
COMMENTARY

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Consumerism in the Digital Age

This paper discusses “digital consumerism,” which is the application of traditional concepts of consumerism to consumer vulnerabilities in digital markets. The relationship of digital consumerism to paradigms of consumer empowerment and consumer vulnerabilities is discussed using examples from the relevant literature. The findings of this literature survey identify new aspects of consumerism in digital markets that have the potential to enhance consumer well-being. The literature survey also revealed that consumer vulnerabilities have grown in complexity faster than regulative efforts. Therefore, there is a need for a reconceptualization of consumerism in order to improve consumer protections and to develop better functioning and healthier digital markets.

If we were able to add a “right to healthy food” to the 1960s conceptualization of consumerism, would we have less obesity and fewer health problems in society today? If we were able to embed a “right to financial protection” in the same consumerism concept, would we have had the financial crises and instability of the last few years? If we had anticipated the privacy issues before the Internet became ubiquitous and added “a right to online privacy” to our concept of consumerism, would we now have fewer identity theft problems? The opinions on these questions would clearly vary from person to person, situation to situation, market to market, and culture to culture. However, it is still easy to imagine that we would have fewer of these problems if we had a better understanding of these issues and their potential for affecting our lives. An answer to these questions is evident in the consumerism concept itself. Consumerism propounds the creation of consumer protection by raising market awareness of the vulnerabilities of consumers, market inequalities, and the subsequent regulation of business misbehaviors, deceptions, and marketing malpractices with legislative support (Aaker

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and Day 1982; Cohen 2010; Day and Aaker 1970; Rotfeld 2010). The major goal of consumerism is to “*seek to establish a more equitable and socially responsible capitalist democracy*” (Cohen 2010, 235). Recent technological advances, loosely referred to as the Internet, provide us with opportunities to achieve more equitable and socially responsible market structures (Kucuk 2009; Kucuk and Krishnamurthy 2007).

Although the phenomenal transformations produced by online markets reduced the historical dominance of companies and equalized market structures in favor of consumers, dynamically evolving digital markets also changed the nature and sources of consumer vulnerabilities (Kucuk 2009). One example is the rise in the number of identity theft and financial damage cases. The FBI’s Internet Crime Complaint Center (IC3) recently reported receiving its 3 millionth complaint. The total dollar loss claimed since the establishment of the IC3 now exceeds \$2 billion.¹

An additional difficulty for both consumers and companies is that not everybody can easily access digital markets or market information. As a result, there are serious inequality problems. Those consumers who can access digital markets frequently encounter unreliable, deceptive, and misleading information. This misinformation increases consumer confusion and vulnerability. Finally, although consumer voices can be enhanced through the Internet, some companies deceptively post in consumer networks (aka “paid-bloggers”) or try to override the free speech rights of consumers by asserting ownership rights.

In this context, defining and exploring systematic consumer vulnerabilities and reconceptualizing consumerism for digital markets is indispensable to improving our social welfare. Unfortunately, there is currently a limited amount of research focused on how the digital revolution is transforming consumerism. The major questions are: “What new problems do consumers face in digital markets?” and “What are the barriers to consumer participation in Internet-based markets?” These questions lead to: “How can consumerism further develop in order to enhance consumer well-being in digital markets?” Thus, in order to answer these questions and to guide the review of this topic, a road map to digital consumerism from the past to today is shown in Table 1.

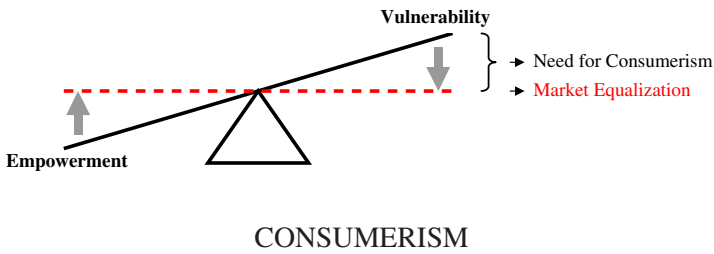
The remainder of the commentary includes a discussion of consumerism, digital consumerism, and the transformation of traditional consumer rights into digital rights.

1. IC3 <http://www.ic3.gov/media/2014/140519.aspx> retrieved on May 19, 2014.

TABLE 1
A Road Map to Digital Consumerism (from the Past to Today)

Traditional Consumerism	Empowerment (+)	Vulnerability (–)	Law & Regulations	Business Models	Digital Consumerism
Right to Safety	More showcasing of product safety tips and feedback (<u>Legal Power</u>)	Lack of Personal Data Control and Protection	-EU (1995) Data Protection Directive -Stop Online Piracy Act (SOPA) -Online Privacy Protection Act (OPPA)	TRUSTe, BBBOnLine, MacAfee	1- Right to Information Safety 2- Right to Privacy
Right to Be Informed	Access to more external information sources (Friends, family, etc.) (<u>Social and Technologic Power</u>)	Accessibility Inequalities Information Reliability Inaccurate Information, Cyber-bullying	-Telecommunications Act of 1996 - Rehabilitation Act (Section 508) - FTC Guides Concerning the Use of Endorsements and Testimonials in Advertising	Access: Comcast, Verizon, municipal broadband Knowledge: <u>Yelp.com</u> , <u>complaints.com</u>	3- Right to Access 4- Right to Reliability
Right to Choose	Access to more product-price options (<u>Economic and Technologic Power</u>)	Start-up Monopolization Walled-Gardens Unfair Information Prioritization	Mostly Company Regulated	Amazon, Google, Alibaba	5- Right to Unlock 6- Right to Information Prioritizing
Right to Be Heard	Access to individualized media and self broadcasting options (<u>Technologic Power</u>)	Conflicts between Free Speech Rights and Trademark Laws	- US Constitution First Amendment Free Speech Rights - Anti-Cybersquatting Consumer Protection Act” (ACPA)	Yelp.com, Facebook, Complaints.com	7- Right to Free Speech

