

An Empirical Study on the Regulatory Path and Legal Application of Platform Monopoly Behavior from the Perspective of Commercial Law in the Context of the Digital Economy

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ABSTRACT To address the concealed nature of platform monopoly behavior and the limited efficiency of commercial-law implementation in the digital economy, this paper constructs an empirical framework for regulatory path analysis and legal application. First, a three-dimensional “subject-behavior-responsibility” framework is developed to define platforms as providers of commercial public infrastructure and clarify their fiduciary duties. Second, 63 typical platform monopoly cases from 2018 to 2024 are collected and coded, covering e-commerce, social media, search, logistics, and online travel platforms across multiple jurisdictions. Third, a dual-test model of “behavioral harm-efficiency defense” is constructed, introducing indicators such as the Herfindahl-Hirschman Index and price transmission elasticity to quantify competitive harm and efficiency justification. Finally, three regulatory paths—ex-ante obligation, ex-post punishment, and commitment to rectification—are compared through a matching matrix. The results show that the ex-ante obligation path achieves a 95% identification rate, a 4.2-month enforcement cycle, and a 14.3% recurrence rate, outperforming alternative paths. The findings support fiduciary-duty-based regulation for platform monopoly governance.

INDEX TERMS digital economy, commercial law, platform monopoly, regulatory path, legal application

I. INTRODUCTION

IN the digital economy, the monopolistic behavior of the platform economy presents new types of monopoly behaviors in the form of “choose one of two”, algorithmic collusion, data hijacking, and self-preferential behavior, which not only seriously disrupt the market competition order, but also harm consumers’ interests [1,2]. Currently, commercial law rules mainly regulate offline physical commercial entities. The provisions of abuse of market dominance and unfair competition in commercial law are insufficient when applied to digital platforms. There are obvious defects in subject identification, insufficient matching between behavior requirements and insufficient allocation of burden of proof. Specifically, on one hand, platforms play the dual role of market operators and rule makers. It is difficult for traditional commercial law to define their public obligations; on the other hand, the black box of algorithms and data advantages make it very difficult to monitor and prove monopoly behavior, and there is a dilemma of “wanting to regulate but not being able to regulate well, wanting to prohibit but not being able to prohibit” in the application of law [3]. Therefore, the reconstruction of the regulatory path

and legal application rules for the monopolistic behavior of the platform is of important theoretical value and urgent practical significance.

Existing research mainly focuses on the application of anti-monopoly law to platform monopolies, platform responsibilities, and algorithm governance. For example, Wang and Fang analyzed the current trend, core challenges and response paths of platform monopoly regulation from the perspective of the institutional evolution of anti-monopoly in the platform economy [4]; Colangelo focused on the EU self-preferential treatment case and explored the expansion logic and boundaries of the application of competition law to digital platforms [5]; Schrepel et al. analyzed the theoretical logic, implementation path and risk governance issues of the layout of digital platforms by Chinese private enterprises from the perspective of new quality productivity [6]; Schrepel discussed the impact of the two organizational forms of “platform” and “aggregator” on the application framework of digital anti-monopoly law [7]; Jenny further discussed the application basis and gradual improvement path of competition law in platform governance from the perspective of digital ecosystem [8];

Kira et al. emphasized that a closer connection mechanism should be established between competition policy and data protection to respond to the complex governance needs in the digital ecosystem [9]; in addition, Graef et al. proposed that the fairness issues in platform governance should be understood from the perspective of the coordinated enforcement of competition law, data protection law and consumer protection law [10].

However, existing studies focus primarily on public law and competition order. While antitrust law addresses market-wide distortions, it often fails at the granular level of individual merchantplatform contracts. A commercial law perspective specifically solves the ‘regulation dilemma’ by reframing the platform as a commercial trustee. This shifts the focus from proving ‘market-wide harm’ to proving a ‘breach of fiduciary duty’ toward platform members, providing a lower procedural threshold for private law remedies and continuous internal compliance that public law enforcement cannot maintain. To address these issues, this paper employs a hybrid empirical approach combined with a dual-test model. First, a three-dimensional analytical framework of “commercial subject–behavior–liability” is constructed to overcome the shortcomings of traditional research in clearly defining the commercial entity status of platforms. Second, legal application coding and content analysis are conducted on 63 typical platform monopoly cases from 2018 to 2024, overcoming the limitations of previous studies that relied solely on inferences from a few cases. Finally, a dual-test model of “behavioral harm–efficiency defense” is designed, integrating legal logic with econometric tools (HHI index, price transmission elasticity, etc.) to achieve a quantitative comparison of the effectiveness of different regulatory paths.

