

ABSTRACT/PAPER

ESG “with Chinese characteristics”? Analyzing transparency policies and ESG reports of Chinese e-Commerce and marketplace platforms with global operations¹

Abstract

This project aims to investigate the existence, publicity and qualitative aspects of transparency and ESG (mainly, but not exclusively, sustainability) policies and reports of Chinese eCommerce and marketplace platforms operating in the global market and, even more specifically, in the Brazilian market. The investigation will take place through a qualitative-quantitative analysis of the content of the aforementioned documents, considering a sample of Chinese platforms selected for their: popularity (according to statistical portals on global platform use, with the variable “number of users active”); target audience (discarding those essentially or exclusively focused on the domestic market); and type (bricks and clicks, that is, physical marketplace companies that sell online; and pure players, marketplace companies that only sell online). Therefore, it is expected to evaluate the hypothesis that most of the platforms selected in the sample do not have transparency policies and reports with data on ESG, notably sustainability, and that even those that do, do not share sufficient information regarding the packaging used, chain production and supply chain, denoting insufficient transparency for each of the ESG frameworks (sustainability and environment, social and governance, more specifically the internet).

Keywords: ESG, Platform Regulation, China, Digital Markets, International Trade.

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ESG “com características chinesas”? Analisando políticas e relatórios de transparência de plataformas chinesas de e-Commerce e marketplace com atuação global²

Resumo

O presente projeto almeja apurar a existência, publicidade e aspectos qualitativos das políticas e relatórios de transparência e ESG (sobretudo, mas não exclusivamente, sustentabilidade) de plataformas chinesas de eCommerce e marketplace atuantes no mercado global e, ainda mais especificamente, no mercado brasileiro. A averiguação dar-se-á por uma análise quali-quantitativa de conteúdo dos documentos supracitados, considerando uma amostra de plataformas chinesas selecionadas por sua(seu): popularidade (segundo portais estatísticos de uso global de plataformas, com a variável “quantidade de usuários ativos”); público-alvo (descartando as essencial ou exclusivamente focadas no mercado doméstico); e tipo (bricks and clicks, ou seja, empresas físicas de marketplace que vendem online; e pure players, empresas de marketplace que só vendem online). Destarte, espera-se avaliar a hipótese de que a maior parte das plataformas selecionadas na amostra não possui políticas e relatórios de transparência com dados sobre ESG, notadamente sustentabilidade, e que mesmo as que possuam, não compartilham informações suficientes quanto às embalagens utilizadas, cadeia de produção e cadeia de suprimentos, denotando transparência insuficiente para cada um dos frameworks de ESG (sustentabilidade e meio ambiente, social e governança, mais especificamente da internet).

Palavras-chave: ESG. Regulação de Plataformas. China. Mercados Digitais. Comércio Internacional.

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1. Introdução

Brazil is considered the third country among those with the highest number of respondents to a Statista Consumer Insights (2023) sample survey³ who have made purchases on AliExpress in the last 12 months.

Additionally, on February 23, 2024, Shopee opened its tenth distribution center in Brazil⁴, and Shein grew 300% in the country during 2022⁵. However, despite such voluminous economic successes, concerns continue to emerge in all three spheres of ESG in Brazil and around the world regarding these and other digital e-Commerce and marketplace platforms.

In relation to sustainability and environmental challenges, concerns regarding the excessive, incorrect and/or inadequate disposal of packaging that protect the products sold by them stand out, as well as the composition of the products themselves, which generally involves the use of plastics in the production chain.

The social aspects that can be observed tend to consider different layers of users and other agents involved in the chain of production, sending and use of such applications. In general, there has been discussion, in the Brazilian context, of alarming cases of violation of human and labor rights against delivery drivers and packaging operators of large marketplaces, Chinese or not – as was, recently, the case of suicide involving one of the Market's units. Free.

In addition to the workers directly involved, the outsourcing of other agents in the chain, including the “collection points” themselves, as occurs in the case of Shopee in Brazil, in stores that are available to receive packages, and the delivery drivers who actually carry out the routes to reach their destinations, the concern with the production chain per se must also be highlighted, which often raises concerns involving the precariousness and exploitation of work in China itself.

Users, in turn, can also contribute to the emergence of other concerns, such as their impulsiveness and compulsion (Khadijah and Pangaribuan, 2023) for purchases,

³ Available at: www.statista.com/chart/30585/shopping-at-aliexpress-survey/. Access: 04 mar. 2023.

⁴ Unzelte (2023). Available at: <https://exame.com/negocios/shopee-inaugura-10o-centro-de-distribuicao-no-brasil/>. Access: 05 mar. 2023.

⁵ Available at: <https://exame.com/insight/shein-cresce-300-no-brasil-e-fatura-r-8-bi-incomodo-a-varejistas-nacionais-dev-e-aum-entar/>. Access: 05 mar. 2023.

capable of worsening as more “gamification” methods emerge and, even more worrying, of “gamblification” (Macey and Hamari, 2022), with playful systems of random rewards or, even, for daily presence, minimum amount spent, games to acquire discounts, cashback in digital currencies to be used on the same platforms and others similar means. Successively, such actors begin to face problems associated with “self-escapism”, making shopping a method of “self-escape” from reality (Mir, 2023).

