

To Explore the Legal Protection of Intellectual Property Rights of Cross-Border E-Commerce Products

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Abstract: The intellectual property agreement, along with the trade in goods and services, is one of the three pillars of the world trade organization (WTO). Strengthening intellectual property protection has become a new focus for developed countries to promote independent innovation, economic upgrading and transformation and international expansion. This article is to explore and discuss the legal protection of intellectual property rights of cross-border e-commerce products, hoping to give practical help.

1. Introduction

China is changing, the world is changing, only innovation is unchanged, independent innovation is to support the rise of a country, intellectual property is the "engine" of sustainable economic development to implement intellectual property strategy is the inevitable choice of scientific development view, the future competition of the world is intellectual property competition. Intellectual property protection has a profound impact on trade in goods and services. Both intangible assets and services are inextricably linked to intellectual property protection the carrier of goods trade, goods and services trade. Intellectual property protection is closely linked to trade in goods and services, and the protection of intellectual property rights is introduced in tangible trade [1]. The level of intellectual property protection is an important factor for the export of goods and services to promote economic growth. The higher the degree of intellectual property protection in a country, the higher the level of development of international trade. Intellectual property protection plays a "booster" role in promoting economic growth in the export of goods and services trade.

2. Effects of Intellectual Property Rights on Trade in Goods and Services

2.1. Intellectual Property Rights Protect Regulate Market Order

The normal development of international trade in goods and services can not be separated from the protection of intellectual property rights. Counterfeit and counterfeit products are now rampant in the international market for counterfeit products: the world's counterfeit and counterfeit products are estimated to be worth more than \$600 billion a year, equivalent to 40 per cent of total world trade. Driven by high profits, counterfeiting and counterfeiting activities cover almost all areas including pharmaceuticals, consumer goods, audio-visual products, cars and "aircraft parts" [2].

According to WHO estimates, Ten percent of the world's drugs are fake, Even up to 60 per cent in some developing countries; According to the French counterfeiting agency, One out of every 10 cars sold in the European market is counterfeit; According to FAA estimates, Of the 26 million aircraft parts installed worldwide, Two percent of them are fake every year. 2003, The number of counterfeit goods intercepted by United States Customs increased by 12 per cent over 2002. First half of 2003, The number of counterfeit toys seized by EU Customs increased by 56 per cent over the previous year. Trade in counterfeit goods, Strictly threatening consumer health and economic development, government management and world security [3]. Strengthening international intellectual property protection helps to maintain and establish a normative market order, To safeguard the legitimate rights and interests of rights holders and consumers, promote the healthy development of international trade.



Figure 1 Cross-border e-commerce products

2.2. Intellectual Property is Conducive to Increasing the Volume of Intellectual Property Trade and Intermediate Trade

Intellectual property protection can promote intellectual property trade. Intellectual property not only permeates the trade in goods, but also can be used as an independent form of trade. The relationship between intellectual property protection and intellectual property trade is partly due to the relationship between intellectual property protection and intellectual property trade, especially in technology trade. A strict intellectual property protection would enable TNCs to move from FDI to franchising [4]. Strong intellectual property rights in a professional system can protect the owners of patented technology and make technology suppliers more willing to voluntarily transfer technology, especially technologies that are easily imitated.

Moreover, intellectual property protection can facilitate trade in sensitive products and intermediaries of intellectual property. Intellectual property rights of products sensitive to property mainly refer to intellectual property rights in products that are particularly important, technology is easy to imitate products, and intermediate products are used for the production of other products and services. international trade flows, and notes that strict protection of intellectual property rights in developing countries has had a positive impact on imports of intermediate products. Because developed countries export intermediate products to developing countries because of strict intellectual property protection, on the other hand, it has the effect of "intellectual property protection" and "market competition", and importing countries have the ability to imitate imported intermediate products because of strict intellectual property protection, which has "expansion effect" and "market competition". prevention and enforcement costs for exporters and generic products in importing countries. Therefore, strict property protection of intellectual property rights in developing countries can promote the export of intermediate products in developed countries.



