Proceeding of ICGPSH 2025 Symposium: The Globalization of Connection: Language, Supply Chain, Tariff, and Trade Wars
DOI: 10.54254/2753-7048/2025.LD25218

Research on the Anti Monopoly Law Protection of Personal

Jiayi Zhang

Fengmei International School, Datong, China
2153704930@qq.com

Abstract. With the rapid development of the global digital economy, various forms of unfair competition have emerged, posing great challenges to antitrust enforcement. With the development of information technology, various platforms are increasingly recognizing the importance of personal privacy, which contains enormous commercial value. Therefore, scholars hold different views on whether personal privacy should be included in antitrust law. This paper analyzes professional competitive behavior in the context of antitrust law through actual cases at home and abroad, aiming to regulate the competitive behavior among various data platforms in the development of the digital economy. It focuses on protecting consumers' personal privacy data and ensuring healthy competition among merchants. It also explores the protection of consumers' personal rights and interests under the rapid development of the digital economy, as well as previously undiscovered loopholes. The antitrust laws are deficient in covering personal privacy protection. In order to better protect personal privacy, the antitrust law should intervene appropriately to balance various factors, safeguard personal privacy, and ultimately achieve mutual benefits.

Keywords: Anti Monopoly Law, Protection of Personal, Digital Economy

1. Introduction

The rapid expansion of the global digital economy has given rise to various forms of unfair business competition, posing significant challenges to antitrust enforcement. Digital economic activities underpin many of today's mobile social and e-commerce platforms, making them integral to contemporary consumere [1]. The monopolistic behaviour in the economic activities in China and the monopolistic behaviour outside China have the effect of excluding or restricting the competition in the domestic market. Such behaviours include the concentration of operators who reach monopolistic agreements, abuse their dominant position in the market, and have or may have the effect of excluding or restricting competition. Information, material and energy together constitute the three fundamental elements of human survival and development. In the current era, data is becoming the most important carrier of information. Enterprise data hides huge property interests related to the development of enterprises; at the same time, it is also related to the market order of enterprise competition in the whole Internet industry. With the development of information technology, various platforms have gradually realised the importance of personal privacy, which contains huge commercial interests. Consequently, debates have emerged among scholars regarding whether personal privacy should fall within the purview of antitrust regulation. Anti-monopoly law

DOI: 10.54254/2753-7048/2025.LD25218

does have shortcomings that can not cover the protection of individualy [2]. In order to better protect personal privacy, the anti-monopoly law should be properly involved, and we need to find a certain balance among them in order to better protect personal privacy security and ultimately achieve mutual benefit and a win-win situation [3]. Within the scope of the anti-monopoly law, this paper is based on the premise of regulating the development behaviour of the digital economy in the competition of various data platforms, aiming at protecting the consumer's personal privacy data and the benign competition between the merchants. Through the analysis of professional competition behaviour of various practical cases at home and abroad, the anti-monopoly law gradually begins to analyse the problem of protecting consumers' individual rights and interests under the rapid development of the digital economy, including the once-undetected loopholes.

2. Need for antitrust law protection of personal information

2.1. Necessity of implementation

One of the most prominent examples of classic antitrust legislation is the Sherman Act, which has laid the foundation for global antitrust jurisprudence. Over the past century, anti-monopoly organisations and monopolistic enterprises of various countries have made arduous struggles, and the anti-monopoly law is playing an increasingly important role in the economic law of various countries in the world; their past for the upcoming "Anti-monopoly Law" in China is obviously a positive reference. The State Department released Under Article 13 of the Law on Standardisation (draft revision for consultation), a social group established by law may set voluntary group standards for use by the community; the trade association acquired the right to set standards on a legal level. In countries with developed, standardised systems, trade associations and social organisations such as guilds are the main subjects of standard-setting and certification [4]. The effective implementation of the anti-monopoly law helps maintain fair competition in the market, enhances the vitality and competitiveness of our economy, protects the interests of consumers and the public interest, and promotes the healthy development of the socialist market economy and is of great significance.