Regarding governance, especially digital governance, in a study carried out by Xue (2022), the social media platforms Facebook and Weibo were comparatively analyzed, as well as the protection of personal data provided on them (in their policies and guidelines) and according to “different regulatory approaches” from China and the United Kingdom, understood by the author as “impact-based” and “human rights-based”, respectively (Xue, 2022).

The purpose of the aforementioned investigation was to understand whether there was a possible delegitimization of the economic interests of the personal data of users (subjects of these rights) of the platforms, including through the automatic appropriation of said information by the applications (and reselling it, in general, for its customers, favoring personalized advertising campaigns according to the tastes of each user).

In their results, Xue (2022) identified that neither the Chinese approach nor the United Kingdom's approach guaranteed economically significant compensation for damages in the face of insufficient protection of personal data, even though both countries have undergone reforms in policies and legislation. protection of such data.

The “Brussels Effect”, analyzed by Bradford (2020), was also compared by Xue (2022) to the “Beijing Effect”, the latter having been initially analyzed by Erie and Streinz (2021). In this sense, the author contrasted how the influences of policies related to Internet Governance (especially in the protection of personal data) occurred before and after the United Kingdom's departure from the European Union, as well as Chinese influences on similar policies in countries related to the “[New] Silk Road” (NSR)⁶ and the “[New] Digital Silk Road” (DSR or “Digital Silk Road”), mainly the emerging ones.

In their study, Erie and Streinz (2021) identified the allegation that China exports data governance models simply based on authoritarian control policies as conventional, but

⁶ “Belt and Road Initiative” and “The Silk Road”. For more information, it is also possible to consult the analysis by Wang (2019, p. 3 and pp. 8-11), which extended beyond just cooperation in technology and infrastructure.

insufficient. In addition to assuming the existence of a “Chinese model” for the agenda, the speech, contested by the aforementioned authors, also assumes that it would be possible to implement it, without major problems, grounds or disputes, in other countries with different legislation on the matter.

These authors consider that, even in the face of an inferior use (compared to the cases of the European Union and the USA) of legal mechanisms to influence data governance standards, China was able to do so through the DSR, through the contribution not only from the Chinese government, but also from Chinese companies responsible for supporting the growth of physical and non-physical infrastructures⁷ of the emerging countries involved in the initiative (Erie & Streinz, 2021).

It was also identified that China, in its speeches regarding internet governance, went from defending “cyber sovereignty” (“cyber-sovereignty”) to “data sovereignty” (“data sovereignty”) within the scope of its internal regime, strengthening the legitimacy of government control of data flow and management (Erie & Streinz, 2021, p. 4; Baldwin, 2016, pp. 130-31 and 360-68.). The Chinese government's argument was considered relatively “appealing”, by countries within the scope of DSR's activities and which could benefit, in some way, from investments in infrastructure and the discourse of government control of data itself. related flows and processes (Erie & Streinz, 2021, p. 5).

Often used for artificial intelligence training (Ma, 2021) and with state “convenience” for surveillance and political-social control of its population - including drug users or people who, even without using them, can be classified as such by through the “Drug User Internet Dynamic Control and Early Warning System” or “Dynamic Control System”, having denied access to certain locations and services (Lin, Sun & Amon, 2022, pp. 135-136 and 142-143) -, It is undeniable that the “cyber” or “data sovereignty” discourse has captivating elements, especially for governments of countries with instability, demands for investments and innovations at levels that China has already achieved or still has.

Nonetheless, it is essential to highlight that being an attractive speech would not be enough to evoke some inspiration in governance models from other jurisdictions (as

⁷ “[...] physical elements (e.g., fiber-optic cables, antennas, and data centers) and non-physical counterparts (e.g., transmission standards, networking protocols, and digital identifiers).” (Erie & Streinz, 2021, pp. 6-7; Hilbert & López, 2011).

identified by Erie and Streinz, 2021), nor to stop the concern about infringements, by China, to data governance principles for user information around the world. In “The Digital War”, Ma (2021) revealed the importance of using large databases not only for government surveillance purposes, but also for artificial intelligence training, with or without commercial purposes, by actors in the innovation ecosystem.

More aware of the use of their data and more restless because of this, users in China have once again demanded more privacy, notably regarding their personal information - favoring, as well as global debates on digital governance in different forums and sectors, a series of impulses for China to develop and improve “its legal framework” (Ma, 2021, p. 26), including through the creation of the “Personal Information Protection Law of the People's Republic of China (PIPL)” (Personal..., 2021).

Furthermore, expanding globally, Chinese platforms, both eCommerce and entertainment and social media, have gradually become more disturbing the possibility that personal data from users from other countries, whose laws have different provisions on their management and protection, could be used and administered in other ways not provided for in the legal systems of their countries of origin.