Compared to existing studies that often employ normative analysis or qualitative analysis of single cases, this paper, through a systematic empirical design and interdisciplinary approach, can more accurately reveal the differences in the actual effects of various regulatory paths, providing reliable empirical evidence for the commercial law regulation of platform monopolies. The purpose of this study is to explore effective regulatory paths and applicable legal rules for platform monopolistic behavior in the digital economy from a commercial law perspective. Specific methods include: first, constructing a three-dimensional analytical framework of “commercial law subject–behavior–liability”; second, collecting 63 typical platform monopoly cases and coding their applicable laws; and third, designing a dual-test model of “behavioral harm–efficiency defense” to quantitatively evaluate the effectiveness of three paths—ex-ante obligation, ex-post punishment, and commitment to rectification—in terms of identification rate, enforcement cycle, intervention lag time, and 24-month recurrence rate.

II. CONSTRUCTING A THREE-DIMENSIONAL COMMERCIAL LAW ANALYSIS FRAMEWORK OF “SUBJECT-BEHAVIOR-RESPONSIBILITY”

At the subject level, traditional commercial law treats commercial subjects as natural persons, partnerships and corporations. The common characteristics of these commercial subjects are making profits and freedom of business. Furthermore, platforms serve as market organizers and rule-makers. This functional role constitutes ‘quasi-public power,’ defined here as the de facto authority of private digital entities to regulate market access and determine transaction rules, effectively exercising governance functions traditionally reserved for state actors. This paper believes that platforms should be explicitly treated as “providers of commercial public infrastructure” at the level of commercial law endowing with higher duties of care and fiduciary duty than ordinary commercial subjects. Specifically, when the platform achieves certain user scale or market power, the platform’s management of operators and consumers in the platform is no longer a purely private autonomy issue, but should be subject to the public provisions of commercial law. Platform’s subject positioning is the logical starting point for the subsequent judgment on whether there is abuse of dominant position behavior.

At the behavior level, based on a preliminary analysis of 63 cases from 2018 to 2024, this paper summarizes the platform monopolistic behavior into three categories and extracts the commercial law identification criteria of three categories of behavior. The first category is exclusion abuse, such as “choose one of two” or selfpreferential treatment. The identification criteria are: whether the platform uses the power of making rules or data advantages to substantially restrict the free cooperation of trading partners with other platforms, and whether the restriction of free cooperation of trading partners with other platforms has no legitimate commercial justification. The second category is exploitative abuse, such as algorithmic pricing discrimination, excessive data collection. The identification criteria are: whether the platform makes consumers or merchants pay prices or data considerations much higher than competitive level by taking advantage of information asymmetry or lock-in effects. The third category is algorithmic collusion, that is, tacit collusion by pricing algorithms. Identification criteria are: whether there is conscious parallel behavior attributable to the platform, and whether the platform provides technology or incentive mechanisms that promote collusion. Each type of behavior should be judged in conjunction with the platform’s principal position to prevent the principal position from being abused and normal competitive behavior from being misjudged as monopoly.

In terms of liability, traditional commercial law relies heavily on the “behavior-damage-causation” chain of proof for pursuing liability for monopolistic behavior. However, given the reality of algorithmic black boxes and data asymmetry, victims are almost unable to provide sufficient evidence. This paper introduces commercial fiduciary duty

as the core basis for liability determination within a three-dimensional framework. As a provider of commercial public infrastructure, the platform has an obligation to act in good faith, with transparency and fair management towards operators and consumers within its platform. Violation of this obligation presumes the conduct to be improper. Simultaneously, a reverse burden of proof rule is designed: once the plaintiff initially proves that the platform has engaged in suspicious conduct (such as demanding exclusive deals), the platform bears the responsibility of proving the efficiency and legitimacy of that conduct. Furthermore, the forms of liability are not limited to fines or damages, but should also include behavioral remedies such as algorithmic audits and data portability obligations. These three dimensions are interconnected; the subject's status determines the scale of conduct assessment, the type of conduct defines the scope of liability pursuit, and the liability rules, in turn, strengthen the subject's compliance incentives. This framework provides a unified commercial law analysis tool for subsequent case coding, dual-check model design, and comparison of regulatory path effectiveness.