FIGURE 1
Need for Consumerism



In the 1960s, the Consumers' Bill of Rights articulated consumer rights and protections as "the right to safety," "the right to be informed," "the right to choose," and "the right to be heard." Consumerism developed in response to the power imbalance between companies and consumers found in many types of market interactions. A balanced market is one in which consumer empowerment is enhanced and vulnerabilities are eliminated in ways that provide better and more fairly functioning market environments for both consumers and companies. This healthy and well-balanced interaction level is defined as "market equalization" (Kucuk 2009). It is a level at which traditional company power is relinquished in favor of consumer welfare (indicated by a dotted straight line in Figure 1). Deviations from market equalization levels (indicated with arrows in Figure 1) indicate how markets need consumer empowerment and protection in order to improve their functioning.

Investigating consumer empowerment and vulnerabilities enables us to see if a market is functioning in a balanced and/or equal level; and, if not, how consumerism can help achieve a mutually more productive balance. Any sharp deviation from market equalization levels will eventually indicate a need for improvements in consumer rights, protections, and regulations. Clearly, an effective consumerism requires a constant "checks and balance" mechanism in order to reduce consumer harm to levels that promote market efficiencies.

DIGITAL CONSUMERISM

There has not been enough progress in consumerism studies and policies since the 1980s (Rotfeld 2010). The need for an update of the consumerism concept is more essential than before because of the head-spinning changes that are allowed by digitally mediated consumer markets. Thus, digital consumerism is the development of the paradigms of consumer

empowerment and vulnerability in digital markets. Investigation using these paradigms reveals areas where more protection is needed because consumers are losing power and becoming more vulnerable.

The sources of power for the digital consumer have been described as “technological,” “economic,” “social,” and “legal” (Kucuk 2008; Kucuk and Krishnamurthy 2007). The democratic architecture of the Internet empowers consumer voices because the costs of Internet communication are increasingly affordable. This enhances the consumer’s “right to be heard” and his or her “right to choose” (economic power), his or her “right to be informed” (social power), and his or her “right to safety” (legal power) (Kucuk and Krishnamurthy 2007). It is also suggested that these consumer power sources create an ecologic market system and synergetic interactions between consumer-to-company and consumer-to-consumer communications, which directly influence company operations (Kucuk 2009).

The Internet improves consumer rights and consumerism by enhancing “the right to be informed” with easy access to both up-to-date information and additional information, by enhancing “the right to choose” with an increasing number of search engines and destinations, and by enhancing “the right to be heard” with many online media tools (Kucuk and Krishnamurthy 2007). The “right to safety” is directly and indirectly enhanced because consumers can easily access safety information about products and services with digital tools, which reduces the possibility of being harmed by unsafe products. However, consumer empowerment and consumerism are also negatively affected by breaches of personal information, by accessibility inequalities, by information reliability questions, and by the prevalence of deception and falsification in digital markets as also indicated in the “Vulnerability” column in Table 1.

It is clear that the changing power structure directly affects consumer vulnerabilities and rights in digital spaces. Because of power imbalances among market actors, governments and legislators frequently try to fill potential vulnerability gaps with regulations (“Law & Regulations” column in Table 1). Sometimes markets respond to the need and fill these gaps with third-party watchdogs (“Business Models” column in Table 1). Both approaches are aimed at developing a strong market immune system where improved consumerism can find a life. However, although both regulators and third-party watchdogs are important efforts in reducing consumer vulnerabilities, there are still areas where digital consumerism needs to be constructed in order to sufficiently enhance consumer power and reduce consumer vulnerabilities (as indicated in “Digital Consumerism” column in Table 1). In the following sections, the components of digital consumerism will be investigated by applying traditional concepts

of consumerism to digital markets in order to analyze current consumer vulnerabilities.

The Right to Safety

The right to safety refers to a right to receive safe and non-harmful products or services. The “right to safety” is improved by the use of a digital format because safety information is easy to access both from the company producing the product/service and independent sources such as the government, news stories, rating services, and consumers themselves. However, it is just as easy for a company to access and use consumer personal information without permission. One of the most important modern business assets is the digitally stored information about consumers that a company has collected or bought from different sources. If consumer information is not protected by a company, significant privacy concerns and the possible destruction of consumer financial freedom and identity can occur.

This indicates the increasing dangers of digital crimes, which eventually create fear and uncertainty in digital markets. In order to rebuild consumer trust, companies started developing technologies to secure consumer data. A significant way of building consumer trust is to inform consumers about the personal information stored by the company. This acknowledges the importance of a consumer’s right to access, correct, or delete the personal information that a company collects on him or her. This additional new dimension can be conceptualized as “the right to information safety,” as indicated in the “Digital Consumerism” column in Table 1.

The Right to Information Safety

It is clear that safety also includes information security. Even when companies secure their consumer information by following applicable government regulations and commercial best practices, the risk of that information being accessed and used by others with different intentions remains significant.