As for China, we argue that, apparently, such discourse has been “transplanted”, intentionally or not (with, in fact, common characteristics between policies that may be incompatible with the reference principles) to ESG something close to what they also already have alleged authors about the same possibility in sub-areas or large-areas related to these (Jie, 2023; Wang, 2022; Na, 2020; Gao, 2021).

This discourse, previously external to the digital environment, began in mid-1978, from the final period of the “socialist revolution and reconstruction” towards “[...] socialist reform, opening and modernization [...]” (White..., 2021). At the time, there was an attempt to implement a “socialist democracy and [...]a] rule of law” without, however, disregarding its specificities - or, again in the government's own terms, “[...adhering to a] progress socialist politician with Chinese characteristics” (White..., 2021). As Pils (2022) noted, it was in the aforementioned “post-Mao era” that, in 1980 and subsequent years, China gradually “[...] began to take measures to integrate itself into the international system of human rights treaties based at the UN”, including having made corresponding changes to its current Constitution, such as those contained in articles 5 and 33 (Pils, 2022, pp. 192-193).

Finally, despite this, in the face of accusations of violations, the discourse of its peculiar characteristics allowed it to position itself with reservations that contributed (and continue to contribute) seriously to the weakening of the universality of the aforementioned rights and duties and, as a result, of themselves - be it inside or outside digital platforms.

General and specific objectives

Object: transparency reports, ESG and TOUS (Terms of Use and Service) of Chinese eCommerce and marketplace platforms, among the most popular with a “global” or simultaneously “global and domestic” target audience (users).

Based on the criteria indicated (see the following section), we selected: Tmall Global, JD.com (JD Global), Kaola, Temu (coming to Brazil really soon), Shein (Brazilian documentation in Portuguese), Aliexpress, and BangGood (totaling 7 platforms, a small n that must have its limitations considered for the purposes of greater generalizations and conclusions).

Three analytical frameworks and, therefore, documents (policies, terms or guidelines, variable names, and sometimes for the same type of document) from the three ESG areas were used: 1. Sustainability and environment; 2. Social; 3. Governance.

All justifications for such cuts (temporal, thematic and sampling) are detailed in the following section, “Methods”.

Objectives:

Few platforms have transparency and ESG reports with sufficient data for analysis. Therefore, we proposed:

General objectives: to check whether the hypothesis above and the questions described below are confirmed.

Specific objectives:

1. To identify how many and which platforms have the documents mentioned (by type of document);

2. To verify, based on a content analysis (Bardin, 1977), whether the available documents answer the following questions:

a. [Sustainability and environment] is there any information or policy related to the return (circular economy) or recycling of packaging used in the chain? If so, what are they?

b. [Sustainability and environment] is there data related to the composition of the components (fabrics, parts, etc.) of the products and any policy or target for reducing energy and/or the use of plastic in their production? If so, what are the data?

c. [Social] Is there any information or policy related to outsourcing or guaranteeing labor rights, whether in the internal units of each platform, or for attendants at collection points or delivery drivers? If there is, what is the information?

d. [Social] Is there any data, goal or policy regarding diversity (racial, gender, inclusion of PWDs) that was informed in the documents? If so, what do such policies/data dictate?

e. [Social] Is there a goal or policy to prevent or reduce harm related to users' impulsiveness and compulsion to purchase, which can be aggravated by the gamification and gambification mechanisms mentioned above? If so, how is it written?

f. [Governance] in general terms, do the TOUS contain provisions on privacy and protection of personal data, intellectual property and/or content moderation?

Methods

Through a qualitative-quantitative analysis of content (comparative) between public transparency and ESG policies and reports from different selected platforms (Appendix A)⁸, we sought to observe how many and which platforms have such documents, what

⁸ Only e-Commerce platforms were observed, disregarding social media, entertainment and similar platforms, the first of which were categorized by the author, in Appendix A, according to their type, in the case of marketplaces (bricks and clicks and pure players). It should be noted, however, that many of them are not solely "e-Commerce", they have more than one category. Example: WeChat, initially conceived only as a messenger, began to offer, successively (according to its global expansion and improvement),

types and what qualitative information can really provide a better dimension of the current situation of commitment to ESG guidelines in such applications.

The first stage was a literature review for the preparation and conduct of this project, with the works being found and verified, initially, based on the subsequent research criteria:

- **Source:** search exclusively on a selected portal given its international reference for scientific publications, with citation indicators (Scopus - Elsevier);
- **Format/file extension:** only scientific articles (.pdf/online), in digital media, in any language;
- **Temporal range/scope:** with publication date from 2018 onwards, considering the speed with which the topic in question has evolved as it is technology, and with the legislative changes that China has been implementing for internet governance and ESG since that year and, with more intensity, from 2021, with the advent of PIPL;
 - **Keywords:** “China” AND “ESG”; “[...] with Chinese characteristics”; “Privacy” AND “China”; “Internet Governance” AND “China”; “eCommerce” AND “China”; “marketplace” AND “China”.