III. COLLECTION AND CODING OF TYPICAL PLATFORM MONOPOLY CASES FROM 2018 TO 2024

This paper collected final judgments, administrative penalty decisions, and representative enforcement settlement cases involving platform monopolization both domestically and internationally from January 2018 to December 2024 in a systematic way as the reliable experience materials. The sources of cases included three parts mainly: administrative penalty decisions published on the website of China Judgments Online and the Anti-monopoly Bureau of State Administration for Market Regulation, and relevant English judgments extracted from the Westlaw international case law database. The search keywords were "platform monopoly", "choose one of two", "algorithm collusion", "data abuse", "self-preferential treatment", and "abuse of market dominance". In addition, the names of cases retrieved above were used as keywords to search the related cases snowballing. The initial screening result was 147 cases. After deduplication and elimination of cases that were not concluded or lacked sufficient facts description, 63 valid samples were finally defined. The samples included major types of platforms such as e-commerce, social media, search, logistics, and online travel. Geographically, the samples covered different jurisdictions such as China, United States, European Union, and United Kingdom.

The coding work consisted of three steps. The first step is to register basic information for each case, including case number or document number, name and type of the platform involved, country or region, date of judgment or penalty, and law enforcement or judicial agency. The second step, based on the previously constructed three-dimensional framework of "subject-behavior-responsibility," is to assign a legal application code to each case: the subject dimension records whether the judgment or decision recognizes the

platform as having the attributes of "public infrastructure" or "gatekeeper"; the behavior dimension is labeled according to three types: exclusive abuse, exploitative abuse, and algorithmic collusion, with multiple selections allowed; The responsibility dimension records the actual attribution principle adopted. To ensure objective quantification, a Binary Coding Protocol was implemented: the presence of 'fiduciary duty' or 'duty of care' elements was scored as 1 only if the judgment explicitly referenced breach of professional care or institutional trust, and 0 otherwise. Inter-coder reliability was assessed using Cohen's Kappa, yielding a score of 0.86, indicating high consistency in translating qualitative judicial reasoning into the quantitative matching matrix.

The third step involves extracting regulatory path information and categorizing cases into pre-emptive obligation paths, postemptive penalty paths, or commitment-to-rectification paths. Pre-emptive obligation paths explicitly require platforms to undertake ongoing pre-emptive obligations such as dynamic compliance and algorithm auditing. Post-emptive penalty paths primarily involve fines or injunctions. Commitment-to-rectification paths conclude cases with suspension of investigation, conditional settlement, or rectification commitments. All coding was completed independently by two researchers; inconsistencies were resolved through discussion, ultimately forming a structured dataset suitable for quantitative analysis. This dataset preserves the legal application details of each case and provides a unified classification basis for subsequent calculations of identification rate, enforcement cycle, and recurrence rate.

IV. DESIGNING A "BEHAVIORAL DAMAGE - EFFICIENCY DEFENSE" DUAL-TEST MODEL

After the completion of case coding and regulatory path classification, this paper attempts to blend the deduction of damage elements in legal logic with the measurement of market power in econometrics to construct a "Behavioral Damage - Efficiency Defense" dual-test model. The first part is the deduction of the legal elements of the damage fact. For each sample case, based on the facts of the conduct described in the judgment or penalty decision, we analyze the three elements of damage one by one in a binary way (0 or 1) and judge them independently by two researchers. Any difference will be finally concluded by the result presented in the judgment document. The second part is the quantification of damage at the econometric level. Based on the qualitative judgment in part two, we introduce three quantifiable market indicators for verification. First, the change in market share HHI index, that is, we calculate the change in the sum of the squares of the market shares of the top four platforms in the relevant market after and before the conduct to reflect the change in market concentration. Second, the price transmission elasticity coefficient. If the conduct involves pricing, we calculate the overpricing range by comparing the deviation between the platform's service price and marginal cost after and before the conduct. Third,

the lock-in effect on users will also affect the switching costs, so we indirectly measure the user switching costs by calculating the change in the proportion of multiple affiliations of operators inside the platform or the activity level of consumers switching platforms to reflect the lock-in effect caused by the behavior. We can obtain the data sources of the above three indicators from industry reports disclosed in the case materials, third party market monitoring data and publicly available financial information. If the materials are incomplete, we use reasonable ranges for estimation and perform robustness checks.