The recent FTC report “Data Brokers: A Call for Transparency and Accountability” (released on May 27, 2014) indicated that data brokers collect and store an enormous amount of consumer information on every U.S. consumer without informing them about this practice. This information can eventually be shared with other data brokers for profit. This practice poses risks for consumers because the collected and shared data may include sensitive personal information, such as health-related topics. For example, if an insurance company knows that its customer is planning to invest in a

motorcycle, the company can see this as a risky behavior, which eventually influences the consumer's premiums. If consumer data are collected and used for credit, insurance, or employment purposes, this practice can conflict with the Fair Credit Reporting Act (15 USC § 1681 et seq.) which provides for consumer access to their credit report and a right to request an investigation of items and to submit a statement of explanation.

The Senate subcommittee report on "Online Advertising and Hidden Hazards," issued in May 2014, also indicated that there has been an increase in criminal practices in digital markets in the last couple of years. The report pointed out that cybercriminals can easily infect consumer computers with advertising malware (aka "malvertising") by using mainstream and otherwise trustworthy websites. The report indicated that consumers are forced to trust mainstream websites for the security of their personal information. Currently, there are no significant security standards or comprehensive regulations focused on eliminating malware attacks, invasive cookies, or deceptive data collection practices other than the recent Canadian Anti-Spam laws that focus on malware and invasive cookies.²

Right to Privacy

Privacy discussions in the literature focus on two components: the collection and the storage of personal data. Consumers may not want their personal information collected or stored at all without safeguards. Companies that collect consumer information with or without consumer consent (aka "permission marketing") are also responsible for safeguarding this information.

Recently, a Spanish citizen requested the removal of "obsolete personal information" about him from Google search results.³ He learned that the information about him in search engine results is inaccurate and old (which states that his home was repossessed due to a tax debt although he paid the tax and sold the house years ago). Although he is a strong supporter of freedom of speech, he requested the deletion of the information about him since it violates the honor and dignity of individuals. The EU Court of Justice ruled that individuals have a right to ask for personal information to be deleted from search engine results, and hence upheld their citizens' "right to be forgotten" (Ruling C-131/12). Similarly, the 1995 EU Data

2. Canadian Radio-Television and Telecommunications Commission Act, the Competition Act, the Personal Information Protection and Electronic Documents Act, and the Telecommunications Act (S.C. 2010, c. 23).

3. <http://www.newsweek.com/man-who-sued-google-be-forgotten-252854> (visited on August 12, 2014).

Protection Directive acknowledges an individual's right to ask a company to delete his or her personal information from their websites when it is not necessary anymore. In response to this action, Google launched a new web form for submission of a request for the removal of objectionable personal information from their search results.

The EU court pointed out that if the information is inaccurate, inadequate, irrelevant, or excessive, then collecting that data infringes on the individual's right to be forgotten. The Court also clarified that this right has no absolute and clear limits and should not interfere with the freedoms of expression and media. Consumers should and must be given a right to opt out from any personal information collection processes as long as opting out does not interfere with public security or health. On the other hand, this digital right to be left alone is not necessarily absolute, since some consumers enjoy receiving permission-based messages from particular sources. This, in turn, raises the importance of spam-filtering systems while communicating with consumers.

The EU Data Protection Directive of 1995 (Directive 95/46/EC) requires a notice of online data collection and the right to opt out of marketing. The EU put in place strict legal conditions to ensure that consumer personal data receive a consistently high standard of protection in each member country before the United States, even though the Internet was first commercialized in the United States. For example, major U.S. digital companies end up paying astronomical fines because of their personal data collection and usage practices in Europe. Google was recently required to pay fines and consolidate 60 privacy policies which restrict its data collection and usage practices of users across its online services (Scott 2014). However, these consolidation efforts make things more complicated since there are many cultural and legal system differences. Although privacy and personal data protection issues are seen as major vulnerability sources in most of the Western world, some of the global users (specifically collectivist cultures) do not see privacy issues as a major security issue or vulnerability because of their cultural preferences (Kucuk 2002). Thus, the definition of vulnerability might change dramatically based on culture.

In the Western world, the current data protection problems are causing a decline in consumer trust in the way that companies handle their information (Gefen 2000, 2002; Gefen and Straub 2004). Online companies can easily lose their customers if they cannot establish mutually trustworthy communication. In order to establish online trust, companies need to focus on information safeguards and to reduce consumer vulnerabilities. Although the U.S. Constitution grants an implicit right of privacy to individuals in various grounds, there seems to be no regulative support

of digital privacy rights in the digital markets, with the exception of the California Online Privacy Protection Act (OPPA) of 2003. The OPPA is the first attempt to legally protect consumer privacy and the transfer of personal data on the Internet, although the FTC has been attempting to protect consumer privacy since at least 1999 with its GeoCities action. OPPA mandates that website owners must comply with their own online privacy policies. Although the privacy policies posted on commercial websites appear to protect customer information, they have no legally enforceable function in reality. The OPPA is the first attempt to make these company policies legally binding. The Stop Online Piracy Act (SOPA) was recently introduced to eliminate falsification and insecure digital interactions on the Internet. In 2011, many opponents noted possible negative implications of the Act on the free speech rights of consumers. Thus, the legitimacy of SOPA is not clear since the arguments between both sides of the House Judiciary Committee are inconclusive at this point.

In order to fill the legal loopholes regarding consumer privacy issues in digital markets, new protection tools are being developed by many third-party entities, such as TRUSTe and BBBOnLine (as indicated in the "Business Models" column in Table 1). The privacy policies developed by third-party watchdogs include constantly checking on company practices and consumer complaints reported to the commercial website to make sure that the website is, in fact, protecting consumer data as the policy promised. By demonstrating trust and loyalty with these programs and others, digital companies hope to gain consumer trust. These transparent partnerships can eventually enhance consumer information protection.

