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Abstract: In the digital era, intellectual property infringement is showing a frequent trend, and sports intellectual property is also inevitable. In order to promote the safety and security of sports intellectual property rights worldwide, research suggests that it is necessary to strengthen international collaboration in order to achieve this, and the difficulties of international collaboration mainly manifest in the value conflicts of ideas, rule of law, and policies. The study proposes to strive for the uniformity of the application of sports intellectual property legal system; Actively utilizing technical measures to protect sports intellectual property rights; Vigorously promote the legal coordination of sports intellectual property protection.

Keywords: International Perspective; Sports Intellectual Property Rights; Strategy.

1. Introduction

Currently, social development has entered the digital age, which is also an advanced stage of information technology development. [1] With the advent of the digital age, the storage of knowledge and information materials has become more convenient, and the global dissemination of intellectual property has become faster. But at the same time, intellectual property protection also faces greater risks. Similarly, digital technology can assist in the global development of sports intellectual property rights, but the global development of sports intellectual property rights will also inevitably face the occurrence of global infringement. Obviously, in response to global sports intellectual property infringement, especially on digital networks, the difficulty of rights protection for rights holders has sharply increased. Regarding the infringement of online intellectual property rights, some scholars have pointed out that the protection of intellectual property rights internationally has exceeded the scope of sovereign state management, and traditional regional jurisdiction rules will no longer apply. By comprehensively considering factors such as internet enterprises, online information dissemination, and the discretion of judges, combined with China's legislation and judicial practice, it points out that target rules are a more appropriate path for safeguarding rights compared to access rules. [2] Given the characteristics of the digital era, this study will delve into the various difficulties that sports intellectual property may face in international collaboration, and propose corresponding countermeasures to promote the international environmental security of sports intellectual property and promote the global healthy development of sports.


The digital development has significant progressive significance for the development of human society. In the process of sports development, "digitalization can guide individuals to become more agile sports learners; digitalization can promote organizations to become more agile sports promoters; digitalization can help governments become more effective sports service providers." [3] However, on the other hand, digital development also exhibits its opposite and unfavorable aspects, such as the frequent occurrence of various sports intellectual property infringement cases. According to Phoenix Sports website, on May 31, 2023, the English Premier League officially announced that five behind the scenes operators of three pirated streaming media organizations have been sentenced to a total of 30 years and 7 months in prison. At the Chesterfield Justice Center, they were sentenced to fraud, money laundering and Contempt of court, which is the largest prosecution and conviction case of illegal streaming media networks in the world. Moreover, Flawless, Shared VPS, and Optimal (also known as Cosmic) have generated over £ 7 million in revenue in just five years. Their business involves over 50000 customers and distributors, as well as 30 employees. Even one of the employees is working as an undercover agent for a professional anti-piracy company. [4] From this, it can be seen that sports intellectual property infringement in the digital era is no longer limited to traditional methods, and its social harm far exceeds the economic scope. In response to the infringement mode in the digital era, various countries have introduced relevant laws. The Southern Rule of Law Daily deeply pointed out that in the digital age, although the ability of software to automatically extract text and data far exceeds the efficiency of human manual handling, it can be said that it conforms to the trend of "fast, accurate, and more" in the data age. However, the rapid rise of data crawler technology has led to the hidden danger of intellectual property being extremely vulnerable to infringement. Based on this, the EU's Digital Single Market Copyright Directive has long made provisions for text and data mining. At the same time, France is actively following up and filling the legal gap in text and data mining technology in the country. [5] Of course, in order to effectively prevent intellectual property infringement, many countries have not only established corresponding legal...
systems, but also strengthened technical prevention measures. Because it is difficult for intellectual property owners to effectively protect their works, and adopting technical measures to protect intellectual property has become an important means. [6] However, despite this, the protection effect is still poor. Xinhua News Agency reporter Yatong Yu and others pointed out that in recent years, the trend of online piracy cases has been extremely obvious, involving everything from esports games to Chinese Super League matches. Moreover, the low threshold for illegal broadcasting, particularly high profits, and difficulty in safeguarding rights have become the main characteristics. Although the new Copyright Law, which came into effect on June 1, 2021, also includes live streaming, short videos, and other audiovisual works in the scope of legal protection, significantly strengthening the legal protection of related rights, it is still not an easy task to control online piracy. [7] Some scholars have pointed out that the globalization of information resource acquisition is the foundation of network infringement; the seclusion of internet technology is a convenient condition for network infringement; and the internationalization of network infringement increases the difficulty of safeguarding rights.