The third part is the examination and weighting of efficiency defenses. If the above two steps examine that the competitive harm is evident, we further examine if the platform can raise valid efficiency defenses. This paper defines two standards for efficiency defenses. The first is net improvement in consumer welfare, that is, the cost savings and/or quality improvements caused by the behavior are sufficient to compensate for the loss caused by price increases and/or reduction in choices. The second is significantly enhanced innovation incentives. If the behavior can significantly enhance the R&D investment or improvement of the platform's service, this effect cannot be achieved by less restrictive alternatives. Only if the platform can present verifiable evidence to meet both standards can its efficiency defense be established. To overcome the 'black box' verification problem, the regulatory framework requires that internal cost analysis and R&D data be subjected to independent third-party algorithmic audits. By mandating that this internal data be processed through standardized data portability interfaces (as defined in the pre-emptive obligation path), regulators can verify the authenticity of the platform's claims without compromising proprietary source code.

V. ESTABLISHING A REGULATORY PATH CLASSIFICATION AND MATCHING MATRIX

A case in which a clear obligation is established ex-ante requiring the platform to bear continuous and preventative compliance obligations during the entire handling process (as opposed to a one-off penalty or rectification) such as the need to build internal dynamic compliance systems, regular algorithm audits, data portability interfaces, internal compliance officers, etc. Such cases usually manifest themselves as non-prosecution decisions made contingent upon conditional non-prosecution agreements, compliance commitment agreements, or injunctions with continuous monitoring clauses (N=21). The criteria for determining the ex-post penalty path are: the case uses punitive measures such as fines, confiscation of illegal gains, or conduct injunctions as the main handling means, without attaching continuous preventative obligations to the platform. These cases are mostly seen in traditional antitrust administrative penalties and civil tort judgments, totaling 26 cases. Determination of the path to rectification under the following circumstances: a case in which the matter is terminated with

the party determining that it is committed to rectification, or the enforcement agency determines that the investigation should be suspended, or a settlement agreement is reached, without determining the illegality or punitive damages. (16) cases in which this situation occurs in the commitment suspension procedure in the antitrust enforcement and the settlement in some of the civil suits.

To control for potential confounding effects from differences in platform type or monopolistic behavior among different cases, this paper constructs a matching matrix based on the aforementioned classification. Specifically, the 63 cases are cross-grouped according to two hierarchical dimensions: platform type (e-commerce, social media, search, logistics, online travel) and monopolistic behavior type (exclusive abuse, exploitative abuse, algorithmic collusion). Within each cross-group, efforts are made to maintain a balance in the number and characteristics of cases across the three regulatory paths. For example, in the cross-group "e-commerce platform-exclusive abuse," there are 7 cases of pre-emptive obligation path, 9 cases of post-emptive penalty path, and 5 cases of commitment to rectification path, forming a comparable subsample. For sparse cells that cannot be perfectly matched, stratified tests or sensitivity analyses are used in subsequent effectiveness comparisons. The purpose of this matching matrix is to minimize interference from differences in platform type and behavior type when comparing the recognition rate or recurrence rate of different regulatory paths, allowing the comparison results to more accurately reflect the effectiveness differences of the paths themselves. Ultimately, this classification and matching matrix, together with the previously constructed three-dimensional framework, case coding data, and dual-test model, constitute the methodological basis for the empirical analysis in this paper.

VI. PERFORMANCE EVALUATION INDICATORS AND CALCULATION METHODS FOR DIFFERENT REGULATORY PATHS

A. QUASI-EXPERIMENTAL AND OBSERVATIONAL DESIGN

This study employs a quasi-experimental design based on observational data. While Group A, B, and C are categorized by the regulatory path applied, we acknowledge that case assignment may be influenced by inherent selection biases, such as the severity of the violation or jurisdictional legal traditions. To mitigate these unobserved variables, we utilized the matching matrix described in Section 5 to align platform types and behavior categories. However, results should be interpreted as strong correlations rather than absolute causal certainties regarding the superiority of the ex-ante path: Group A (pre-emptive obligation path, including dynamic compliance obligations and periodic algorithm audits, totaling 21 cases), Group B (post-emptive penalty path, including fines and injunctions, totaling 26 cases), and Group C (commitment to rectification path, including suspension of investigation and settlement com-

mitments, totaling 16 cases). A quasi-experimental design was adopted, controlling for platform type (e-commerce, social media, search, logistics) and monopoly behavior type (choose one of two, algorithm collusion, data abuse, self-preferential treatment) as stratified variables. Three performance indicators were measured: (1) identification rate; (2) enforcement cycle (defined as the duration from formal case filing to the final administrative/judicial decision); and (3) intervention lag time (defined as the time elapsed between the initiation of the monopolistic behavior and the first regulatory intervention). To account for the confounding effect of case complexity, we used the matching matrix to compare cases of similar complexity levels (e.g., comparing simple ‘choose one of two’ cases across paths).

