

Legal Protection on the Development of Electronic Commerce of Agricultural Products

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Abstract: China is a great agricultural country. In the era of “Internet plus”, the development of e-commerce of agricultural products is an important way to promote the transformation and upgrading of agriculture and the development of rural economy. However, relative to the rapid development of e-commerce of agricultural products, the corresponding laws and regulations lag behind. This paper explores the legislative status and the development trend of agricultural electronic commerce and the significance of legal protection on the electronic commerce of agricultural products. In view of existing problems in legal protection exposed in the development of agricultural electronic commerce, this paper puts forward corresponding methods, hoping that the law can play an active role in the practice of protecting the development of agricultural electronic commerce in China.

1. Introduction

The trend of the globalization of e-commerce has taken shape. With the gradual maturity of relevant technology, facilities and the market environment, the credit evaluation system, the online payment methods and tools, as well as the logistics distribution and transportation systems of e-commerce have been greatly improved. Prominent problems are concentrating on transaction ethics and legal norms. Laws and regulations on the e-commerce for agricultural products are relatively imperfect, which becomes an important problem to be solved urgently in the next step of e-commerce development.

2. Legislation of Electronic Commerce of Agricultural Products

There are few legal documents related to the e-commerce of agricultural products, and the crossed legal documents are not perfect enough. The reason is that the essence of e-commerce is commodity trading; the security of e-commerce should be protected by civil and commercial laws. Secondly, e-commerce of agricultural products is carried out based on computer network and multimedia technology, so the security of e-commerce activities depends on the security of the computer network. Finally, as fresh commodities, agricultural products have their own special attributes. Laws and regulations in the field of commodity quality management should be made to protect the quality of products. At present, now in the world, there are no e-commerce laws or regulations which are specifically made for agricultural products. The main reason is that laws of the three above aspects are not perfect. In order to achieve the further development of e-commerce for agricultural products, we need more perfect legal provisions to guarantee the standardization of products.

China's e-commerce started relatively late, and the corresponding legal research also started relatively late. The above-mentioned legal systems have formulated regulations on the e-commerce security, network domain name, Internet information services and other related fields, but there are no legal norms for agricultural e-commerce. In judicial practice, agricultural e-commerce disputes can only be solved through other laws, and cannot be better implemented in accordance with the regulation. Facing the increasingly fierce competition in the e-commerce market of agricultural products, there is an urgent need for the establishment of relevant regulations, so to ensure the safety of transactions, control risks and improve customers' shopping experience.

3. The Significance of Legal Protection on the Electronic Commerce of Agricultural Products

3.1 Creating a good e-commerce market environment

Established and perfect laws and regulations on agricultural product e-commerce can provide a set of rules and legal norms for all participants involved in agricultural products e-commerce in the virtual environment, and create a market environment of e-commerce in which there must be laws to go by, the laws must be observed and strictly enforced, and lawbreakers must be prosecuted. The standardized management of laws and regulations of e-commerce is the necessary guarantee for the healthy development of e-commerce market. In a society ruled by law, e-commerce activities of agricultural products need corresponding legal system to maintain its smooth development. The state needs to urgently improve relevant legislation systems and keep pace with the development of the practice of electronic commerce.

3.2 Encouraging “Internet + agricultural products” trading activities

Today, with the global economic integration, as a big agricultural country, we must actively integrate into the e-commerce market, develop the electronic commerce of agricultural products, and promote the upgrading of agricultural industry. The safe legal environment of e-commerce for agricultural products can regulate the behaviors of all parties involved in the transaction, protect the rights and interests of all parties, and promote the formation of a virtuous circle in the e-commerce market of “Internet plus agricultural products”.

3.3 Increasing farmers’ income and promoting the development of rural economy

If the state can protect the rights of all parties in the electronic transaction of agricultural products, participants will be more enthusiastic, and put more time and energy in independent innovation. Good legal environment and standardized online trading market can promote the development of e-commerce in rural areas, help farmers to sell their agricultural products in a larger scope and obtain higher profits. On one hand, it can increase farmers’ income; on the other hand, it can also promote the development of rural economy and the upgrading of agricultural industry, so that the e-commerce activities of agricultural products can form a benign cycle.