In summary, the digital era provides significant opportunities for the development of human society, but at the same time, it also faces various serious challenges. How to protect sports intellectual property rights is the key to promoting the development and progress of sports.


International infringement of sports intellectual property rights requires coordinated governance by the international community, and the improvement of collaborative mechanisms in international relations is an important part of resolving sports intellectual property disputes. Internationally, although the development of globalization is an inevitable trend in social history, due to various factors such as different economic foundations, cultural ideas, and political tendencies among countries, regions, or regions, different results may arise when dealing with the same international relations. Therefore, resolving international sports intellectual property disputes requires collaborative cooperation among different countries, regions, institutions, and individuals. Otherwise, there will be injustice in governance, resulting in a significant reduction in enforcement efforts and even difficulties in effectively safeguarding some sports intellectual property rights. As is well known, ideas can reflect a country's history and culture, the rule of law represents the form of governance of the country, and policies guide the value direction of the rule of law. They play a crucial role in the synergy of international social governance; therefore, this article only explores the difficulties of international collaborative governance from three dimensions: concept, rule of law, and policy.

3.1. The Value and Conflict of Ideas

Undoubtedly, guiding action with ideas is its important value. However, once there is a cognitive divergence in ideas, it is not just a conflict of ideas, but more importantly, it can hinder people's coordinated and concerted action, and thus affect the development and progress of society. As is well known, different countries, regions or regions have varying levels of economic development, diverse historical backgrounds, diverse ethnic habits, and vastly different geographical environments. Therefore, the ideas they form will inevitably differ. For example, China, the country of Eastern civilization, was once an agricultural civilization that nurtured various ideological concepts in this environment. Content such as "Family, Country, and World", "Harmony among Nations", and "Land of Rites and Etiquette". Although the formation of this concept originated from the historical environment, it will also be continuously sublimated with the historical evolution of Chinese civilization. Looking at classical Chinese literature, it can be seen that the concept of "family, country, and the world" originated from the pre-Qin Confucian scholar Zeng Shen. He proposed: "From the material character to the knowledge, from the knowledge to the sincerity of the intention, from the sincerity of the intention to the rightness of the heart, from the cultivation of the body to the uniformity of the family, from the uniformity of the family to the governance of the country, from the governance of the country to the leveling of the world. From the emperor to the commoners, all things are based on the cultivation of the body." [8] The term "Harmony among all nations" comes from the "Yao Dian" in the Book of Shangshu, which advocates for harmonious coexistence and harmony among all nations when dealing with the relationship between the country and the nation. Also, the dictionary "The Land of Rites" comes from "Poetry" and "The Book of Rites". At that time, etiquette refers to the Hierarchy of the country. Later on, it developed into a code of ethical behavior. Moreover, the representative figure of Confucianism, Confucius, particularly emphasized the forms of virtue - benevolence and righteousness. Meaning means' should ', it is an absolute command. Benevolence is the specific essence of obligation, referring to love. [9] Some contemporary Chinese concepts undoubtedly inherit the excellent cultural ideas of ancient China. For example, a scientific development concept has been formed domestically. It emphasizes the principle of putting people first, establishing a comprehensive, coordinated, and sustainable development concept, and promoting comprehensive economic, social, and human development. Internationally, it has shaped the global development concept of humanity as a community with a shared future. In a word, collectivism and Common prosperity are the ideal and destination of its development. In foreign exchanges, a harmonious discourse system of national sovereignty equality, peaceful coexistence, and win-win cooperation is usually emphasized. Western civilization, also known as ocean civilization, has vastly different ideological concepts from Eastern civilization. For example, Chinese culture emphasizes "Unity of Heaven and humanity" and "harmony without uniformity". The West advocates for "separation of subject and object" and "transformation and conquest". [10] In reality, Western powers plundered the world's wealth to the fullest, established industrial powers, and formed capitalist societies. In terms of values, it emphasizes individualism. They demand freedom, democracy, equality and other human rights.

