. A cross-border e-commerce business may

undergo relevant formalities at the administrative authority of import and export of the state with electronic documents.

Article 73 The state shall promote the exchange and cooperation with different countries and regions in e-commerce, participate in the development of international e-commerce rules, and promote the international mutual recognition of electronic signature and electronic identities.

The state shall promote the establishment of cross-border e-commerce dispute settlement mechanisms with different countries and regions.

Chapter VI Legal Liability

Article 74 Where an e-commerce business selling commodities, or providing services, defaults on a contractual obligation, or performs a contractual obligation inconsistent with the agreement, or causes damage to another person, the e-commerce business shall be civilly liable.

Article 75 Where an e-commerce business, in violation of Article 12 or 13 of this Law, engages in business operation without relevant administrative licensing, or sells commodities or provides services the trading of which is prohibited by any law or administrative regulation, or fails to perform the obligation of providing information as provided for in Article 25 of this Law, or an e-commerce platform business, in violation of Article 46 of this Law, trades by means of centralized trading, or by standardized contract, punishment shall be given as provided for by the relevant laws and administrative regulations.

Article 76 Where an e-commerce business, in violation of this Law, commits any of the following conduct, the administrative authority of market regulation shall order it to take corrective action within a specified period and may fine it 10,000 yuan or less, and the e-

commerce platform business involved shall be punished under paragraph 1, Article 81 of this

Law:

(1) Failing to publish the information on its business license, information on administrative licensing, the circumstances not requiring it to make market participant registration, or any other information, or the mark of the link to the aforesaid information, at a conspicuous place of its homepage.

(2) Failing to continuously publish the information on termination of e-commerce at a conspicuous place of its homepage.

(3) Failing to expressly state the means of and procedures for search, correction or deletion of user information, or user deregistration, or setting unreasonable conditions for search, correction or deletion of user information or user deregistration.

Where an e-commerce platform business fails to take necessary measures against an in-platform business, which violates the preceding paragraph, the administrative authority of market regulation shall order the e-commerce platform business to take corrective action within a specified period and may fine it not less than 20,000 yuan nor more than 100,000 yuan.

Article 77 Where an e-commerce business provides search results in violation of paragraph 1, Article 18 of this Law, or performs tie-in sale of commodities or services in violation of Article 19 of this Law, the administrative authority of market regulation shall order it to take corrective action within a specified period and confiscate any illegal income, and, in addition, may fine it not less than 50,000 yuan nor more than 200,000 yuan, or, if the circumstances are serious, not less than 200,000 yuan nor more than 500,000 yuan.

Article 78 Where an e-commerce business, in violation of Article 21 of this Law, fails to expressly state to consumers the manner and procedure for the refund of deposits, sets unreasonable conditions for the refund of the deposits, or fails to refund deposits in a timely manner, the relevant competent authority shall order it to take corrective action within a specified period and may fine it not less than 50,000 yuan nor more than 200,000 yuan, or, if the circumstances are serious, not less than 200,000 yuan nor more than 500,000 yuan.

Article 79 Where an e-commerce business violates the provisions on the protection of individual information in any law or administrative regulation, or fails to perform the obligation of cybersecurity protection as provided for in Article 30 of this Law, or any relevant law or administrative regulation, it shall be punished under the Cybersecurity Law of the People's Republic of China and other laws and administrative regulations.

Article 80 Where an e-commerce platform business commits any of the following conduct, the relevant competent authority shall order it to take corrective action within a specified period; and if it fails to do so, it shall be fined not less than 20,000 yuan nor more than 100,000 yuan; and if the circumstances are serious, it shall be ordered to suspend business for rectification, in addition to a fine not less than 100,000 yuan nor more than 500,000 yuan:

(1) Failing to perform the obligation of verification or registration as provided for in Article 27 of this Law.

(2) Failing to submit relevant information to the administrative authorities of market regulation or taxation authorities under Article 28 of this Law.

(3) Failing to take necessary disposition measures against illegal circumstances according to Article 29 of this Law, or report to the relevant competent authorities.

