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## **ILLEGAL IDENTIFICATION OF DATA CAPTURE BEHAVIOR UNDER ANTI-UNFAIR COMPETITION**

**Abstract.** How to determine the illegality of data capture behavior and how to determine the amount of compensation is still a hot issue in academic circles, this paper mainly discusses how to determine the illegality of data capture behavior. How to protect enterprise data under the anti-non-competition law and discuss the boundary of capture behavior to make sure the action is illegal and cause unfair competition relations when illegal data grabbing occurred, and then can discuss further about the amount of compensation. As the age of big data approaches, the law needs to keep improving. This paper would discuss around this view which purpose is of better data protection and reduce, avoid improper behaviors in a way that avoids the loss, tampering and leakage of business data causing economic losses to enterprises and affecting the normal functioning of the market, so as to make an impact on the maintenance of the stability of our country's market economy.

**Introduction.** Nowadays, the ownership of commercial data is still not clear in our legal system. No consensus has been reached on issues such as the rights-based approach to commercial data, the types of rights to be included in the right to commercial data and the content of specific rights, so the frequent occurrence of data capture behaviour has led to the leakage of a large amount of corporate information, resulting in serious economic losses. In recent years, there have been many cases of data capture under the anti-unfair competition law with the age of technology. This behaviour can cause information to be lost, leaked, or tampered with, and can also result in substantial economic losses for the companies.

Therefore, we need more strategies to deal with the illegal data capture.

**Methods and Materials**

In the process of writing the article were used general scientific and special methods of knowledge of social and legal reality, such as literature research method and case study method.

Using literature research method through researching the articles on the ZhiWang Internet( an academic website in China) about data capture under anti-unfair competition which purpose is to know more about the opinions in the professional areas and try to propose the solution to change the protecting ways about data capture like laws, penalty clause.

Case study method is a way to compare relevant cases about data capture cases which have happened in recent years, to use this method help people to know the fact of data capture may cause economic losses and let people realize that protecting data loss is essential.

The two methods around the theme about data capture is illegal, and do some researchers about protect the rights of data, the use of data is important. These ways are to have a conclusion through the articles and cases to improve the safety of data and retain the economical market develop successfully.

#### Results and Discussion

Data capture refers to the process of extracting data from websites, databases, or other digital sources through automated software tools or scripts. It often involves gathering information such as text, images, prices, customer reviews, etc. without going through the normal channels provided by the data owner.

To judge the data capture is illegal depends not only on whether or not the data is publicly available, but also the ways of data capture. The companies have the right whether data is public or not, data is of a private nature which include companies' information, users' information and data information. Many cases around some technical companies use their developed software to change other companies IP address and capture the data they want. The purpose of this behaviour is to obtain data analysis reports which will make it easier for their own company to get more information about other competitors to be stronger. But this way cause the companies which data is lost can cause economics loss and the safety of their own data is dangerous.

In a large number of cases we can find that the technical protection measures taken by the complainants mainly include setting up Robots protocol for public data, setting up access privileges for unpublished data, setting up database keys, image authentication mechanism and so on. But the techniques adopted by the respondent, in addition to crawling through web crawlers, also include calling the platform's API port to achieve server interaction, bumping libraries, associating external accounts, Xposed plug-ins, and RPA techniques that simulate manual clicking operations.

Above all, the methods to get data is complicated. The reason why have data capture is the position of data ownership is not clear. Therefore, we need improve the articles of laws about data, like increasing the specific article of data in the laws. Also, to determine the responsibility and the standard amount of compensation is a key for every case and give a warning to avoid illegal action about data capture. To clarify the standard of data capture can improve the efficiency and accuracy of the court's determination of data capture and contribute to raising the legal self-regulatory awareness and self-discipline of market participants and promoting fair competition among market participants to promote the steady and healthy development of the Internet market economy further and further.

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