

Consumer Rights Protection on the Online Auction Website—Situations and Solutions: A Case Study of EBay

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Abstract

The issue of consumer rights protection has been explored for thousands of times in the past in several languages by various experts from different jurisdictions, as a result of that nowadays more and more consumers are benefiting from the improving shopping environments in both online and offline worlds. The current legal regime for consumer protection, which is mainly formed in the 20th Century, seems to function well even when it enters the Era of E-Commerce; As many governments have fully acknowledged the significance of consumer's confidence in E-Commerce, and thus enacted a large number of new legislations to accommodate the variations brought by this new business mode by taking into consideration the particular nature of the online world. The European Union, for example, has promulgated the Distance Selling Directive 97/7/EC and the E-Commerce Directive 00/31/EC after taking into account the different characteristics of E-Commerce. To some extent, the 'cooperation' of new regulations and old mechanisms has played an effective and crucial role in protecting consumers' rights online in the general E-Commerce environment. However, a different image has been witnessed when such a legal regime is being applied to the Online Auction Website (OAW). Unlike trading with the traditional auction companies, consumers are, to certain extent, facing a more difficult situation when they are coming across problems when purchasing items on OAW. This paper will attempt to examine the effectiveness of contemporary consumer law regime applicable to the OAW, and will further argue that more improvements could and should be performed by means of legislation and self-regulation. The whole article will be organized in four parts. Part I works as an introduction by explaining the rapid development of OAW and relevant applicable rules in the United Kingdom within the EU background, different legal positions between the online existence of traditional auction company (Sotheby's Online) and the new OAW (eBay) will be compared to demonstrate the need for a review of the current Consumer Law regime. In order to illustrate the problems in depth, a case study of eBay, the world's largest OAW, will be undertaken in the next part. Specific difficulties confronting a consumer on OAW will be discussed in this part as well by analyzing the applicable rules provided by the government and the available mechanisms offered by the OAW. Consumer's Fair Trading Rights, as one of consumers' legitimate rights, will be mainly addressed by overlooking consumers' actual situations in respects of (a) Information Disclosure, (b) Transaction Safety and (c) Redress on the OAW. The different transaction experience between a consumer and a business or individual seller will be explored separately for a better understanding of consumers' situations on the OAW. Part III, by recognizing the importance of both regulatory and self-regulatory methods, will seek to present a feasible proposal for improvements towards a better protection of consumers' interests on OAW. The final part will draw a conclusion on the ground of the abovementioned arguments and findings.