(4) Failing to perform the obligation of retaining the information on commodities or services or transaction information as provided for in Article 31 of this Law.

Where any law or administrative regulation has otherwise provisions for the punishment of the illegal conduct as provided for in the preceding paragraph, the law or administrative regulation shall prevail.

Article 81 Where an e-commerce platform business, in violation of this Law, commits any of the following conduct, the administrative authority of market regulation shall order it to take corrective action within a specified period and may fine it not less than 20,000 yuan nor more than 100,000 yuan, or, if the circumstances are serious, not less than 100,000 yuan nor more than 500,000 yuan:

(1) Failing to continuously publish the information regarding its platform service agreement or transaction rules, or the mark of the link to the said information, at a conspicuous place of its homepage.

(2) Failing to request public comments on amendment of its transaction rules at a conspicuous place of its homepage or publish the amendment in advance at a time as required, or precluding an in-platform business from leaving.

(3) Failing to distinguish proprietary business from the business conducted by in-platform businesses in a conspicuous manner.

(4) Failing to provide channels for consumers to make comments on the commodities sold or services provided in the platform, or, without permission, deleting the comments made by consumers.

An e-commerce platform business that, in violation of Article 40 of this Law, fails to conspicuously indicate "advertisement" for commodities or services ranked as a result of pay for placement shall be punished under the Advertising Law of the People's Republic of China.

Article 82 Where an e-commerce platform business, in violation of Article 35 of this Law, unreasonably restricts or additionally sets unreasonable conditions against the transactions and trading prices of an in-platform business in the platform, or its transactions with other businesses, or collects unreasonable fees from an in-platform business, the administrative authority of market regulation shall order the e-commerce platform business to take corrective action within a specified period and may fine it not less than 50,000 yuan nor more than 500,000 yuan, or, if the circumstances are serious, not less than 500,000 yuan nor more than 2, 000,000 yuan.

Article 83 Where an e-commerce platform business, in violation of Article 38 of this Law, fails to take necessary measures against the infringement of the lawful rights and interests of consumers by any in-platform business, or perform the obligation of review of the qualifications of in-platform businesses, or perform the obligation of security protection towards consumers, the administrative authority of market regulation shall order the e-commerce platform business to take corrective action within a specified period and may fine it not less than 50,000 yuan nor more than 500,000 yuan; or if the circumstances are serious, it shall be ordered to suspend business for rectification, in addition to a fine not less than 500,000 yuan nor more than 2, 000,000 yuan.

Article 84 Where an e-commerce platform business, in violation of Article 42 or 45 of this Law, fails to take necessary measures as required by law against the infringement of an intellectual property right committed by an in-platform business, the relevant administrative agency of intellectual property shall order the e-commerce platform business to take corrective action within a specified period; and if the e-commerce platform business fails to do so, it shall be fined not less than 50,000 yuan nor more than 500,000 yuan, or, if the circumstances are serious, not less than 500,000 yuan nor more than 2,000,000 yuan.

Article 85 An e-commerce business that, in violation of this Law, sells commodities, or provides services, inconsistent with the requirements for guaranteeing personal and property safety, performs false or misleading commercial promotion, or any other unfair competition, abuses its dominant market position, or commits infringement upon an intellectual property right or consumer rights and interests, or other conduct, shall be punished according to the relevant laws.

Article 86 The illegal acts of an e-commerce business as mentioned in this Law shall be entered into credit archives according to the relevant laws and administrative regulations and published.

Article 87 Where a staff member in charge, as legally required, of the supervision and administration of e-commerce of the authorities neglects his/her duty, abuses power, practices favoritism, makes falsehood, or divulges, sells, or illegally provides to another person the individual information, privacy, or trade secrets known to him/her in the course of performing duties, he/she shall be held legally liable in accordance with the law.

Article 88 Where a violation of this Law constitutes violation of public security administration, the violator shall be given a public security administration punishment as legally required; if the violation is criminally punishable, the violator shall be held criminally liable in accordance with the law.

Chapter VII Supplemental Provision

Article 89 This Law shall come into force on January 1, 2019.