

The Protection and Countermeasures of University's Intellectual Property Rights Among Industry-University-Research (IUR) Cooperation-- Taking the Greater Bay Area (GBA) as an Example

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Abstract. With the continuous development of Chinese industry-university-research (IUR) cooperation at present, the issue of intellectual property protection in universities has become a key issue of concern to the country and various universities. This paper will take Guangdong large bay area in China, for example, focus on Guangdong large bay area cooperation of intellectual property protection, combined with the national policy of university intellectual property protection laws and the large bay area university regulation of its cooperation, explore Guangdong large bay area cooperation on the protection of intellectual property rights, to the national and university cooperation on the protection of university intellectual property puts forward constructive Suggestions.

Keywords: Intellectual Property; Industry-University-Research; Legal Construction; University.

1. Introduction

Intellectual property rights refer to the exclusive rights enjoyed by citizens or legal persons engaged in intellectual creation or innovative activities according to the provisions of the law. According to the different contents of property rights, the intellectual property rights of colleges and universities can be divided into four categories: patent technology, works, trademark identification and network information.

IUR cooperation is a key department in innovation-driven development. IUR cooperation strengthening is an important choice for innovation and development in countries around the world. With the continuous development of IUR cooperation, universities and enterprises are more likely to have intellectual property disputes due to different interest demands in the cooperation.

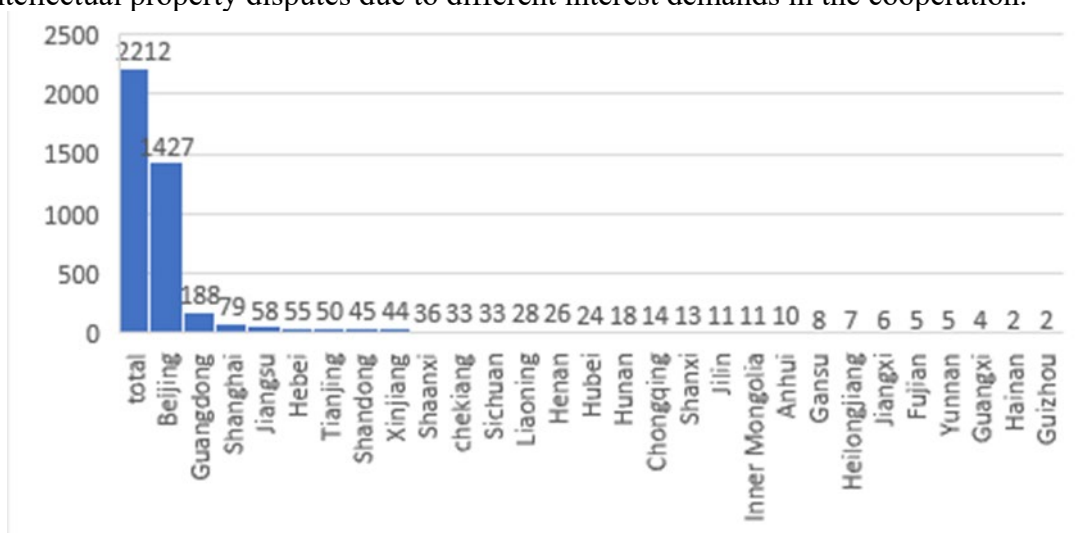


Fig.1 Chart of amount of intellectual property disputes about industry-university-research nationwide (2012-2022)

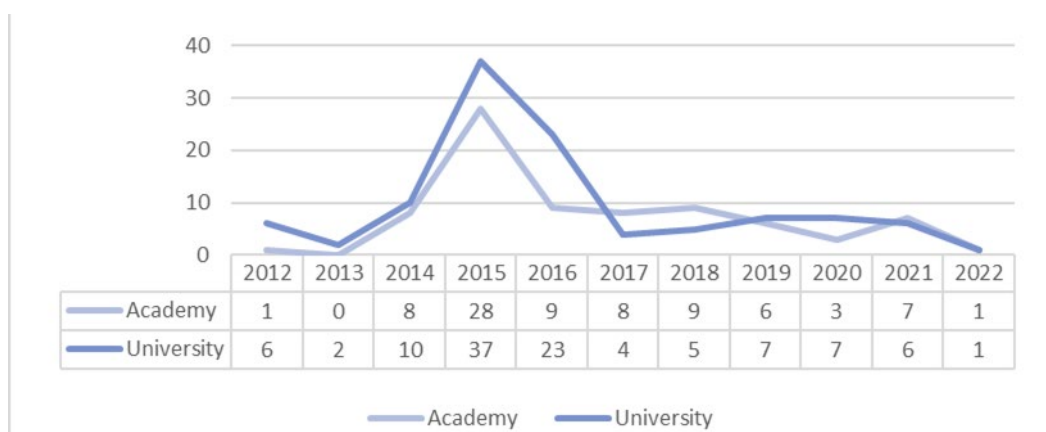


Fig. 2 Chart of amount of intellectual property disputes about industry-university-research of the GBA (2012-2022)

The above Figure 1 clearly reflects the gross number of intellectual property disputes about IUR in China from 2012 to 2022. In China, Guangdong province (home of the GBA) ranked second, with 188 cases. It can be seen that how to protect the intellectual property rights of universities in the IUR cooperation is imminent.