The provisions on monopoly agreement, abuse of dominant market position, abuse of administrative power, exclusion and restriction of competition are of strong principle. Antitrust law remains the primary instrument for regulating market competition in China. This is particularly important in so-called natural monopoly industries, where heightened competition awareness can significantly improve regulatory outcomes. The enactment of comprehensive antitrust legislation is expected to deepen understanding of market principles and foster the establishment of competitive mechanisms within various sectors, thereby promoting further development and refinement of the national market economy.

2.2. Interventions

Anti-monopoly policy measures mainly focus on two aspects. 1. The main factors leading to market monopoly are concentration of sellers, differentiation of products and barriers to entry. Therefore, the corresponding measures for the government to intervene in the market structure and restrain the monopoly malady are: 1) to reduce the concentration of buyers or to stop the increase of concentration 2) to reduce the entry barriers or to stop the increase 3) to reduce the degree of product differentiation

2. In many foreign countries, government intervention measures to curb monopoly are more commonly used to intervene in the market behavior [5]. The contents of government intervention

DOI: 10.54254/2753-7048/2025.LD25218

include: The Way of Enterprise Pricing, the degree of non-price competition and the suppression of competitors. Specific measures include: 1) the prohibition of contracts and collusion that hinder the normal transaction; 2) the prohibition of price discrimination against different sales objects.

China's Anti-Monopoly Law, while incorporating international practices, adheres to a set of localized principles that guide its implementation. These include the integration of international norms with domestic realities, a balance between general principles and specific provisions, and a combination of procedural and substantive rules. The law prioritizes safeguarding national economic interests and emphasizes efficiency. Core objectives include promoting fair competition, legally supervising market concentration, enhancing overall competitiveness, and prohibiting the abuse of administrative power that could restrict or eliminate market competition. Despite its contributions, the current Anti-Monopoly Law still faces limitations. The generality and ambiguity of certain provisions, especially those related to trade associations, hinder effective regulation of anti-competitive behavior within such organizations.

2.3. Characteristics

The characteristics of anti-monopoly law consist of state intervention, social standards and economic policy. The anti-monopoly law applies to monopolistic acts in economic activities in the People's Republic of China (excluding the areas of Hong Kong, Macao and Taiwan of China) and also extends to monopolistic acts outside the People's Republic of China that have the effect of excluding or restricting competition in the domestic market. The applicable subjects and behaviours of the anti-monopoly law are (1) the operator (1) the operator enters into a monopoly agreement; concentration of operators with or likely to have the effect of excluding or restricting competition. (2) The trade association shall strengthen the self-discipline of the trade, guide the operators of the trade to compete in accordance with the law, and maintain the order of market competition; no operator of the industry may be organised to engage in monopolistic acts prohibited by the anti-monopoly law. (3) The executive branch of administrative subjects and organisations authorised by laws and regulations with the functions of managing public affairs shall not abuse their administrative powers to exclude or restrict competition [6].

3. Case-based analysis of solutions to trade association antitrust issues

The object of adjustment of economic law is very extensive, including economic management relations, business coordination relations, internal economic relations of organisations and foreign economic relations. The adjustment method of economic law is the comprehensive use of various means, such as civil, administrative, criminal, procedural, professional and technical means. The legal sources of economic law include constitutions, laws, administrative regulations, Local ordinance, administrative regulations, judicial interpretations, international treaties and agreements, etc. The comprehensive readjustment of economic law is embodied in four aspects: the readjustment object, the readjustment method, the legal source and the legal responsibility. In view of the provisions of the anti-monopoly law on trade associations and their deficiencies, this paper offers some suggestions for better regulation of trade associations to restrict competition. A review of relevant cases helps illustrate the current enforcement landscape and areas for improvement:

In August 2014, Yunnan Yingding Biotech, a private enterprise, filed a lawsuit against China Petroleum & Chemical Corporation (Sinopec). The case was triggered by Sinopec's refusal to incorporate biodiesel produced by Yingding into its sales system, despite the fuel meeting national

DOI: 10.54254/2753-7048/2025.LD25218

standards. Yingding demanded the inclusion of its biodiesel and compensation of 3 million yuan, citing provisions of the Renewable Energy Law [7].