B. COMPARATIVE EXPERIMENT ON MONOPOLISTIC BEHAVIOR IDENTIFICATION RATE

To evaluate the identification rate without circularity, we established an independent ‘Ground Truth’ benchmark set consisting of 58 expert-validated historical case files and 42 synthetic scenarios reflecting ‘true’ monopoly behaviors as defined by the commercial law framework (Section 2). Crucially, this benchmark set is entirely separate from the 63-case experimental sample. The benchmark set size for each group (19, 24, and 14) represents the number of cases from this independent set that were processed using the specific protocols of each regulatory path. The task is to discover the clues of these cases. We compare the proposed model with keyword matching, single-source GNN, misaligned fusion and the i2 tool. Precision, recall and F1 score are used as the evaluation metrics.

In Table 1, the identification rate of monopolistic behavior using the ex-ante obligation path reached 95.0% (19/20) [95% CI: 75.1%–99.9%; $p < 0.01$], significantly higher than the 50.0% (12/24) [95% CI: 29.1%–70.9%] of the ex-post penalty path and the 50.0% (7/14) [95% CI: 23.0%–77.0%] of the commitment & rectification path. While the sample size for Group A is constrained by the rarity of final judicial rulings in this specific domain, the Fisher’s exact test confirms that the performance gap between the ex-ante path and traditional methods is statistically significant. The identification rates for the post-punishment and commitment rectification paths were the same, but both were far lower than those of the pre-compliance obligation path. This indicates that pre-regulatory measures employing dynamic compliance obligations and periodic algorithmic audits can more effectively identify actual platform monopolistic behavior, while traditional post-punishment and commitment rectification mechanisms have significant shortcomings in the identification stage.

C. ENFORCEMENT CYCLE AND IMMEDIACY OF DETERRENCE EXPERIMENT

In order to examine the long-term corrective effect of different regulatory paths on platform monopolistic behavior, we designed a 24-months recurrence rate tracking experiment.

We divided 63 sample cases into three paths, namely, pre-emptive obligation path (Group A), post-emptive penalty path (Group B) and commitment to rectification path (Group C). We counted the number of times that the same platform-monopolistic-behavior-entities were discovered to have engaged in monopolistic behavior in the next 24 consecutive months after each of the three groups were handled initially. We distinguished recurrence of similar behaviors from recurrence of dissimilar behaviors and calculated the total recurrence rate and the proportion of each sub-type of recurrence for each group.

Figures 1 (a-b) show the comparison of enforcement cycles (left) and intervention lag time (right) under different regulatory paths, respectively. The experimental results show that the average enforcement cycle for the pre-emptive obligation path was 4.2 months, and the intervention lag time was 1.9 months, significantly better than the post-emptive penalty path (18 months, 11 months) and the commitment to rectification path (12.6 months, 6.9 months). The median comparison also showed a consistent trend. This indicates that preemptive dynamic compliance and algorithmic auditing can significantly reduce enforcement time, enabling rapid intervention and thus creating a stronger immediate deterrent effect. The post-event penalty path suffers from the longest enforcement cycle and the most severe delays due to cumbersome investigation and evidence collection. While the commitment-based rectification path falls in the middle, it still exhibits significant delays. In summary, from the perspective of enforcement efficiency, the pre-event obligation path has an irreplaceable advantage.