Other scientific works (books, reviews, abstracts, master's dissertations, doctoral theses and the like), and even scientific articles, even if with a publication date prior to the year 2018, as long as they are included as references in the aforementioned articles, were also used.

Next, the compliance of the categorization and selection of platforms was verified, using the original criteria (Chinese⁹) and popularity of “global” or simultaneously “global and domestic” use, ruling out applications that are not e-Commerce and marketplace, non-Chinese and/or with an essential or exclusively domestic target

varied functionalities (including payment, in China, for people and businesses). However, as it is not an e-Commerce and marketplace platform, but rather a messenger with payment functions, it was disregarded, since there is not exactly a store with products and sales on the platform.

⁹“Chinese” was understood, exclusively for the purposes of this research, as the headquarters of the companies responsible for the platforms. Taiwanese companies and companies from other extra-continental territories in China whose official language is Chinese are commonly considered Chinese, even though politically and historically they may have varied identifications, attempts at independence and distinctions regarding their interpretations of human rights, especially in ethnic, gender and political agendas, inside and outside digital contexts (Leontiev, 2022; Zheng et al., 2022, p. 2 and p. 9; Zhou & Hu, 2019). This definition, recurrent in the portals of statistical indicators researched, although subject to criticism, is also used in this research.

audience¹⁰. It is essential to reiterate that, for the selection, different portals related to statistical usage indicators, such as Statista, DataReportal, BackLinko, SmartInsights and Our World in Data, were researched which were the most popular Chinese platforms based on their classification methods. (in general, using the variable “number of active users”).

After reviewing the sample selection of the platforms' transparency, TOUS and ESG reports, the following documents (policies and reports) were read, analyzed (based on a content analysis: see Bardin, 1977) and categorized, in English, using Excel and a software for qualitative data analysis (Atlas.ti 9.0), coming from:

1. ESG reports, if they exist/are available;
2. Transparency reports (on content moderation/bans), if they exist/are available;
3. TOUS, if they exist/are available.

Only documents from **2023 and 2024** were analyzed. Nevertheless, in many cases, the platforms simply have stopped to publish their ESG reports, for example, and this situation forced us to collect them, but we did not analyze it. It is essential to focus on the fact that there was a delay in the publication of materials and that they are simply no longer being made available as and when they should.

It is worth noting that Shopee (eCommerce), despite its constant expansion, does not yet have a single global platform, on a domain with “.com” hosting and content in English, that serves several countries simultaneously. Therefore, your version was not considered in this study. In the case of Shein, it has an international version that only operates in some countries and a Brazilian version, with only the Brazilian version of the documents being considered in this analysis.

We chose to prioritize the “TOUS” as they are the most generic, complete, essential and frequently existing documentation on any platform as a minimum document (being the

¹⁰ Given the impossibility of being accurate about the target audience of each platform (considering the “global” nature of the internet, with sites that, with certain exceptions, can be accessed in any country), they were categorized as having a “domestic target audience and global”, simultaneously, or just “global” (Appendix A) Chinese platforms that, at the same time: 1. were accessible, without connection restrictions, using Brazilian IP; 2. had a domain ending in “.com” or “.tv” hosting; 3. make their websites and/or policies available in at least one second language (English) other than Chinese, in whole or in part; 4. had “global”, “international” or some similar indicator in their name. Some platforms, such as TikTok (in Brazil, or “Douyin” in China), exist with different names, policies and domains in different countries (Lin, 2021). In all cases, only domains with hosting in “.com” or “.tv”, in English, were considered for analysis and comparison, when there was no Brazilian version of the domain (“.br”).

only type of common policy existing on all platforms covered, that is, they all have , see Illustration 2 and Appendix A), which may have provisions on all three frameworks, none or only some of them, especially privacy and data protection (corresponding to the governance framework). In this way, it is a category of document with potential intersection between such areas, not being allocated to a single framework. In addition to these, transparency and ESG reports will also be used for consultation, forming the comparative policy framework.

Since this is not a historical analysis of changes, versions were only archived on the collection date (using the WebArchive website), already completed in March 2024, to provide greater agility and emphasis on the analysis process at the beginning of the project, with an initial date scheduled for April, due to the volume of platforms. Subsequent modifications (and new versions) to documents throughout the project's execution will be ignored for comparative purposes, although they may be briefly mentioned if they denote major changes related to the ESG area.

Finally, comparative analysis and coding of policies and reports in accordance with the general and specific objectives informed was carried out, identifying how many and which ones have the researched documents, as well as answering the previously informed questions, for the themes of the three frameworks.

Results and Discussion

2023-2024 ESG reports: first of all, it is always important to note that, both in ESG reports and in transparency and TOUS reports, platforms tend to present a better version of themselves that does not always correspond exactly to the reality of the facts and/or provide bases with real and evidence of their alleged indicated practices. Reports are some of the means used to monitor, as a means of accountability, how these companies have been acting, but a critical reading must always be carried out on the version that each company is providing us and what the reality of the facts is.