The Right to Be Informed

The right to be informed refers to a consumer's right to access truthful, reliable, factual, and complete information about products and services provided in the markets. This right can be investigated in two major components on the Internet: (1) the right to access markets and market information, and (2) the right to access deception-free and reliable information.

Right to Access

Information is flowing into the Internet in staggering amounts. However, not every consumer or Internet user has the opportunity to take full advantage of this information richness. Most of the world is still in a digital darkness, living in information poverty. The Internet, in addition to the benefits it brings, has reinforced the marginalization of some populations

and unbalanced social structures within and between countries throughout the world (Huang and Chen 2010). However, information poverty occurs not only because of incapability of possessing computers and the requisite infrastructure, but also because of lack of the skills or knowledge needed to access the information (Britz 2004). These barriers are conceptualized as a first-degree Digital Divide (DD) and a second-degree DD respectively (Hargittai 2002). The first-degree DD focuses on technological barriers (inaccessibility to computers and the Internet) and the second-degree DD conceptualization focuses on cultural, generational, language, and physiological (disabilities) barriers. Both DDs increase consumer vulnerabilities and negatively impact the right to be informed.

If consumers cannot access the Internet, their abilities to be informed and heard are at risk. Because of the Internet's technologically democratic infrastructure, every individual can have nearly equal access to information (Kucuk and Krishnamurthy 2007; Wu 1999). As a result, equalization should be a reality and not a dream in digital markets (Kucuk 2009). Many Western countries have the infrastructure for near universal access to the Internet, which is a significant advantage compared to other nations. However, even in the wealthiest countries, many minorities, people in poverty and disabled consumers have many information accessibility problems (Hargittai 2002).

Today's world is technologically heterogeneous, but becoming less so every day. The number of telephone lines is low in many countries, indicating communication and connectivity inequalities in those markets. Poor telecommunication infrastructure in many countries marginalizes those consumers. Even in the United States, people often struggle to pay for Internet access. Alternatively, many areas do not have public places, libraries, schools, or affordable "Internet cafes" that provide Internet access. Consequently, some municipal governments are providing free or low-cost broadband Internet access to their communities. Although municipal broadband boosts the local economy by enhancing the competitiveness of underserved communities and the Federal Communications Commission (FCC) supports municipal broadband under the Telecommunications Act of 1996 [47 USC 253(a)], some corporate telecommunication providers use unprofitability arguments and fight against municipal broadband. This, eventually, paralyzes the right to access of such underserved populations in the digital world.

Consumers with disabilities are another group that is impacted deeply by the DD. Many disabled consumers use the Internet as a convenient shopping tool, but they often face technological obstacles accessing market information on the Internet. In 1998, the Rehabilitation Act was amended

by Congress to require federal agencies to make information technology accessible to people with disabilities ("Section 508"). Section 508 should not only be required at the federal level but also at the corporate level for consumers who have disabilities that prevent them from accessing digital markets. This should be perceived as a corporate social obligation as well as a means for market enlargement.

On the other hand, although users can get access to the Internet, some Internet providers purposely slow down communication services (speed of downloading, content, etc.) and artificially create obstacles so that they can increase their service fees. This eventually negatively affects users'/consumers' ability to transfer files, download files to shop, and real-time communication with companies and other fellow users/consumers (Economides 2008; Wu 2003). In some situations, these service-providing companies block information and/or discriminate the user's right to access public information based on software (also known as communication protocols) users' computer access to the Internet. For example, the FCC recently found that Comcast illegally prevented users' high-speed Internet services from using file-sharing software (Hansell 2008). This eventually creates unequal access or sometimes no access to public and market information. Furthermore, these company-oriented practices give telecommunication companies ultimate control and power, and hence are intended to create a centralized and anti-democratic control system for their benefit. Every consumer should be able to access all Internet content equally without being technologically and digitally discriminated against (based on their IP address, software, etc.) by the service providers for profit purposes (aka "Net Neutrality") (Wu 2003, 2006). These telecommunication service providers create a non-neutral Internet for profit maximization purposes and not for the consumers' benefit by violating consumers' basic accessibility rights. The traffic on the Internet should be treated equally and be open to everyone in a way to foster democratic communication which reduces consumer access inequalities. Therefore, new net neutrality rules were recently approved by the FCC and these accessibility inequalities will be regulated closely.

Furthermore, having access alone does not guarantee either use or access to information and knowledge. Although specific technology is required for Internet access, basic literacy and computer knowledge skills are also sometimes in short supply (second-degree DD). Although wealthy consumers can easily access the Internet, they frequently do not have the basic skills necessary to use the Internet in a meaningful way. This knowledge problem is also affected by the willingness to learn and use these new tools, as Davis (1989) shows with his Technology Acceptance

Models. Technology acceptance is a major issue for elderly consumers, who often have a hard time with changes. Although the web is often an equalizer, this is not always the case. Since the Internet was developed in Western countries, it incorporates many Western assumptions and perspectives—which can make it difficult to understand for other cultures. This raises the possibility of cultural clashes in and about digital environments. To assist with this problem, companies and governments need to provide language translation programs or other options for consumers so that access equality can be established.