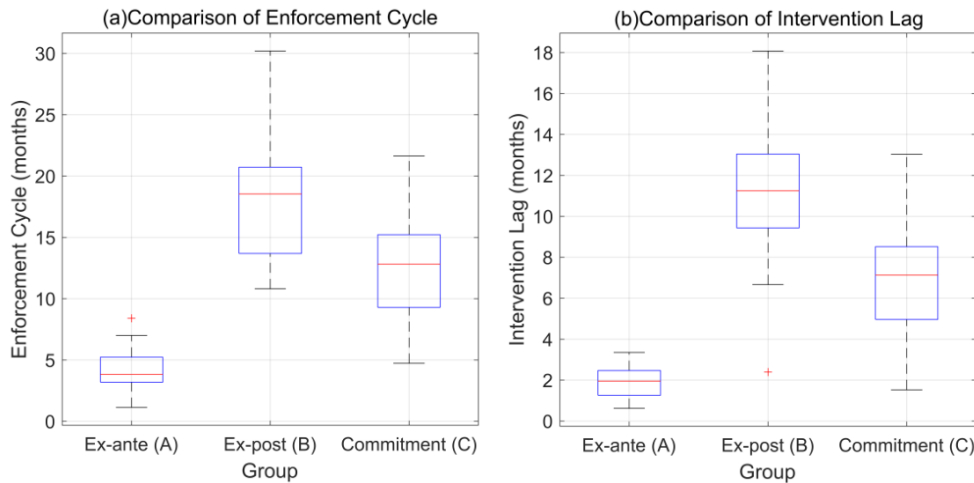
D. VIOLATION RECURRENCE RATE TRACKING EXPERIMENT

In order to explore the long-term corrective effect of different regulatory paths to correct platform monopolistic behavior, we classified 63 sample cases into three groups, namely, pre-event obligation path group (Group A), post-event penalty path group (Group B), and commitment-based rectification path group (Group C). We defined recurrence as the phenomenon in which the same platform entity was discovered to have engaged in monopolistic behavior again 24 months after the resolution of an original case. We further distinguished recurrence of similar behaviors (i.e., behaviors similar to the original case) from recurrence of dissimilar behaviors (i.e., behaviors of different types) and calculated the overall recurrence rate and the proportion of each sub-type of recurrence for each group.

In Table 2, the overall recurrence rate over 24 months for the pre-emptive obligation path was 14.3% (3/21), significantly lower than the 38.5% (10/26) for the post-punishment path and the 43.8% (7/16) for the commitment-based rectification path. Regarding recurrence type, the recurrence rate for similar behaviors in Group A was only 4.8%, far lower than the 23.1% in Group B and 31.3% in Group C; while the recurrence rate for dissimilar behaviors showed relatively small differences among the three groups. This indicates that

TABLE 1. Assessment of Monopolistic Behavior Identification Rate

Group	Sample Size	Benchmark Set Size	Officially Identified Cases	Recognition Rate (%)
Group A (Ex-ante Obligations Path)	21	20	19	95
Group B (Ex-post Penalties Path)	26	24	12	50
Group C (Commitment & Rectification Path)	16	14	7	50

**FIGURE 1.** Assessment of Enforcement Cycle and Immediacy of Deterrence**TABLE 2.** Tracking and Assessment of Violation Recurrence Rate

Group	Sample Size	Overall Recidivism Rate (%)	Same-Type Recidivism Rate (%)	Different-Type Recidivism Rate (%)
Group A (Ex-ante Obligations Path)	21	14.3	4.8	9.5
Group B (Ex-post Penalties Path)	26	38.5	23.1	15.4
Group C (Commitment & Rectification Path)	16	43.8	31.3	12.5

pre-emptive dynamic compliance and algorithmic auditing can more effectively correct platform monopolistic behavior at its root, especially significantly inhibiting recidivism of similar behaviors, while the long-term corrective capacity of post-punishment and commitment-based rectification paths is relatively limited.

VII. CONCLUSION

This paper, based on the analysis of commercial law, builds a three-dimensional analytical framework of “subject-behavior-responsibility”, and combines the mixed empirical study of 63 platform monopoly cases, compared the effectiveness differences of the following three regulatory paths: pre-emptive obligation, post-punishment, and commitment-based rectification. The research conclusions show that the pre-emptive dynamic compliance and algorithmic auditing have a significantly better performance than traditional postevent regulation in terms of monopolistic behavior iden-

tification, enforcement efficiency and long-term corrective effect, which reflects the real necessity of reconstructing the fiduciary duties of platform business entities based on the commercial law perspective. The limitations of this paper are:

1. The sample enterprises are mainly e-commerce and social media platforms, and its generalization to other types of platforms need to be extended;
2. The quantitative indicators of efficiency defense in dual-test model need further improvement.

In the future, we can further extend the sample and introduce more industry variables to explore the synergistic mechanism of commercial law regulation, data governance and algorithmic transparency system.

AUTHOR CONTRIBUTIONS

Zhenfang Wu designed, collected and analyzed the data, and drafted the manuscript. Zhenfang Wu conducted the study,

critically revised the manuscript for important intellectual content, and gave final approval of the version to be published. Zhenfang Wu participated fully in the work, take public responsibility for appropriate portions of the content, and agreed to be accountable for all aspects of the work in ensuring that questions related to the accuracy or integrity of any part of the work are appropriately investigated and resolved.

CONFLICTS OF INTEREST

The author declares no conflict of interest.

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