

## **Abstract**

keywords: digital economy, e-commerce, resale price maintenance

This study introduces the recent development of the legal system of resale price restriction on e-commerce in the United States, the European Union and Japan in the digital economy, and analyzes the impact of RPM on competition under e-commerce. This research also analyzes Fair Trade Act on the regulation of RPM under the digital economy. The subject of analysis includes decisions of court and Fair Trade Commission in Taiwan. The results of the research found that the Fair Trade Act without special regulations of RPM in e-commerce. The facts and reasons in decisions of FTC are sometimes difficult to understand the period of violation. The fines of RPM tend to be low, but the consideration factors are not clear. Regarding the judgment of whether there are justifiable reasons for the RPM in e-commerce, this research found that the fairness of the case of FTC does not seem to be completely consistent. This research also found that the Intellectual property owner reported to the e-commerce platform that sellers below the recommended selling price on the platform violated intellectual property rights, and requested that the seller's web be removed from the shelves to become an upstream product supplier in recent years to require downstream distributors to comply with the recommended selling price set by them.

This research suggests that the main text in the format of the decisions of FTC should be consistent and clear, so that the sanctioned person can know what his illegal acts are. In addition, due to the diversity of e-commerce models in the digital economy, when ordering the offender to stop the illegal act, you can refer to the Japanese sanction decision to order the sanctioned person to stop the illegal RPM. The measures taken should be sent to the FTC for admission. The facts and reasons of decisions of FTC shall record the facts that are found to be illegal based on the evidence, and the reasons shall clearly record the time and method of the illegally restricted resale price of

the person being punished. For the division of resale price restrictions related to e-commerce, the amount of fines should be adjusted appropriately, and the factors of fines in the decisions of FTC should be clear. The decision procedure and discussion of the justifiable reasons for RPM should adopt consistent standards, and should allow the punished person to claim that there is no justifiable reasons, and a certain amount of fines should be reduced or exempted. The procedure is still limited to the punished person in the judgment of the justifiable reasons. Whether the claim is established shall prevail and shall not exceed the claim of the person being punished. The notice of infringement on e-commerce platforms is listed as a measure to ensure that the resale price is maintained; and the relationship between the e-commerce transaction model and the requirements for RPM should be reviewed. At the end of this research, it is suggested that the FTC should continue to observe the development of new types of e-commerce activities and price competition; continue to study the impact of price comparison websites on price competition in the digital economy.