In summary, values determine behavior patterns. Countries and regions with different ideologies will inevitably have differences in handling international sports intellectual property disputes. In Eastern civilization, the concept of
harmony generally requires litigation procedures to adopt a family model, such as the use of conflict resolution methods such as reconciliation and mediation. This can be seen in China's Civil Procedure Law, Administrative Procedure Law, and Criminal Procedure Law. The western society pays more attention to Procedural justice, and protects individual rights and interests through procedural justice.

3.2. The Value and Conflict of the Rule of Law

The rule of law is opposed to the rule of man. It is based on institutional authority rather than personal authority, which means that everyone should be subject to legal constraints. Therefore, comparatively speaking, the rule of law is more stable and durable, and it is the most effective national governance strategy in modern society. [11] In national construction, the rule of law is the basic way of governing the country. It is not only an indispensable element of democratic politics, but also an indispensable element of modernization of national governance. [12] In social governance, the value of the rule of law is mainly reflected in: people-oriented, power constraints, rule of law government, fair justice, and universal adherence to the law. The concept of "people-oriented" fully demonstrates that human rights are the starting point and foothold of the rule of law; The restriction of rights requires that power be confined to the cage of the system; The "rule of law government" is reflected as a government under the sun; Fair justice "is the last line of defense for justice; And 'the whole people abide by the law' is to engrave the law in the hearts of every citizen. [13] Admittedly, the rule of law is an important value embodiment of modern countries, but there are still significant differences in national rule of law worldwide.

As is well known, in the form of the rule of law, written law is completely different from case law. The characteristic of written law is the abstraction of legal provisions, and people can predict the consequences of legal actions based on relevant legal provisions. Obviously, abstraction implies its universality, while the uncertainty of legal norms leaves room for discretion in judicial actions. [14] In this case, different judgments in the same case have become an inevitable defect in a country ruled by law; The case law requires that Stare decisis be followed, and the same cases should be handled consistently. The drawback lies in the fact that judges create laws, which to some extent undermines citizens' predictive power. Furthermore, even if the form of the rule of law is the same, the governance outcomes of different countries may vary. In the current society, the level of economic development varies among countries around the world, and the concept of intellectual property protection naturally varies, and it is inevitable that there are differences in the severity of the rule of law. Generally speaking, developed countries usually require strict protection of intellectual property rights, such as the United States, which has a strong emphasis on intellectual property protection. On the contrary, relatively underdeveloped countries prefer to acquire intellectual property rights from advanced countries to promote their own economic development. For example, India is not particularly active in protecting intellectual property rights, although both countries are case law countries. Moreover, even in the same country, the situation of different judgments in the same case often occurs. For example, regarding the issue of inheritance of image rights, the results of processing in New York and New Jersey in the United States are different. The reason is that the legal basis for the rule of law in these two states is different. In terms of legal protection of image rights, the New Jersey Image Rights Act stipulates that the image rights of natural persons after their death can be inherited. However, there is no common law right of publicity law in New York State, and the right of publicity is only included as an aspect of privacy in civil rights law. According to Articles 50 and 51 of the Civil Rights Law, the protection of the right to privacy is limited to living natural persons, so the right to image cannot be inherited.

3.3. Value and Conflict of Policies

Policy refers to the action basis and guidelines formulated by a country or political party to achieve the line and tasks of a certain historical period. From its connotation analysis, policy formulation has relative flexibility, and it will constantly make adjustments or changes according to the needs of national development strategies. This is also the basic characteristic that policies should possess to complete tasks at specific historical stages. Of course, mature and stable policies may achieve legal culture and ensure implementation through the coercive power of the state. From its value analysis, policies have four aspects: guiding function, regulatory function, regulatory function, and distribution function. So, the degree of importance that the country attaches to intellectual property protection can be reflected in the country's policies.