2. Protection of intellectual property rights in the GBA

2.1 Current situation of national laws and policies on intellectual property protection of universities, universities and research institutes

The Copyright Law of the People's Republic of China, adopted on September 7, 1990, clearly stipulates that a written contract shall be concluded for intellectual property rights. On May 15, 1996, the Law of the People's Republic of China on Promoting the Transformation of Scientific and Technological Achievements was issued, aiming to promote the transformation of technological achievements into real productive forces and standardize the transformation activities of technological achievements. The Patent Law of the People's Republic of China amended in 2020 stipulates that " Any unit or individual that implements another person's patent shall conclude a licensing contract with the patentee and pay the royalties to the patentee. The licensee has no right to allow any unit or individual other than the contract to implement the patent. " Check the relevant laws show that the state attaches great importance to strengthening the protection of property rights in universities since the 1990s. At present, China's basic framework on IUR cooperation has been initially formed, with a total of more than 160 laws and regulations. However, the state lacks special legislation on intellectual property protection in universities, and the contents of property rights protection are scattered among various regulations.

2.2 Current status of rules and regulations on intellectual property protection for IUR cooperation among universities in the GBA.

Table 1. Regulations and contents of intellectual property management in some universities in the GBA

University Names	The Names of University Policy	Provisions on attribution
Sun Yat-sen University	<Patent Management of Sun Yat-sen University>	None
Guangdong University of Technology	<Intellectual Property Management of Guangdong University of Technology >	To accept cooperative research or cooperative development by domestic and foreign units or individuals, we must enter into a written contract and distribute the ownership and interests of intellectual property rights.
South China University of Technology	<Intellectual Property Management of South China University of Technology >	Cooperating with domestic and foreign units or individuals to conduct scientific research and technological development or other scientific and technological activities, the university shall sign a written contract to clearly stipulate the ownership of the property rights of the cooperative research results and the corresponding rights and obligations.
South China Agricultural University	<Intellectual Property Management of South China Agricultural University >	Students and researchers who carry out the cooperative project research, during the school period Participate in the research projects of the school and undertake other technical achievements of the inventions or tasks arranged by the school, except for other assistance Outside the discussion, all belong to the school
Guangdong University of Foreign Studies	None	None
Guangdong Ocean University	<Intellectual Property Management of Guangdong Ocean University >	For cooperative research or cooperative development by domestic and foreign units or individuals, a written contract must be concluded to clarify the ownership of the property rights. If there is no clear provision, the intellectual property rights shall belong to the school.

We have randomly selected five universities in the GBA that have basically issued regulations to strengthen their intellectual property rights. However, studying of the regulations of IUR cooperation in these universities has found the following three problems:

First, the content is extremely single and similar. More surprisingly, Sun Yat-sen University, has not made such important regulations on the ownership of intellectual property rights in IUR cooperation.

Second, universities lack to establish special property rights institutions. For example, the <Patent Management of Sun Yat-sen University> of Sun Yat-sen University stipulates that the science and technology management department of the university is responsible for the intellectual property rights of the university.

Third, the lack of the establishment of property rights risk emergency plan. Such as Guangdong University of Technology, <Intellectual Property Management of Guangdong University of Technology> does not involve the establishment of emergency plan.

3. Strengthen intellectual property protection countermeasures among universities in the GBA

3.1 Accelerate the improvement of policies and regulations on intellectual property protection in colleges and universities

The state should start from the actual development of IUR cooperation, follow the law of cooperation and development, accelerate the improvement of policies and regulations on property rights protection, and become an important legal guarantee for intellectual property rights protection in universities

3.2 Set up special legislation on property rights protection

The state should take the Patent Law and other special property rights regulations as the basis of property rights protection legislation, integrate the Law on Promoting the Transformation of Scientific and Technological Achievements and other policies and regulations, and draw on foreign legislative experience to formulate special legislation on property rights protection.

3.3 Accelerate the improvement of rules and regulations on intellectual property protection in universities in the GBA.

Universities in the GBA should formulate relevant property rights protection regulations based on the Regulations of Intellectual Property Protection of Universities .

3.4 Speed up the establishment of special property rights management institutions and systems.

Universities in the Greater Bay Area should improve their property rights organizations, attach importance to providing special management personnel, and strengthen the protection and management of property rights.

3.5 Formulate specific precautionary measures

Universities in the GBA should take establishing risk prevention measures into account, make risk prevention plans for the property rights risks likely to occur in IUR cooperation, effectively deal with property rights infringement and actively protect their rights.

Reference

- [1] Tversky Sophie. Legal technology: The intangible force behind innovation[J]. Proctor, The, 2017, 37(10) : 29-29.
- [2] Yao Xiaojie et al. Characteristics and Evolution of China ' s Industry - University - Research Collaboration to Promote the Sustainable Development: Based on Policy Text Analysis[J]. Sustainability, 2021, 13(23) : 13105-13105.
- [3] Zhang Yufei and Yuan Changhong and Zhang Shuman. Influences of university-industry alliance portfolio depth and breadth on growth of new technology-based firms: Evidence from China[J]. Industrial Marketing Management, 2022, 102 : 190-204.