Alibabagroup (Tmall Global, Kaola and AliExpress):¹¹, for example, used the term “circular economy” (and similar) about 15 times in their document published in 2023,

¹¹ ESG Report available at: <https://data.alibabagroup.com/ecms-files/1509739361/fcaefa3d-0989-48fb-b003-fa96aa04880e/2023%20Alibaba%20ESG%20Report-Final.pdf>. Access: 28 jun. 2024.

the last ESG report from the company, corresponding to the whole group (including Tmall Global, Kaola and AliExpress platforms).

Although, most of the time, the term is associated with important UN commitments and Sustainable Goals mentioned during writing (such as the 17th goal indicated on page 8), such provisions are often generic and provide little clear data and evidence of the group's involvement with measures to make such commitments real.

Regarding the components, fabrics and products used in the manufacture of the objects conveyed and published on its platforms, the group did not provide great details, having emphasized the components of its own hardware equipment and its cloud-based systems. For its equipment, the report claims that the group would have even "cut emissions" in such a way, using more recyclable materials and indicating comparison metrics in percentages, also focusing on types of low-carbon office behaviors. In other sections about transport and recycling, such as "Restoring Our Green Planet" (p. 41, 2023), there are more data available, but with little or no basis for comparison with previous years or other companies.

In "Supporting our employees" section, there are information about "building diversity, equity and inclusion culture and system", as well as "fair and competitive remuneration", "employee health and vitality". The group mentions awards and other prizes received about this subject, such as the Forbes 2022 Global Best Employer ranking, and also mentioning the compliance with ISO14001 and ISO45001 standards.

Despite that, the group simply didn't mention similar prizes for its commitment with other workers involved in their supply chain, such as the sellers who are not directly linked to Alibabagroup (the majority of the users/sellers). In general, the criticisms attributed to platforms for this type of accelerated production for consumption are precisely directed at these people, who don't work directly for the big company.

In other sections, it is possible to find some data about these workers (sellers), but mainly regarding their rural background and how the group technology can help them – and not about how the enterprise manages/influences their schedules or production, if there are benefits, if labor rights are in risk etc. The page 134 is the only page that mentions exactly "labor rights", but there isn't a lot of information about these sellers who are not directly linked to the group. The more evident data are about delivery riders

(Alibabagroup argues that it helped insurance companies to make a specific scheme for delivery riders).

Obs.: Between 2019 and 2021, no ESG report was published. The only ones available are from 2018, 2022 and 2023, despite other reports involving environmental issues, such as the Carbon Neutrality report, or CSR commitments (Alibabagroup Social Responsibility Report).

Temu: only has a single website page¹² with a few data about environmental issues, but doesn't even publish a full report.

Shein: doesn't publish new ESG reports since 2022¹³.

JD Global: doesn't publish new ESG reports since 2022¹⁴.

Temu: doesn't publish ESG reports, apparently.

Banggood: doesn't publish ESG reports, apparently.

2023-2024 Transparency Reports

Alibabagroup (Tmall Global, Kaola and AliExpress): doesn't publish "transparency reports" or, at least, no similar document was found: a document with data about how many users were banned from their platforms, the reasons, results of the appeal process and other content moderation relevant issues.

Temu: doesn't publish "transparency reports" or, at least, no similar document was found.

Shein: doesn't publish "transparency reports" or, at least, no similar document was found.

JD Global: doesn't publish "transparency reports" or, at least, no similar document was found.

¹² Available at: <https://www.temu.com/br/tree-landing.html?>. Access: 28 jun. 2024.

¹³ Available at: <https://www.sheingroup.com/our-impact/reports/>. Access: 28 jun. 2024.

¹⁴ Available at: https://ir.jd.com/system/files-encrypted/nasdaq_kms/assets/2023/06/20/18-39-. Access: 28 jun. 2024.49/JD.com%2C%20Inc.%202022%20Environmental%2C%20Social%20and%20Governance%20Report.pdf. Access: 28 jun. 2024.

Temu: doesn't publish "transparency reports" or, at least, no similar document was found.

Banggood: doesn't publish "transparency reports" or, at least, no similar document was found.

2023-2024 "TOUS" (Terms Of Use and Service): every single platform and group/company has its TOUS, but it is importante to note that not all of them publish about the three issues (content moderation, privacy/personal data and intellectual property) in this same and only documentation (see Table 1). Most of them have some information about it in their TOUS, but also a specific policy that could be analyzed individually (see Illustration 2).

The main dilemma in using separate policies is the difficulty in accessing such pages, which are generally available in locations (web page addresses) different from the terms of use, which are normally more visible on the main pages of the website. On the other hand, the terms of use, when they have provisions on other specific topics that such policies contain, tend to contain more generic rules and with fewer important details about enforcement mechanisms, for example.

Table 1. TOUS and specific policies about IP¹⁵/PD¹⁶/Content and/or content moderation

¹⁵ Intellectual Property.