Currently, on a global scale, traditional strategic security competition has shifted to non-traditional fields, involving a wide range of aspects such as economy and skills, and intellectual property security issues are extremely prominent at present. Academics generally believe that the rise of intellectual property security to the level of national strategic security has something to do with the hegemonic policy of Unilateralism of the United States. Specifically, the Ideology of Political ideologies of the United States insists on the priority of the United States, adopts unilateral trade protectionism in international trade, disregards multilateral trade rules, and disrupts the global trade industry chain. The violation of trade rules will inevitably affect its rule of law and fairness in international trade relations, and intellectual property protection will inevitably suffer from it. For example, in August 2017, US President Trump instructed the Office of the United States Trade Representative to launch a "301 investigation" against China, citing Chinese regulations, policies, and actions as "potentially damaging US intellectual property, innovation, or technological development". Furthermore, the extraterritorial patent jurisdiction implemented by the United States has also had an impact on China's patent protection. As stated in the "Huawei v. Samsung Patent Infringement Case heard by the Northern Court of California in February 2018". [15] In October 2021, the State Council issued the “14th Five Year Plan for the Protection and Application of Intellectual Property Rights”, which clearly stipulates the need to improve intellectual property policies for safeguarding national security. The specific content includes: researching and formulating key core technology intellectual property protection rules related to national security; Manage the external transfer of intellectual property related to national security according to law, and improve the review system of external transfer of intellectual property; Improve laws, regulations, policies and measures related to intellectual property antitrust and fair competition. [16] Of course, although China has also proposed a national policy for intellectual property protection,
this policy is not the same as the Pragmatism and zero-sum game ideas pursued by the West. Since the "Community of Common Destiny" is the concept of intellectual property development that China adheres to, it adheres to the international concept of intellectual property security of cooperation, win-win and sustainable development. And Western bullying policies will interfere with normal economic and trade exchanges and affect various intellectual property protection, including sports intellectual property.

In summary, although the rule of law is regarded as the best way of governance in today's society, due to different international legal concepts, the forms of rule of law among countries have their own characteristics. Even countries with the same institutional system have different contents and forms of rule of law. Therefore, when there is an international dispute over sports intellectual property rights, the governance forms and outcomes of each country are likely to be different. In addition, with the support of national policies, especially the existence of unilateral trade protectionism, there will be greater differences in the protection of sports intellectual property rights.


As mentioned earlier, there are ideological differences, institutional differences, and legal conflicts in the protection of sports intellectual property rights. So, in order to maintain sports intellectual property rights from an international perspective, it is necessary to overcome various value conflicts in concepts, the rule of law, and policies, and to overcome unfavorable situations through consensus action and one by one. The specific content is as follows:

4.1. Strive to Achieve Uniformity in the Application of Sports Intellectual Property Legal System

The unification of the application of law is the manifestation of equality before the law and the fundamental guarantee of Fair dealing of sports intellectual property rights from an international perspective. Currently, there is no fully unified legal system in the field of intellectual property protection internationally. Although the international community has formed some international treaties to safeguard intellectual property disputes on an international scale. However, international treaties usually require member states to comply with general obligations, and in the event of a real intellectual property dispute, the specific implementation of international organizations relies on the rule of law management of each country. As mentioned earlier, the legal systems of different countries are not the same, and even conflict with each other. Therefore, in order to ensure the Fair dealing of international disputes over sports intellectual property rights, it is entirely possible to find another way. As is well known, international disputes in sports competitions can be adjudicated through the International Court of Arbitration (CAS), and Switzerland is the legal enforcement seat of the CAS. Moreover, the International Court of Arbitration for Sport (CAS) also resolves sports intellectual property disputes. Therefore, sports intellectual property disputes can follow the practice of international sports disputes, choose appropriate jurisdiction courts and legal systems, and even the International Court of Arbitration for Sports (CAS), which can ensure the certainty of jurisdiction institutions and the unity of applicable legal systems in sports intellectual property disputes.