4. Problems in the Legal Protection for Electronic Commerce of Agricultural Products

4.1 The legal protection system for e-commerce of agricultural products is not perfect enough

The protection of brand intellectual property rights, geographical indications and quality safety of agricultural products are not perfect enough, so do the corresponding regulations and laws on the protection of electronic transactions. The scope is not wide; the protection rules and regulations are not strong enough. Many brand holders of agricultural products cannot take up the weapon of law to protect themselves when their rights are infringed, because there is no specific e-commerce law to follow; they often need to use the traditional commercial law. Therefore, there are cases of fake agricultural brands and geographical indications in the network market, which undoubtedly poses an obstacle on the way of increasing farmers’ income and promoting the development of agricultural economy.

4.2 Farmers’ legal consciousness is relatively weak.

Limited by their own conditions and the low level of cultural knowledge, farmers lack legal consciousness and the awareness of brand as well as geographical indication protection when they engage in e-commerce activities. However, the demand for products in the e-commerce network market fluctuates greatly, and the price fluctuates greatly. Especially for agricultural products, the expiration time is generally short and the market risk is high. At present, there are no clear legal provisions to guarantee the transaction of agricultural electronic commerce. Once the risks occur, the enthusiasm of farmers to engage in electronic commerce will be greatly undermined.

4.3 The quality standards of agricultural products are not uniform; the law is difficult to supervise.

Agricultural products, especially fresh ones, have short quality guarantee periods due to their special attributes. There are no uniform standards in production and processing. The quality of agricultural products is greatly affected by weather. Therefore, in transaction activities of agricultural products e-commerce, it is easy to cause transaction disputes due to product quality, and the current law is difficult to supervise in place.

4.4 The protection of consumer's personal information is a prominent problem in transaction

In the era of big data, attention has been paid to the protection of the personal information of agricultural consumers. Internet consumers of agricultural products are facing the problem of personal information disclosure. There are many cases in the media about stealing and canceling personal privacy information for fraud. Laws on the protection of consumer's personal information are not detailed and sound enough. When the personal information of online consumers is leaked, it is difficult to obtain evidence and the cost of safeguarding rights is high.

5. Ways to Improve the Legal Protection for Electronic Commerce of Agricultural Products

5.1 Improve laws and regulations on the e-commerce of agricultural products

After Premier Ke-qiang Li put forward the action plan of "Internet+", more and more people began to step into the field of "Internet + Agriculture". As the main battlefield of the Internet, related laws and regulations have been introduced into the field of electronic commerce. But generally speaking, these regulations are still imperfect, especially laws on e-commerce of agricultural products. Once legal disputes arise, the normal operation of enterprises will be affected; the protection of farmers' rights will become more difficult. Therefore, our country should improve relevant laws and regulations as soon as possible. Firstly, the state should strengthen legislation, and speed up the process of examination and approval, so as to keep pace with the rapid development of the Internet. The laws should be more forward looking. Relevant laws should be formulated and improved as soon as possible, in order to constantly adapt to the development of society. Secondly, relevant departments need to strengthen communication with each other when they formulate laws and regulations. It is necessary to maintain the uniformity in terms of the power and responsibility of law, and to prevent different trial standards and more problems from appearing in the process of law enforcement. Thirdly, relevant departments should supplement crossed laws existed, accelerate legislation in the blank areas, so as to prevent lawbreaker from exploiting loopholes of laws and undermining the rights and interests of parties involved. Fourthly, government departments should strengthen the supervision of the network, crack down on network fraud and hackers, and create a secure network environment. Food safety problems occur frequently at this stage. Agricultural e-commerce enterprises and individuals should strictly adhere to the bottom line, eliminate food safety hazards from the source, and be responsible for people's health. While abiding by the law, e-commerce enterprises should also strengthen self-discipline, establish their own rules and regulations, and create their own culture. Fifthly, in order to enhance the protection awareness of agricultural product brands and geographical labels, the government should also increase investment and encourage non-governmental organizations or school training groups to publicize and train the vast number of agricultural enterprises and farmers. Agricultural e-commerce enterprises and individuals should have the awareness of legal protection and know how to protect their legitimate rights and interests in a timely manner. In short, the legal environment for the e-commerce of agricultural products needs to be improved by the government, enterprises, banks, insurance companies, farmers and other sectors of society; the legal environment of the network market also needs long-term maintenance.