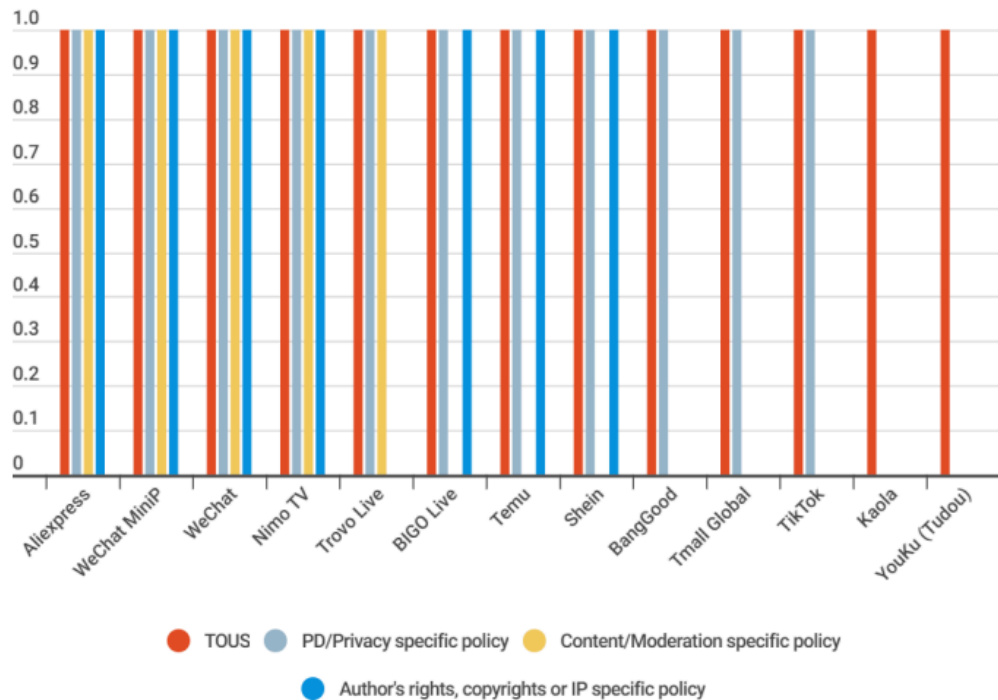
¹⁶ Personal Data (and Privacy).

Current Parent Company's Headquarters	Platform Type	Name	Target Audience (users)	Current Parent Company	Are there "Terms of Use/Service" (TOUS) or "Terms & Conditions"?	Does it have provisions on privacy and/or personal data?	Does it have provisions on content and/or content moderation?	Does it have provisions on "author's rights" (or "copyright", or "intellectual property" that may address "author's rights")?	Date of archiving (now available at WebArchive)	
Mainland China	eCommerce	Tmall Global	Global	Alibaba Group	Yes	Yes, both (in a specific policy for all Alibaba Group in general)	Not found	Yes, "copyright" AND "intellectual property" (inside the TOUS)	11 sep. 2023	
Mainland China		Kaola	Domestic & Global	Alibaba Group	Yes	Not found (except for its RUS version, no mention to the Alibaba Group one)	Not found	Not found		
Mainland China		Wechat: Mini-program	Domestic & Global	Tencent	Yes	Yes, both (in a specific policy for all WeChat Services)	Yes, content policy only (in a specific policy and inside the TOUS, for all WeChat Services)	Yes, "copyright" AND "intellectual property" (in a specific INTELLECTUAL PROPERTY policy and inside the TOUS, for all WeChat Services)		
Mainland China		Temu	Domestic & Global	PDD Holdings	Yes	Yes, both (in a specific policy)	Yes, content policy only (inside the TOUS)	Yes, "copyright" AND "copyright" (in a specific INTELLECTUAL PROPERTY policy)		
Singapore		Shein	Domestic & Global	Roadget Business Pte Ltd	Yes	Yes, both (in a specific policy)	Not found	Yes, "copyright" AND "intellectual property" (in a specific COPYRIGHT policy)		
Mainland China		Alieexpress	Domestic & Global	Alibaba Group	Yes	Yes, both (in a specific policy; one for Alibaba Group in general, and other one only for AliExpress)	Yes, content policy only (inside the TOUS and in a "Product Listing Policy"*)	Yes, "intellectual property" only (in a specific INTELLECTUAL PROPERTY policy)		
Mainland China		BangGood	Domestic & Global	Banggood Technology Co.	Yes	Yes, both (in a specific policy)	Not found	Yes, "copyright" AND "intellectual property" (inside the TOUS)		
Mainland China		Social Media; Messenger; Entertainment	WeChat	Domestic & Global	Tencent	Yes	Yes, both (in a specific policy for all WeChat Services)	Yes, content policy only (in a specific policy and inside the TOUS, for all WeChat Services)		Yes, "copyright" AND "intellectual property" (in a specific INTELLECTUAL PROPERTY policy and inside the TOUS, for all WeChat Services)
Mainland China; Singapore		Entertainment (Videos and Lives only)	Nimo TV	Domestic & Global	Tencent; JOYY	Yes	Yes, both (in a specific policy)	Yes, content policy only (in a specific policy and inside the TOUS)		Yes, "copyright" only (in a specific COPYRIGHT policy)
Mainland China			Trovo Live	Domestic & Global	Tencent	Yes	Yes, both (in a specific policy)	Yes, content policy AND content moderation policy (in two specific policies and inside the TOUS)		Yes, "copyright" AND "intellectual property" (inside the TOUS)
Singapore	BIG0 Live		Domestic & Global	BIG0 Technology (JOYY)	Yes	Yes, both (in a specific policy)	Yes, content policy only (inside the TOUS)	Yes, "copyright" only (in a specific COPYRIGHT policy)		
Mainland China	Youku (Tudou Inc.)		Domestic & Global	Alibaba Group	Yes	Yes, both (inside the TOUS, only)	Yes, content policy only (inside the TOUS)	Yes, "copyright" only (inside the TOUS)		
Mainland China	TikTok		Domestic & Global	ByteDance	Yes	Yes, both (in a specific policy)	Yes, content policy only (inside the TOUS)	Yes, "copyright" AND "intellectual property" (inside the TOUS)		