On August 20, 2014, the National Development and Reform Commission (NDRC) imposed a fine exceeding 830 million yuan on eight Japanese auto parts companies for engaging in price-fixing. Among them, Seiko and three other bearing manufacturers were fined a total of 400 million yuan for monopoly practices, bringing the total penalty to 1.235 billion yuan—the largest fine issued by China's antitrust authorities to date. The NDRC determined that the companies had reached and enforced price-fixing agreements, distorting the pricing mechanisms of auto parts, bearings, and finished vehicles. This conduct undermined fair market competition and infringed upon the legitimate interests of downstream manufacturers and consumers. On August 1, 2008, four anti-counterfeiting technology companies brought a case to the Beijing No. 1 Intermediate People's Court against the General Administration of Quality Supervision, Inspection and Quarantine. The lawsuit claimed that in promoting the "Chinese Electronic Product Quality Monitoring Network," the administration had violated anti-monopoly and unfair competition laws. The plaintiffs argued that the conduct constituted an administrative monopoly and an abuse of administrative authority [8].

These cases illustrate the practical challenges in enforcing anti-monopoly laws, particularly regarding administrative monopolies and the collusive behavior of dominant enterprises or associations. Drawing from these precedents, improvements in legislative clarity, enforcement mechanisms, and institutional oversight are essential to strengthen China's antitrust regulatory framework.

4. Discussion

The legal liability of economic law is also comprehensive, including civil liability, administrative liability, criminal liability and other forms. The principles and typical case studies of American antimonopoly law systematically introduce the most important forms of illegal monopoly in American antimonopoly law, including market monopoly, intentional monopoly, horizontal restriction agreement and vertical restriction agreement, monopoly collusion, corporate mergers, predatory pricing, price discrimination, bundling, abuse of intellectual property rights and other aspects of the law and the classic case [9]. In recent years, the complexity and procedural rigor of the U.S. antitrust legal system have been widely acknowledged. At the same time, there has been an increasing recognition of the urgency to refine the domestic anti-monopoly legal framework.

Comparative studies of the antitrust legislation in jurisdictions such as the United States, the European Union, and Japan highlight the challenges facing China, particularly regarding the regulation of big data-driven price discrimination. Currently, disputes persist concerning the application of several intersecting legal regimes—including the Anti-Monopoly Law, Consumer Protection Law, E-Commerce Law, and Data Protection Regulations—which complicates effective regulation. Given the difficulty and high cost of legislative amendments, a more practical approach may be to develop authoritative interpretations of existing legal provisions. Specifically, interpreting Article 18, paragraph 1, of the E-Commerce Law and clarifying the criteria for identifying unlawful conduct can provide a more efficient path to addressing price discrimination in the digital economy.

These concerns are not limited to foreign jurisdictions. For example, domestic e-commerce platforms such as Taobao and its Tmall Double 11 promotional campaign have exhibited problematic pricing practices, including forms of algorithmic price discrimination. While such campaigns offer economic benefits and consumer incentives, they also raise serious concerns regarding fair competition. In particular, the frequent use of discriminatory pricing tactics by sellers

DOI: 10.54254/2753-7048/2025.LD25218

—based on consumer data—warrants scrutiny under competition law. Illegal price discrimination should be assessed according to a set of key analytical dimensions: the identity of the actor, the target of discrimination, the nature of the discriminatory conduct, the resulting harm, and whether any legitimate justifications exist. From a theoretical standpoint, this multi-dimensional analysis can help determine whether conduct constitutes a violation of anti-monopoly principles.