Consumers can have easy access to the Internet, but the information accessed might be overwhelming in volume, and might be manipulated or misleading because there is no consistently reliable information verification mechanism. Digitally illiterate consumers are easily harmed and betrayed, as described by Rheingold: *“Today’s digital literacy can make the difference between being empowered or manipulated, serene or frenetic”* (2013, 3). Unfortunately, many consumers are not yet digitally literate and drown in unreliable and unnecessary information.

Right to Reliability

Consumers generally assume that information provided on the Internet is true and/or reliable. However, this is not always the case. There is much biased, prejudiced, misleading, and deceiving information available in digital spaces. This is another important problem affecting the consumer’s right to be informed.

The majority of the misleading information comes from the consumers themselves. Consumers are posting nearly anything and everything online, whether or not they have any expertise or experience in the subject matter. Many consumers assume that information posted by “like-minded consumers” is true because these posts are consumer-generated and therefore genuine and trustworthy (Bickart and Schindler 2001). Although some erroneous information is generated by the poster’s honest lack of expertise or knowledge, some people purposely post inaccurate information. Some companies hire consumers to disseminate corporate messages, but the accuracy and objectivity of the information provided by these “paid-consumers” (aka “paid-bloggers”) is questionable because of their “bribe-like” payments (Kucuk 2009). Thus, in order to protect the purity and reliability of consumer voices, companies are now pressured to fully disclose the names of paid-bloggers and advertisers under the FTC’s Guides Concerning the Use of Endorsements and Testimonials in Advertising (16 C.F.R. Part 255). Similarly, the Guides recommend that

bloggers disclose any payments or relationships in their blogs. Companies that encourage consumers' posts are expected by the FTC to also encourage these bloggers to disclose any payments/relationships such as having received the product for free or being part of a "review club" that some marketers are establishing. Thus, the recent Guides are aimed at informing consumers which website posting might have biased ideas about the products or services that it is extolling.

Furthermore, such paid-bloggers or biased consumers' misleading information dissemination can unfairly start cyber-bullying about the products and services provided.

This kind of cyber-bullying is distinct from the generally known interpersonal bullying, as cyber-bullying in the commercial sphere focuses on product, brand, and service rather than on a person. Consumers can now easily showcase bad products and services publicly, sharing their experiences with other like-minded consumers to inform them about the quality of the products/services. Whether unconsciously or consciously (e.g., paid-bloggers), putting falsified and negative reviews in online public forums can easily mislead consumers into making decisions that do not benefit them. Thus, in order to eliminate any misunderstanding, online forums should provide answer options to the individuals or companies who are being criticized unfairly. By enabling accurate, or at least official, information to be linked to inaccurate, or supposedly inaccurate information, it will enhance the consumer's right not to be misled.

Recently, the well-known consumer review site "Yelp" was accused of "economic extortion" claims since it purposely deleted positive consumer reviews from its review boards (Winkler 2014). There is currently no legal ruling on how consumer review sites should filter consumer reviews in a fair and truthful way—which eventually increases the claims of cyber-bullying, especially from small and medium size service providers. Such manipulated and well-calculated cyber-bullying efforts for the financial benefit of review sites eventually misleads consumers and harms the fairness of the market value system in digital markets. This ultimately hurts consumers' right to gain true and reliable information about the products/services that they are receiving. It is also claimed that Yelp is purposely posting only negative reviews so that they can ask for more advertising money from the business owners who had negative reviews posted. This creates a very corrupt market structure and no business model can provide market value for consumers and the public if it is based on bribery and bullying.

The Right to Choose

The right to choose emphasizes the consumer's free choice to pick a product at a competitive price among various alternatives. The right to choose stands against any monopolistic market structures which reduce consumer options and hurt consumer freedom to choose. Because the Internet is global in nature, consumers can now easily access not only local markets but also global markets to find better deals and options. As a result, the markets are larger than before since more and more traditional businesses are immigrating to digital spaces. In this context, it could be interpreted that the right to choose is enhanced in digital markets.

On the other hand, the Internet also created digital start-ups that control most of the markets. Such start-ups, in fact, developed quasi-monopoly digital markets. For example, Amazon controls 50% of the book market in the United States, Google controls 68% of the US search market, and Alibaba controls 80% of the trade in China (Economist 2014). Thus, digital start-ups can gain excessive market power in a very short time by utilizing "network effects." Although these giants provide free services and conveniences to reach network effects and provide empowering relationships with consumers, they also gain more dominance and control in the digital markets. Because of Internet technology, they penetrate markets so fast that new companies cannot easily enter the markets and deal with major entry barriers. As a result, many consumers are locked in to company-created closed-systems with very few or no options in the markets. Google was recently accused of being a digital monopoly by both the FTC and EU Commissions. Most of the giants are trying to fill service gaps created by the lack of competition in digital markets by trying to enrich consumer options in their own company-created closed-systems. However, the focus should be on market development efforts that can unlock the consumer as a result of increasing consumer choice.

Right to Unlock

There is some evidence that many start-ups are not trying to enter markets to compete directly with incumbents and provide more choices but rather to find a niche to monopolize (Thiel 2014). Because of the network effects created by digital start-ups, it is also very difficult and undesirable for consumers to leave one network and go to another one. Once a digital company is able to lock in a significant number of users, followers will eventually end up in the same network. Furthermore, if the digital company increases the consumers' perception of market value (by reducing price while increasing the quality of products/services), this, in turn, leads to

industry-wide lock-ins where everybody goes to the same company. This eventually creates a very monopolistic market structure unless consumers are able to unlock themselves and select other alternatives (if the market is capable of creating new alternatives).