Source: prepared by the author based on access to the websites of each platform, dec. 2023.

Illustration 2. TOUS and specific policies¹⁷

¹⁷ For the illustration, we even considered other platforms (such as the entertainment ones, like Douyu and Glovo) with specific content moderation, intellectual property and privacy/data protection policies that were not explored in depth in this study, given that our object of analysis was based exclusively on the TOUS and reports of transparency and ESG, as well not all these platforms were selected.



Source: prepared by the author based on access to the websites of each platform (see more information in Appendix A), dec. 2023.

Conclusions

Considering that this study sought to emphasize eCommerce platforms and less entertainment platforms (lives, videos, streaming in general, etc.), even though documents from these were also collected, it can be said that these tend, due to their nature, to (as it generally involves trade mainly in physical products, which tend to generate solid waste and move an intense chain of production and services that ranges from communication with sellers who are not direct workers on the platforms, with these acting as marketplaces, even delivery people, who also do not tend to work directly for such platforms as employees with formal employment contracts), and therefore tend to present data and/or reports on ESG more frequently than platforms of another nature.

However, even so, such reports are often outdated, insufficient (with little relevant data about the company's performance) and/or simply are not reports with formal publications (which are not as easily editable after publication, as occurs in the case of web pages), just a single page on an institutional website containing scattered data on

sustainability (in general, not even translated into languages other than English), see the case of Temu, a company that will soon operate in Brazil.

Furthermore, it is important to note that such companies practically do not contribute large data regarding workers who are not directly linked to them, but sell on their platforms. It is known that there is a share of responsibility on the part of the companies that provide eCommerce and marketplace platforms for the sales of such sellers (third parties), but they do not usually provide due accountability regarding the complete process of the production chain of seller users. involved. It is not enough that your own ESG reports contain good practices, including those against situations similar to slavery and against labor rights, but also that you act directly to resolve such problems with sellers who use your platform or, at least, carry out periodic checks of compliance with such rights to avoid the aforementioned practices.

As for transparency reports, it is understood that these are less recurrent on eCommerce and marketplace platforms, observed more intensely in this study, as generally the problems that evoke the need for review due to undue or allegedly unfair bans are more recurrent on eCommerce platforms. content creation, streaming and similar. However, it is worth noting that, just as streaming platforms are an important source of income (often the only one!) for users who publish content, eCommerce and marketplace platforms can also be the only forms of subsistence for small businesses. sellers, mainly in the rural areas mentioned in the Alibaba group report. Therefore, it would be important for such reports to be made available even by eCommerce and marketplace platforms, making it possible to ascertain whether seller account bans were for valid reasons already set out in their TOUS, or whether arbitrary bans were carried out, as well as the methods of flagging, moderation and review used (automated, human, etc.), the metrics of bans by users in each country, the justified reasons and the possibility of appeal, contradictory and due process, in line with regulatory principles on content moderation, such such as Santa Clara Principles 2.0.

Regarding TOUS, it was concluded that they usually already contain provisions on different topics observed here (Personal Data and Privacy, Content/Content Moderation and Intellectual Property) in a single document, the TOUS themselves. However, this situation is more common on eCommerce and marketplace platforms than on entertainment and streaming platforms that have not been explored in depth. It is speculated that this is due to the fact that such platforms have more complex and

detailed provisions for these types of restrictions, considering that there are greater ways of sharing content than just image and text advertisements (streaming videos, shared music that contain copyright, as well as copyrighted games and intellectual property, etc.).

Finally, it is essential to highlight that this is not a comparative study between "non-Chinese" and "Chinese" platforms, nor does it aim to claim that such platforms are less or more compatible with regulatory principles, or with ESG and transparency. Non-Chinese platforms can be as much more incompatible with these principles as Chinese platforms, and have already sparked relevant debates about sustainability as well as Chinese platforms, see numerous cases of complaints about Mercado Livre already mentioned in the introduction, or even Amazon.