5.2 Cultivating farmer's consciousness of rule of law

We should pay attention to popularizing and publicizing knowledge on the e-commerce of

agricultural products and relevant laws, so that farmers can build up the awareness of right protection and avoid infringement in the process of e-commerce transactions. Government departments should carry out legal publicity activities toward farmers as well as agricultural and commercial enterprises from time to time through various ways, so that more people can know the law, understand the law and abide by the law. The illegal activities can be effectively prevented.

The role of the government lies in macro guidance and policy guidance. The training of agricultural e-commerce enterprises and individuals still needs a large number of non-governmental service institutions and training institutions. Through a specific training project, enterprises and individuals involved in agricultural e-commerce can have access to legal knowledge and consultation, and receive professional training on legal knowledge. Only in this way can farmers' awareness of legal protection be truly enhanced. They will recognize that the law is not only a weapon to safeguard their rights, but also a norm to regulate their behaviors.

5.3 Speeding up the construction of agricultural products standardization

The construction of agricultural products standardization includes not only the production and processing of agricultural products, but also the circulation of agricultural products such as transportation and sales. By improving the scale and organization of production, we need to strengthen the standardized management of the production process, strict control the quality of products, as well as the operation process, product packaging and other links. The standardization of agricultural products will greatly reduce the risks of online consumers, improve their satisfaction degree and promote the healthy development of agricultural e-commerce. In addition, the quality traceability technology can be used to control the quality of agricultural products from the source.

5.4 Strengthening the protection of consumers' individual privacy

The confidentiality of consumer's personal information in the process of e-commerce of agricultural products has been paid much attention. In the era of big data, consumers' personal information is more and more valuable for development and utilization. However, if the information is not used properly or obtained through illegal channels, it will easily damage the rights and interests of consumers. To strengthen the protection of personal information of online consumers of agricultural products, we should not apply the "sweeping approach". We should find a balance point, which not only meets the needs of providers but also does not harm the privacy of consumers. Data information of consumers is intangible asset. The ownership, the right to use and the right of management can be separated. Taking the protection of the ownership of consumer's electronic data information as the starting point, we can restrict the counterpart of the transaction in the usage of the information, and reasonably control the right to management. The three powers are independent and mutually restrictive, thus forming a unified system for the protection of electronic data information.

5.5 Promoting international exchange and cooperation in the legal protection of electronic commerce of agricultural products

Under the background of global economic integration, China's agriculture cannot shut the door and work behind closed doors. Through e-commerce channels, agricultural products can more effectively integrate into the tide of economic globalization. We should actively promote exchanges and cooperation with advanced agricultural countries, learn from them in laws, regulations and policies which can protect agricultural e-commerce transactions, and constantly improve the legislation of agricultural e-commerce in China.

We should pay more attention to the legal protection of e-commerce of agricultural products, and strive to improve the brand competitiveness of agricultural products, in order to prevent some countries or regions from illegal monopoly and intellectual property rights abuse. Otherwise, unreasonable and unfair phenomena will occur in the e-commerce market.

Agriculture is one of the pillar industries in China. The quality of agricultural development directly affects the development of our national economy. In this wave of science and technology, only by constantly encouraging agricultural products to join the e-commerce market, striving to

create a standardized legal environment, properly handling the relationship between agricultural enterprises and farmers, and protecting the brand and geographical indication rights of agricultural products, can we help the production and management of agricultural products enter a virtuous circle and ultimately promote the sustainable development of agricultural industry.

6. Conclusion

In the “Internet +” era, the cooperation between agricultural products and the Internet is inevitable. Relevant laws on the e-commerce of agricultural products are the bottleneck restricting its development. Relevant departments need to continuously formulate and improve laws and regulations on the protection of e-commerce of agricultural products, in order to promote the development of agricultural economy in China.

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