This potential monopolistic power of many digital start-ups comes from their ability to keep their locked-in consumers in their information eco-system so that users can only see whatever the service provider provides to them. Especially in the mobile phone market, many mobile (i.e., smart phone) shopping applications and content are restricted or not technically approved by the service providers (i.e., if you have an Apple smart phone you might not be able to access all of the alternatives available in the markets unless Apple system operators are created or programmed to do so; also known as “Walled-Garden”). An incompatible application can be seen as a bug or can cause problems in other systems thus creating a divide between systems (for example, if you have Microsoft software installed on your computer, Chrome supported by Google may not work appropriately without the presence of a compatible solution). Such closed systems provide exclusive information allowed by the service providers and hurt the consumer’s right to step-out of the walled-gardens to experiment with other options. This, in turn, reduces the consumers’ ability to access transparent markets in which all of the alternatives are visible (locked consumers). Although a walled-garden can generate more sales for the company, it eventually hurts consumers’ right to choose unless companies create easy exit options from company-generated business eco-systems or bring together all of the possible alternatives available in the markets for the consumer’s selection. Therefore, company-generated selection systems might hurt consumers’ right to choice on the Internet since company-generated algorithms aim to prioritize and rank the searched items in their own ways. The compatibility of software and of different systems is needed to integrate markets and to enhance the consumer’s right to choose.

The Right to Information Prioritizing

The importance of prioritizing information about the items or services that a consumer is shopping for is derived from the right to choose and the right to accurate and useful information. Since the daily amount of information flowing to digital spaces is staggering, consumers need support for enhanced mental information filtering systems. Therefore, more consumers are relying on search engines which rank the most appropriate options that fit consumers’ search needs. However, every search engine has its own way of prioritizing and presenting information to consumers.

In other words, most of the time consumers are not eating what they want to eat but what the chef wants them to eat.

The ranking of results by search engines can directly influence product selection and thus the market value of a product. Understanding the ranking of a search result requires a broad understanding of comparative search engine decision-making and the mathematical algorithms used in these processes. However, many times the algorithm of search engines and hence the fairness of rankings are kept hidden from consumers. Consumers see whatever the search engines want them to see. If the search engine algorithm does not allow users to see necessary information regarding products/services, consumers cannot see it. Therefore, consumers have no power to understand. This, in turn, hurts consumers' rights to get valid and comprehensive market information and to pick the best option possible.

Search engines recently started focusing on developing a "personalized" search experience for consumers, but the effectiveness of this search experience is unclear because of the staggering amount of data involved. Although consumers can search for whatever keyword or product they wish, the information presented in the search results is determined by the search engine itself—not the consumer. Each search engine has different algorithms; an item at the top of the list in one search engine might not even make the list in another search engine. The inconsistency in search results may create more consumer confusion since companies try to ensure that their websites are ranked in the top results. This, in turn, can mislead consumers with unfairly ranked or wrong options (also known as "black-hat search engine optimization"). Clearly, the observed and potential biases in search results can hurt the consumer's right to choose on the Internet. Search engines could include more consumer involvement to incorporate market values for all in a more democratic way.

There are no standards or regulations in digital markets to eliminate the potential consumer vulnerabilities created by search engines. All search engine algorithms are still controlled by the search engine companies themselves and the rankings inconsistency created by various search engines often creates more confusion than value. One solution could be to create personalized options for consumers so that they cannot be overwhelmed and misled by information overload. However, personalized systems are not perfect all the time. Moreover, there is a delicate line between a company's personalization practices and consumer privacy issues. Too much personalization could raise the concerns of privacy invasion for especially forgetful consumers.

Therefore, reaching options without a prejudice and making a selection with free-will sits at the heart of the search prioritizing right. It is clear

that consumers can reach many different product/service options and, in most cases, possible price and quality comparisons. As more products and services become available through digital platforms, consumer options and choices are increasing—which potentially requires more time-consuming searching. With these increasing options, consumers need comparative tools to reveal clear and fair differences between options. Thus, there are some serious consumer information vulnerabilities in digital markets that negatively impact the right to choose, and these issues are mostly controlled and impacted by digital companies.

The Right to Be Heard

The right to be heard refers to the consumer's right to voice any complaints about the product/services to service providers, the government, and third-party observers in the markets. There has probably been more empowerment than vulnerability for consumer voices, and hence in the consumer right to be heard, since the inception of the Internet. Consumers can communicate with companies and other consumers on an equal footing in the digital spaces (Kucuk and Krishnamurthy 2007). The right to be heard might be the aspect of consumerism that has gained the most power because of the Internet's technologically democratic architecture.

Right to Free Speech

Today's consumers strongly voice their disagreements about corporate wrong-doings by subverting corporate branding meanings in their own digital spaces. This, in turn, has led to arguments whether such consumer-created anti-branding efforts are violating brand dilution and trademark infringement laws (Kucuk 2015a, 2015b). However, such anti-branding semiotic consumers believe that their first amendment right to free speech is under attack.

Anti-branding consumers indicate that trademark laws give corporations too much cultural power and control and that corporate semiotic power in modern markets should be reduced or at least shared with everybody for a democratically functioning market (Spinello 2006). This is defined as "semiotic emancipation," which is a representation of a collision of consumer identities with corporate brand identities (Kucuk 2015a, 2015b). This philosophical difference is explained by Katyal: "*a major conflict between two different kinds of markets; the market of economic value (goods and property), and the market of meaning and metaphor*" (2010, 836). This is where capitalized meaning systems clash with consumer-generated metaphorical meaning systems.