It can be concluded, however, that there is still a lot to be done so that such platforms are actually more committed to publishing their content, which in itself will not even be a guarantee that such practices are, in fact, carried out - continuous monitoring, audits and other multisectoral and international verification methods are necessary. However, the publication of such documents adopting the best practices already provided for in regulatory principles such as those already mentioned (see Santa Clara Principles 2.0) are essential minimum requirements that are not yet being followed by all the platforms observed. The biggest and best highlight regarding such practices was from the Alibaba group, although there were still problems indicated here. It is therefore understood that smaller platforms comply even less with such compliances, and the validity of the hypothesis can be investigated, in future studies, that this is due to less multisectoral pressure (and even from their own competitors, partners, suppliers and other stakeholders, as well as end users/customers) and internationally for this to occur, with fewer incentives and enforcement for this. On the other hand, such platforms, although smaller than a billion-dollar group like Alibaba that has a high reputation to uphold, also profit from such non-compliances and must be monitored and required to provide such accountability.

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APPENDIX A

Current Parent Company's Headquarters	Platform Type	Name	Target Audience (users)	Current Parent Company	Are there "Terms of Use/Service" (TOUS) or "Terms & Conditions"?	Does it have provisions on privacy and/or personal data?	Does it have provisions on content and/or content moderation?	Does it have provisions on "author's rights" (or "copyright", or "intellectual property" that may address "author's rights")?	Date of archiving (now available at WebArchive)	
Mainland China	eCommerce	Tmall Global	Global	Alibaba Group	Yes	Yes, both (in a specific policy for all Alibaba Group in general)	Not found	Yes, "copyright" AND "intellectual property" (inside the TOUS)	11 sep. 2023	
Mainland China		Kaola	Domestic & Global	Alibaba Group	Yes	Not found (except for its RUS version; no mention to the Alibaba Group one)	Not found	Not found		
Mainland China		Wechat: Mini-program	Domestic & Global	Tencent	Yes	Yes, both (in a specific policy for all WeChat Services)	Yes, content policy only (in a specific policy and inside the TOUS, for all WeChat Services)	Yes, "copyright" AND "intellectual property" (in a specific INTELLECTUAL PROPERTY policy and inside the TOUS, for all WeChat Services)		
Mainland China		Temu	Domestic & Global	PDD Holdings	Yes	Yes, both (in a specific policy)	Yes, content policy only (inside the TOUS)	Yes, "intellectual property" AND "copyright" (in a specific INTELLECTUAL PROPERTY policy)		
Singapore		Shein	Domestic & Global	Roadget Business Pte Ltd	Yes	Yes, both (in a specific policy)	Not found	Yes, "copyright" AND "intellectual property" (in a specific COPYRIGHT policy)		
Mainland China		Aliexpress	Domestic & Global	Alibaba Group	Yes	Yes, both (in a specific policy; one for Alibaba Group in general, and other one only for AliExpress)	Yes, content policy only (inside the TOUS and in a "Product Listing Policy"*)	Yes, "intellectual property" only (in a specific INTELLECTUAL PROPERTY policy)		
Mainland China		BangGood	Domestic & Global	Banggood Technology Co.	Yes	Yes, both (in a specific policy)	Not found	Yes, "copyright" AND "intellectual property" (inside the TOUS)		
Mainland China		Social Media; Messenger; Entertainment	WeChat	Domestic & Global	Tencent	Yes	Yes, both (in a specific policy for all WeChat Services)	Yes, content policy only (in a specific policy and inside the TOUS, for all WeChat Services)		Yes, "copyright" AND "intellectual property" (in a specific INTELLECTUAL PROPERTY policy and inside the TOUS, for all WeChat Services)
Mainland China; Singapore		Entertainment (Videos and Lives only)	Nimo TV	Domestic & Global	Tencent; JOYY	Yes	Yes, both (in a specific policy)	Yes, content policy only (in a specific policy and inside the TOUS)		Yes, "copyright" only (in a specific COPYRIGHT policy)
Mainland China			Trovo Live	Domestic & Global	Tencent	Yes	Yes, both (in a specific policy)	Yes, content policy AND content moderation policy (in two specific policies and inside the TOUS)		Yes, "copyright" AND "intellectual property" (inside the TOUS)
Singapore	BIGO Live		Domestic & Global	BIGO Technology (JOYY)	Yes	Yes, both (in a specific policy)	Yes, content policy only (inside the TOUS)	Yes, "copyright" only (in a specific COPYRIGHT policy)		
Mainland China	YouKu (Tudou Inc.)		Domestic & Global	Alibaba Group	Yes	Yes, both (inside the TOUS, only)	Yes, content policy only (inside the TOUS)	Yes, "copyright" only (inside the TOUS)		
Mainland China		TikTok	Domestic & Global	ByteDance	Yes	Yes, both (in a specific policy)	Yes, content policy only (inside the TOUS)	Yes, "copyright" AND "intellectual property" (inside the TOUS)		

Source: prepared by the author based on access to the websites of each platform, dec. 2023.