Sports intellectual property rights can be divided into broad and narrow senses. The narrow definition of sports intellectual property mainly refers to the intellectual property rights of sports. The broad definition of sports intellectual property rights includes not only the intellectual property rights of sports, but also the intellectual property rights of sports products and services. As mentioned earlier, there is no essential difference between the intellectual property rights of sports products and services and general intellectual property rights. Therefore, the intellectual property protection of sports products and services will no longer be elaborated here. It mainly explains the narrow protection measures for sports intellectual property rights. The narrow definition of sports intellectual property rights is different from general intellectual property rights, and the manifestation of sports behavior is its main feature, which is also known as ontological sports intellectual property rights. The protection of ontological sports intellectual property rights is first and foremost to dispel the prejudice that sports behavior cannot become a work, which is the theoretical basis for providing legal protection for sports intellectual property rights. Secondly, digital technology has nurtured various forms of sports products. The development of digital technology has provided more possibilities for the storage of sports, such as digital audio, digital video, etc. The diversity of storage forms means the diversity of forms of sports works. Finally, strengthen technical protection measures for sports intellectual property rights. As is well known, digital technology not only brings diversification in the storage forms of sports products, but also provides many conveniences for infringement. In the era of the Internet of Things, individuals or organizations from any country can gather what they want to know from any corner of the world. The existence of digital products clearly provides convenience for the infringement of sports intellectual property rights. Therefore, strengthening the technical protection of sports intellectual property rights is an indispensable measure. At the same time, countries around the world have also formulated relevant laws. For example, the United States enacted the Copyright Act in the Digital Era in 1998, while China passed the Information Network Communication Rights Protection Regulations in 2006. Among them, Article 4 of China's Regulations on the Protection of the Right to Information Network Communication stipulates: "In order to protect the right to information network communication, the right holder may adopt technical measures. No organization or individual shall intentionally avoid or damage technical measures, and shall not intentionally manufacture, import, or provide devices or components mainly used to avoid or damage technical measures to the public"

4.3. Vigorously Promoting the Legal Coordination of Sports Intellectual Property Protection

International sports intellectual property disputes require mutual coordination from the international community, and the international coordination of the rule of law is the core and
key to resolving sports intellectual property disputes. According to the different subjects of collaboration, rule of law collaboration can be divided into collaboration between countries, collaboration between organizations, collaboration between individuals, and collaboration between various rights subjects. Among them, collaboration between countries can also be divided into bilateral collaboration and multilateral collaboration. Bilateral synergy refers to the rule of law synergy between two countries, while multilateral synergy refers to the rule of law synergy between multiple countries. Bilateral collaboration refers to the rule of law collaboration in sports intellectual property disputes between two countries, while multilateral collaboration refers to the rule of law collaboration in sports intellectual property disputes between multiple countries. From this, it can be seen that bilateral cooperation in the rule of law is the basic form of resolving sports intellectual property disputes, while multilateral cooperation in the rule of law is the advanced stage of resolving sports intellectual property disputes. The more countries participate in multilateral rule of law coordination, the more obvious the requirement for consistency in the rule of law in resolving international sports intellectual property disputes. Imagine if all countries around the world adopt the International Court of Arbitration for Sport (CAS) model, then the legal jurisdiction will be determined, the legal basis will be the same, and the fairness and efficiency of rule of law coordination will be greatly improved. The synergy of organizational structure mainly refers to the need for sports organizational structures to cooperate with judicial or arbitration institutions, and cannot resolve disputes internally, because ensuring the fairness of judicial or arbitration must avoid sports organizational structures being their own judges. Individual collaboration requires the natural person subject of sports intellectual property to actively cooperate with legal management, conscientiously implement the content of the ruling, and ensure the resolution of international sports intellectual property disputes.

In short, the coordination of the rule of law is an important aspect of resolving international sports intellectual property disputes. Among them, national collaboration is the foundation, organizational collaboration is the key, and individual collaboration is the core. Without coordination between countries, the rule of law in international sports intellectual property disputes cannot be enforced; Without the coordination of sports organizations, the rule of law in international sports intellectual property disputes will be difficult to ensure fairness; Without individual collaboration, the rule of law for international sports intellectual property rights would be of no value.

5. Conclusion

At present, digitization is the background of the development of sports intellectual property rights. It not only provides rich soil for the development of sports intellectual property rights, but also provides conditions for infringement of sports intellectual property rights. In order to promote the healthy development of sports intellectual property rights, it is necessary to strengthen the coordination and cooperation among the state, organizations, individuals, and each other. In this process, firstly, it is necessary to unify the application of legal systems; Secondly, strengthen technical protection measures; Thirdly, a collaborative mechanism should be formed between different rights holders.

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