Figure 2 Cross-border e-commerce products

3. The Role of Intellectual Property Protection In Economic Growth, Economic Upgrading and Economic Transformation

3.1. Protection of Intellectual Property Rights Enhances the Innovation Capability of Our Economy

Innovation is the first motive force of development and the source and foundation of enterprise incentive. In 2015, China stressed that public innovation and entrepreneurship responded to the new normal of the economy, set off a wave of innovation and entrepreneurship in the whole country, and stimulated the economic vitality of our country. As a legal means of protecting intellectual property rights, it is to respect the creation and encouragement of innovative capacities[5]. For a long time, our country lacks the consciousness of intellectual property protection, and all kinds of domestic copycat products emerge in endlessly and in large quantities, which has greatly hit people's enthusiasm for creation and passion. Through intellectual property can effectively protect the legitimate interests of creators, with the sword of law to let them believe in the law, through innovation to obtain patents, to achieve the dual harvest of economic interests and reputation, conducive to entrepreneurs' entrepreneurial passion and entrepreneurial spirit. This in turn stimulates the vitality of our entire economy and improves the ability of economic innovation.

3.2. Protection of Intellectual Property Rights Enhances the Competitiveness of Our Economy

Nowadays, the society is in the period of rapid development of science and technology. In order to meet the needs of the society, there is fierce competition among industries, and the competition among industries is becoming increasingly fierce. Every company wants to stand at the forefront of society, become an industry leader, become an industry leader must have core competitiveness. Huawei phone mobile has been updated many times since its launch, so far a complete development system has been formed, called rich routines. Now ,Huawei phones already have D series, P series, G/Y/Mai Man series, direct sales and other series of mobile phones, which is under the guidance of technological innovation to complete the optimization upgrade. Every technological breakthrough is to introduce Huawei into a new stage of development and promote its core competitiveness. Every technological breakthrough can not be separated from China's declaration and recognition. Intellectual property. Therefore, strengthening intellectual property protection is an effective way and inevitable choice for enterprises to improve their core competitiveness.



Figure 3 Cross-border e-commerce products

4. Current Problems and Present Situation in China's Intellectual Property Protection

4.1. Massive Loss of Advanced Technology

Since ancient times, technical protection is an important measure to protect industrial and agricultural production. However, due to the lack of comprehensive protection of property, in terms of knowledge, a large number of proprietary technologies in China have been lost, such as traditional Chinese medicine, China is the birthplace of traditional medicine. However, due to the lack of comprehensive protection of intellectual property rights, some prescription and formula pharmaceutical products known as traditional Chinese pills are easily available to foreign companies. Then use their advanced technology to imitate, such as Liu Shen pills, which is reported to be a very common Chinese medicine, but Japanese companies have been taking it in the past. According to Dan, in the international market, annual sales can reach \$600 million to \$700 million, equivalent to the total amount of Chinese medicine exports in one year. In addition, when China's Anhui Xuan paper technology because we neither patent for this technology, nor give favorable protection as a trade secret, so the technology loss event was "split". Our industrial culture has also been hit hard by the negligence of foreign parties in mastering key technologies and in mastering a whole set of technical information.

4.2. Fraudulent Intellectual Property Rights

As we all know, intellectual property rights have the characteristics of regionality and timeliness, and the effective intellectual property rights of one country are not necessarily protected in another country. and in addition to trade secrets, intellectual property is a right over time, not a permanent right. After the period of legal protection, everyone is free to use it without the permission of the creditor. However, due to our lack of knowledge in this regard, we have repeatedly become victims of intellectual property fraud. For example, a car factory in China had joint venture negotiations with foreign investors, and foreign parties proposed technology shares, of which 97 patented technology, equivalent to \$16 million. Later, when the company did not understand patent law, it learned that 23 of the 97 patents were patents. The actual number of patents can not be converted to 32, or 2/3. This also caused the company to lose a lot, causing serious losses.

5. Conclusion

After China joined the WTO, it can no longer manage the market by administrative order and make full use of laws and regulations to regulate the intellectual property market. Antimonopoly sanctions the illegal monopoly of abusing intellectual property rights and reasonably protects the interests of domestic consumers and enterprises. Antimonopoly guidelines should establish intellectual property protection measures as soon as possible, or strengthen the provisions of patent law on the abuse of intellectual property provisions. Future antitrust should also include provisions to prevent abuse of intellectual property. promote technology applications and implement the handling of inactive malicious patents through antitrust and coercive measures. In the context of the coming era of economic globalization and financial crisis, strengthening the protection of intellectual property rights in order to break through the difficulties of the current work, China needs to keep pace with the times, meet the development needs of the current situation, do a good job in the reform of internal intellectual property management, effectively integrate it with the management model and economic benefits, and provide a more safe and reliable environment for the future development of our country.

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