Furthermore, the protection of individual consumer rights is a critical concern. As personal information becomes an essential element of data resources, reliance solely on instruments such as the Personal Information Protection Law is insufficient. Within a market economy, the Anti-Monopoly Law emerges as a crucial legal basis for consumer redress. One of the most pressing challenges in this area is the increasing prevalence of algorithmic price discrimination, wherein businesses collect and analyze consumer data to create precise individual profiles. These profiles are then integrated into pricing algorithms to achieve personalized pricing—commonly described as "one thousand people, one thousand prices"—with the goal of extracting maximum consumer surplus. This practice undermines consumer rights by distorting their willingness to pay and depriving them of the right to information and fair trade. At present, regulatory efforts in China typically approach algorithmic price discrimination from three perspectives: personal information protection, anti-price discrimination, and anti-monopoly enforcement. However, the effectiveness of these approaches remains limited. To address these challenges, this paper proposes the establishment of an integrated legal governance mechanism based on the principles of risk prevention, operational compliance, and post-incident relief. Such a mechanism would not only enhance the enforceability of existing laws but also provide a more coherent and systematic response to the complex risks posed by data-driven market conduct.

5. Conclusion

In contrast to the traditional single private law or public law protection mechanism, the advantage of competition law is to be able to grasp the fact of consumer privacy infringement in the process of law enforcement and justice; it will help reduce the cost of individual consumer protection and enforcement by regulators. However, the theoretical disputes and institutional shortcomings of the competition law in the protection of consumer privacy have limited the exertion of its advantages. The anti-monopoly law has long adhered to prudential regulation, and has done its best to maintain the various dynamic equilibrium between regulation and innovation so that it can properly and fairly protect the individual rights and interests of consumers, as well as the establishment of pre-prevention of occupational vicious competition, supervision and supervision in the event, as well as the subsequent rectification of the chain-like anti-monopoly law regulatory concept, gradually enhance the effectiveness of legal supervision and gradually improve the anti-monopoly law adaptation mechanism to assist the public to carry out long-term, smooth self-development of the digital economy, strengthening the anti-monopoly law's ability to keep close to the rapid development of the global digital economy, promoting the standardized collection and circulation of data in China, and concentrating all the efforts of the anti-monopoly Law Insiders, give full play to the benign competitive advantage of the rapid development of digital economy in the new era of China.

References

[1] ANGHEL, Ș. I., & STAN, F. A. (2024, June). Social Media and Online Shopping: Exploring Interactions and Implications in the Digital Environment. In Proceedings of the International Conference on Economics and Social Sciences.

DOI: 10.54254/2753-7048/2025.LD25218

[2] Zhang, H. (2024, February). Big Data and Anti Monopoly Law Research on Data Monopoly and Market Competition Issues. In 2023 5th International Conference on Economic Management and Cultural Industry (ICEMCI 2023) (pp. 419-425). Atlantis Press.
[3] Shekharan Ayniwal. (2023). A Study of Consumer Data Privacy Protection Based on Antitrust Laws. Economic and Social Development Research.(25), 0091-0093.
[4] Rudden, L. Y. D. I. A. (2025, January). Fragmented Data Privacy Laws: Time for Federal Legislation. In Boston College Intellectual Property and Technology Forum (Vol. 2025, pp. 1-18).
[5] Wang, Z. (2025). Review and Outlook of the Evolution of China's Competition Policy: From Economic Transition to the Dual Circulation Strategy. US-China L. Rev., 22, 35.
[6] Cai, S., & Ni, X. (2025). Administrative monopoly regulation and the cost of debt financing: Evidence from China. Pacific-Basin Finance Journal, 102777.
[7] National Development and Reform Commission of the People's Republic of China. 2014. Twelve Japanese companies have been fined 1.235 billion yuan by the National Development and Reform Commission (NDRC) for price monopolization of auto parts and bearings. https: //www.ndrc.gov.cn/xwdt/xwfb/201408/t20140820_955897_ext.html
[8] Yangtze River Business News. 2008. First Day of Antitrust Law Enforcement. https: //finance.sina.cn/sa/2008-08-04/detail-ikftpnny1429115.d.html
[9] Phillips-Sawyer, L. (2023). Restructuring American Antitrust Law: Institutionalist Economics and the Antitrust Labor Immunity, 1890-1940s. U. Chi. L. Rev., 90, 659.