This battle first started with consumers' usage of targeted brand names in consumer-generated anti-branding websites' domain names. Website domain names are used as major branding tools in digital markets. They can be seen as examples of brand dilution cases since consumer anti-brand message creators use similar brand names in their domain names (such as Killercoke.com, Ihatestarbucks.com, etc). However, the court denied dilution claims unless the website owner is making monetary profits by using the corporate brand name in its domain names since this is seen as the first amendment right to free speech (Kopp and Suter 2000; Kucuk 2015b). Furthermore, any bad-faith usage of such domain names by competitors with an intent to make a profit is condemned by the "Anti-cybersquatting Consumer Protection Act" (ACPA) in the United States [15 U.S.C. § 1125(d)]. However, consumers are not functioning as competitors but as informants in the digital markets. Thus, any domain name usage of a well-known and trademarked brand name or brand association solely for criticism and protest is under the protection of the first amendment in the United States (Katyal 2006, 2010; Katz and Carnahan 2001; Kay 2006; Kopp and Suter 2000; Spinello 2006).

Furthermore, some anti-branding consumers are also imitating the corporate brand logos and brand associations on their websites, which eventually results in another brand dilution argument in the digital markets. Although trademarked brand associations are used as indicators of quality and value signs by many consumers, anti-branding consumers are also trying to inform other consumers by showcasing corporate wrong-doings on their websites or social networking sites (Kucuk 2008). Most anti-branding consumers develop these websites because of altruistic and profitless reasons and to inform society about the issues. On the other hand, sometimes it is impossible to understand who is really behind such anti-branding images: a real consumer, a competitor, or perhaps competitor-supported individuals trying to mock the targeted brand (Kucuk 2015b). If there is a financial link between anti-branding consumers and competing companies regarding the targeted brand, the brand associations used by the anti-branders are not under the protection of free speech rights but rather can be claimed as a brand tarnishment base dilution case (Kucuk 2015b). Thus, the actions of anti-branders should not be challenged with trademark or dilution laws as long as they have direct and/or indirect competitor support as also discussed broadly in the "right to reliability" section. Thus, there is need for legal regulation for competitor support to be fully disclosed.

The traditional consumer's right to be heard is transformed by just being able to complain through broadcasting any corporate wrong-doings in their

own digital space to inform or protest such wrong-doings. This is defined as “the right to free speech” in this context since consumer voice is covered by the First Amendment free speech rights in the United States unless as defined otherwise above.

CONCLUSION

This commentary analyzed the changes in consumer empowerment and consumer vulnerabilities as a result of the digital transformation of markets, looking for possible protection gaps that need attention from public policymakers. The decades-old consumerism concept guided this analysis.

The results of this discussion reveal that traditional consumers’ “right to safety” and “right to be informed” are threatened in digital markets more than their “right to choose” and “right to be heard.” In other words, there are more empowerments than vulnerabilities in the “right to choose” and “right to be heard.” Yet, there are serious impending current and future threats regarding “right to choose” and “right to be heard” components, as discussed in the earlier sections. In other words, there do not seem to be significant legal developments available in “right to choose” and “right to be heard” in both the EU and the United States. In fact, consumers’ “right to choose” related market interactions are mostly company controlled and might need special attention from legislators. On the other hand, the commentary reveals that there have been, and are some ongoing, legislative efforts to eliminate consumer vulnerabilities in both the “right to safety” and the “right to be informed” components. The commentary’s discussions indicated that markets need some new consumerism perspectives as a result of the digital transformation of our economies. Therefore, the commentary proposes an extension of the traditional consumerism concept with new dimensions as major components of today’s “digital consumerism,” as follows: Right to Information Safety, Right to Privacy, Right to Access, Right to Reliability, Right to Unlock, Right to Information Prioritizing, and Right to Free Speech. These newly defined digital consumer rights argue the major legal loopholes and consumer weaknesses in the digital marketplace. Without this reconceptualization of decades-old consumerism perspectives, consumers and markets will eventually suffer more and will not be able to reach market equalization. Thus, the commentary addresses some managerial and public policy perspectives on how to eliminate possible consumer weaknesses in the digital markets as follows:

Right to Information Safety: Cyber-criminalization is reaching unprecedented levels. Cybercriminals can easily infect consumer computers with

malvertisements and steal consumers' money and identities. There is a need to improve technology to secure consumer information safety. Government and policymakers should focus on both technological improvements that enhance consumer information safety and on new legal and enforcement systems which eventually deter attempting such cybercrimes.

Right to Privacy: Many breaches in company database systems or consumers' personal computers eventually lead to major privacy concerns as discussed in the "right to information safety" component. However, a majority of the consumer privacy problems are caused by consumer ignorance and misconceptions about company policies. The problem is not only collecting consumers' personal information without their consent, but also how to educate and inform these consumers about the legality or illegality of such data collection practices. It is a known fact that most consumers are not carefully reading privacy policies and terms of service and quickly click through a company's data collection policies. Part of the reason is that the companies include a staggering amount of information in their policies rather than providing practical and comprehensible privacy and data usage information to consumers. Privacy policies and the declaration of company personal data collection practices should be explained and introduced to consumers in more comprehensible ways. There is still no guarantee that company data collection practices provide the protection of their personal data that consumers should be able to expect since such policies are only the good intent of the company. They are not law and technically provide no legal protection to consumers. There is a need for a sample legalized form of company data collection policy that can be mandated by policymakers. In this context, it is clear that the 1995 EU Data Protection Directive is providing a safer digital platform than the U.S. system that relies much more on the presentation of privacy policies than consumer direct consent. Thus, alternatively, consumers can also be informed simultaneously through opening a new window on the screen by the company revealing the company's intent to monitor consumers' clicks and ask permission as happens on many European websites.

