

Research on China's Intellectual Property Protection in the Era of Big Data

You Li

Henan Shilin Law Firm, Anyang 455000, China.

Abstract: With the rapid development of the Internet, the fields in which big data is used are becoming more and more extensive. As people pay more and more attention to the protection of intellectual property rights, if the protection of intellectual property rights is not done properly, it will certainly bring bad influence to the development of society. Nowadays, China's intellectual property protection is facing problems such as insufficient protection awareness and lack of unified management, so China must not only use big data technology to strengthen the construction of intellectual property protection system, but also strengthen the training of intellectual property talents and enhance the awareness of intellectual property protection of the whole people. In this way, we can improve the efficiency of China's intellectual property protection and promote the continuous progress of China's intellectual property protection.

Keywords: Big Data; Intellectual Property Rights; Infringement Protection

1. The necessity of improving the intellectual property protection system in the era of big data

Intellectual property rights are not only the core elements of the development of cultural and creative industries, but also a powerful weapon for market players to participate in market competition, and the protection of intellectual property rights is the protection of China's cultural industry. With the rapid development of social economy, the public is more and more aware of intellectual property rights and pays more and more attention to it. The protection of intellectual property rights not only protects the rights and interests of creators, but also ensures the sustainable development of China's cultural industry. In the context of information technology, the integration of intellectual property and big data technology can create new productivity. The demand for technological applications is growing, and the resulting market is becoming more and more extensive. Various countries around the world have developed regulations and policies in IP protection that are in line with their national development. The protection of intellectual property rights in China in the era of big data is to better implement the core new concept of development, build a new layout for development, and promote new development of innovation.

2. Problems faced by China's intellectual property protection in the era of big data

2.1 Insufficient awareness of intellectual property protection

The awareness of IPR protection means the awareness of having IPR prevention and reasonable protection of knowledge. Only by creating an atmosphere of attaching importance to IPR protection in the whole society will the spirit of respecting independent innovation emerge from all walks of life, and only then can we better promote the development of social culture and social economy. However, from the current situation, there is a lack of talents in intellectual property management and protection in various industries in China, and many enterprises lack systematic training for intellectual property talents, which has led to a lack of awareness of

intellectual property protection among many enterprise personnel. They only care about the value and income of creative products, and neglect the protection of intellectual property rights of creative cultural products. In addition, since some SMEs have limited human and financial resources and lack of independent development ability, in order to seek development in the fierce market competition, there is a large number of plagiarism or falsification of competitors' innovation achievements, which is a direct manifestation of the lack of awareness of respecting others' intellectual property rights. Some SMEs also give up the opportunity to file lawsuits when their intellectual property rights are infringed because they think the legal procedures are complicated, inefficient and relatively costly, which to a certain extent exacerbates the spread of intellectual property infringement, especially in the creative industries such as advertising, engineering and architecture, design, fashion trends, film and TV dramas, etc. Plagiarism and infringement often occur.

2.2 Lack of unified management of intellectual property rights

In addition, China's intellectual property protection mechanism includes administrative protection and judicial protection, and the requirements of different laws and regulations for law enforcement agencies are also different, so that different types of intellectual property rights cannot be managed in a uniform manner, resulting in certain differences in the management and punishment of different types of intellectual property infringement. In the supervision of intellectual property rights, administrative supervision and judicial review are separated, and there is no effective docking of laws and regulations related to intellectual property protection, resulting in differences between specific cases and legal provisions, and thus the laws cannot be effectively applied, resulting in the inability to effectively control intellectual property infringement. In addition, when civil disputes or administrative litigation arise due to infringement of intellectual property rights, the cases are heard by different types of courts, but the lack of communication about the jurisdictional division of the first instance cases easily leads to the lack of credibility of the judicial conclusion.

3. Optimization strategies for intellectual property protection in the era of big data

3.1 Strengthen the construction of intellectual property regulations and systems

In order to be able to implement the specific work of intellectual property protection, the state and the government must put forward the corresponding protection mechanism and fully reflect the importance of intellectual property protection. To this end, the government and the judiciary should update and improve the relevant laws in light of the actual situation. The first thing is to confirm whether the patents obtained through the integration of "big data" are protected by intellectual property rights, and if so, what is the scope of protection and how should the relationship with the original patents be handled. Then, the protection of intellectual property rights will be clearly defined from the perspective of patent law, copyright law, etc.

In addition further coordination of the jurisdiction of relevant IPR cases is an important means to improve the IPR protection system. Optimize the prosecution standards for IPR infringement cases by coordinating the jurisdiction of civil litigation in IPR infringement cases, and enhance the efficiency and judicial credibility of IPR case trials. Promote the unification of IPR judicial standards with comprehensive law enforcement standards, improve the docking of comprehensive law enforcement with the judicial system, strengthen the judicial expression of criminal laws, and increase penalties in criminal cases.

3.2 Improving intellectual property management methods

The protection of intellectual property rights needs to rely on the corresponding platform and media. Therefore, the protection of intellectual property rights should have a systematic and scientific concept and method. For example, at the technical level, it is an effective method to protect intellectual property rights through the use of tools such as monitoring software. Nowadays, there are more and more monitoring software tools available for people to use for electronic documents and intellectual achievements storage. These software can monitor the data situation in real time, and also locate and track sensitive documents and important information, such as core information of intellectual property rights, and track the users of the information can well monitor the possible or potential information leakage or exploitation, which leads to intellectual property rights, trade secrets, etc. being subject to infringers' damage. On the other hand, for the management of intellectual property rights, most of the patent search methods currently used in China are field name search, IPC search, although there has been obvious development in innovation compared with the previous one, but in the

theoretical implementation can not meet the requirements of information management regulations, can not solve some key words in the relevant information, ambiguity of information and other phenomena, which leads to the applicant when submitting application materials, there will be the problem that accurate information cannot be completely retrieved at the search stage. In the end, the applicant's intellectual property rights will be infringed due to incorrect information, etc. To sum up, it is necessary not only to optimize intellectual property norms and standards, but also to strengthen the management of intellectual property rights based on the evaluation of information management, and to intensify the crackdown on intellectual property infringement. In this way, intellectual property infringement can be fundamentally reduced.

3.3 Strengthen the training of intellectual property talents

To protect intellectual property rights, the key lies in giving full play to the advantages of people. Vigorously cultivating IP talents is the basis for IP service work. In order to ensure the quality and service ability of practitioners, it is necessary to strengthen business training. We can try to collect the frequently occurring IPR dispute cases in various places through the technical means of big data, and then summarize them and provide training to the relevant practitioners so that they can accumulate experience in the process of practice. In order to strengthen their understanding of IPR protection and do a good job, we will provide training to practitioners. In order to stimulate the autonomy and innovation of practitioners, business training and training activities can be actively carried out, so that talents can be given the opportunity to show themselves and build a platform for their self-development. Promoting the degree of specialization of talents is also an issue to which IP management institutions should pay attention. The cultivation of talents is not only to drive the development of the industry and ensure the effective implementation of IPR services, but also to guarantee the foundation of social scientific and technological progress. At any level, the protection of talents can bring huge economic and social benefits.

Conclusion

As an emerging product of the times, "big data" will greatly facilitate and improve the ability of relevant departments in both the protection and application of intellectual property rights. Therefore, big data management of intellectual property rights is an inevitable trend of the times, but while big data brings opportunities, it also brings challenges. Therefore, we should take actions to promote the development of relevant supporting systems and systems, face the various advantages and disadvantages brought by the era of big data calmly, turn the disadvantages into benefits, actively participate in this era of big data, and work hard for the integration of intellectual property into this era to create its new value.

References

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