Right to Access: It is very important for people around the world to be able to access the Internet because the information that people receive, or do not receive, impacts their daily lives through their jobs, family, friends, and their own well-being. Without Internet access, people are increasingly under-informed and can quickly become even more lost as companies shift their business from traditional consumption places into the digital world. Because of recent technological advancements, computer prices are going down and consumers' chances to enter the digital world are increasing. However, there is a need for government support programs

that can eliminate the second-degree DD (caused by cultural, generational, language, and physiological [disability] barriers) to eradicate this gap. In addition to access problems created by DD, powerful telecommunication companies are trying to control the content and content download speed that is distributed around the digital spaces for profit. This issue sits at the heart of “net neutrality” discussions, which might define access rights as a basic human right in our digital age. There is need for major regulations that can improve consumers’ right to access information on a fair and equal opportunity basis.

Right to Reliability: Some of the information available on the Internet is manipulated, misrepresented, and untrue; and consumers make daily decisions based on such deceiving information. Some of this information comes from consumers while other information comes directly or indirectly (through endorsements) from companies. Although the FTC recently started to regulate the use of endorsements and testimonials in consumer blogs, social networking sites, and company-organized WOM generating websites, many consumers are still falsely led to lower quality purchases or services with deceptive speech generated by consumers who are bribed by companies. Falsification and bullying are reaching very disturbing rates in our digital world. A company and its followers can easily put false claims about a competitor on consumer review boards, which might eventually damage the targeted company. This practice is getting very common and reaching destructive levels, especially for small- and medium-sized companies that operate with low sales volumes and are trying to grow. A simple measure is for the targeted people or institution to have a right to respond to bullying claims on the very same digital platform. Moreover, such parties should have a right to the deletion of inaccurate, irrelevant, and excessively personal information about themselves. Online review platforms should be mandated to provide such options to individuals by law so that markets are not cluttered with various forms of bullying campaigns and unreliable information. This would increase the reliability of markets and information generated in these markets. Most of the market players have a *caveat emptor* mentality and enforcement is most often left to the market since given the scope of the problem, governmental enforcement is hopelessly unmatched. Thus, there is need for more third-party evaluation systems to ensure fairly functioning markets.

Right to Unlock: Yesterday’s start-ups are now today’s digital giants and the market entry barriers that they have created are becoming greater than expected. Because of their network effects, these companies have grown rapidly and have reached a level where they can control the majority of the market. The rule of “winner takes all” is true on the Internet even though

such winners' business models provide empowering relationships with their consumers. This eventually reduces consumer choices in the digital markets. Once a consumer is locked into a digital company, it is very difficult for the consumer to unlock (by desire) the relationship with the company since such life-improving innovations are deeply embedded in consumers' lives. Legislators need to focus on how to bring more digital companies into the markets and how to regulate such markets in order to reduce imbalanced competition to attract more new companies. Although many U.S. digital giants receive warnings to reduce their invasive power in Europe and the world, this is not the case in the United States. Legislators should take action before it is too late. The company-created selection systems should be built with consumer well-being in mind. They should not be searching for their weaknesses and locking in the company system for profit. A possible solution is to give consumers more flexibility to switch their networks to alternatives without questions asked or any other hard sales tactics used. Consumers should be given network mobility or network compatibility options to other networks so that such monopolies are motivated to involve in fairer competition which eventually improves the consumer's right to choose.

Right to Information Prioritizing: Search engines should be asked to share their search algorithms with markets so that everybody can easily understand the logic behind rankings of search results. Search engines should be required to share such algorithmic information on their websites in an understandable and comprehensive way so the consumer can understand which results are organic results and which ones are actually paid advertisements listed in the search results. There is also a need to regulate black-hat search engine practices so that consumers can access fair search results that reflect the market's value systems. These issues are controlled by the companies themselves and there is no regulatory source in the digital markets.

Right to Free Speech: Today's companies are trying to either compete with consumer broadcasters or bypass them to produce an effective market voice. The recent rise of consumer-generated branding and anti-branding efforts put corporate branding efforts in jeopardy. Corporate counterparts believe that such anti-branding dilution efforts can create consumer confusion, and might lead consumers to select wrong alternatives unconsciously and unintentionally. However, this view can destroy consumers' free speech rights and semiotic democracy. It is clear that our economic system is shifting from an ownership-based paradigm to a sharing-based way of consuming and doing business with consumers. There is an urgent need to define the meaning of corporate ownership rights in the context

of consumer creators. Markets need regulatory approaches that protect consumers' free speech rights. Finally, there is definitely need for regulations that mandate corporations to disclose their support to any anti-branders activities in the digital world so that consumers can be able to differentiate the differences consumer-organized versus company-organized digital anti-branding activities.

We are in a world where consumers are hungry for and hence consume more information on a daily basis. Such increasing needs open new opportunities and threats to consumers. As digital markets evolve all around the world, there is need for more consumer protection and a macro-level consumerism philosophy that addresses such abnormalities. There are currently not enough legislative attempts to regulate these consumer vulnerabilities in the United States and many other nations' legal systems. Both companies and legislatures need to look at such potential consumer vulnerabilities carefully in order to enhance consumer welfare and facilitate well-functioning healthy interactions in digitally mediated markets.

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