

Comparative Study of Intellectual Property Legal Systems between China and Europe

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Abstract: This article focuses on the comparative analysis of intellectual property legal systems between China and Europe. By reviewing the legislative frameworks and protection mechanisms of both parties in core areas such as patents, trademarks, and copyrights, this study explores the differences and similarities in intellectual property legal practices under different legal traditions. In the context of the deep restructuring of the current global economic and trade pattern, comparative research not only involves the similarities and differences of written legal norms, but also needs to examine the application logic of administrative law enforcement intensity and judicial specialization in different social governance contexts. The research aims to reveal the impact of legal transplantation and localization evolution on the effectiveness of rights protection through in-depth analysis at the institutional level, and provide theoretical references for the coordination and improvement of legal systems in the international trade environment.

1. Introduction

Under the dual drive of global economic and trade integration and digital transformation, intellectual property has become the core high ground of international industrial competition. As major economies in the world, the evolution of intellectual property legal systems in China and Europe not only concerns bilateral trade fairness, but also has a profound impact on the coordination of global legal norms. China has achieved a leap in protection effectiveness through its efficient administrative and judicial "dual track system" and specialized reforms; Europe, on the other hand, has established a mature relief system through regional integration and rigorous private law traditions. This article aims to analyze the legal game behind the system by comparing the similarities and differences between the two sides in terms of law enforcement mechanisms, customs protection, and judicial systems, providing theoretical support and practical reference for the resolution of cross-border legal conflicts and the connection of international systems.

2. Comparison of the Foundations for the Construction of Intellectual Property Legal Systems between China and Europe

The intellectual property legal system between China and Europe has been rooted in different legal traditions and economic backgrounds since its inception. The establishment of China's

intellectual property legal system has significant advantages as a latecomer[1]. By drawing on advanced international legislative experience, the evolution from basic legislation to systematic construction has been completed in a relatively short period of time. The current system mainly focuses on patent law, trademark law and copyright law, and continues to optimize the system with the growth of local innovation demand, reflecting the strategic role of legal tools in promoting economic transformation. In contrast, the legal system in Europe exhibits characteristics of cross-border cooperation and coexistence of member state sovereignty. The EU has achieved institutional unity in areas such as trademarks and design among member states by issuing a series of directives and regulations, building a composite protection network that not only protects the internal competition order of the region, but also takes into account the legal traditions of each country. The difference in the construction foundation directly determines the different choices made by both parties in defining rights and implementing legal paths[2].

3. Analysis of the substantive differences between patent and trademark protection mechanisms

In terms of substantive protection of patents and trademarks, both China and Europe emphasize the stability and certainty of rights, but there are subtle differences in examination standards and protection breadth. The European patent protection system relies on a unified examination and cooperation mechanism, emphasizing the creativity and industrial applicability of technical solutions, especially in the fields of biomedicine and information technology, forming an extremely rigorous legal rule system[3]. China has significantly increased the cost of infringement and illegal activities in patent examination by introducing punitive damages mechanisms, strengthening the deterrent effect of the law. In the field of trademark law, European law attaches great importance to the correlation between the identification function of trademarks and market reputation, and its special protection of geographical indications is at the forefront of the world. While improving the trademark registration and examination system, China has also strengthened the legal protection of well-known trademarks and geographical indications, aiming to reduce the risk of rights conflicts in international trade through institutional integration, and seek a balance between local interests and international rules within the international legal framework.

4. Discussion on the Deep Game between the Intellectual Property Enforcement Mechanism and Customs Protection System in China and Europe

In the practical logic of the intellectual property legal system, the rigidity and flexibility of the enforcement mechanism directly determine the effectiveness of rights protection, and both China and Europe have demonstrated their own distinctive institutional logic and path dependence in this field. In the long-term evolution of the rule of law, China has constructed and continuously improved a "dual track system" model in which judicial protection and administrative protection go hand in hand. The core advantage of this model lies in the high concentration of administrative law enforcement power and the ability to respond quickly. Administrative organs not only have the initiative to investigate market violations, but also can quickly implement compulsory measures such as confiscation, destruction of infringing products and administrative punishment after finding infringement facts [4]. This law enforcement model with the color of "authoritarianism" can achieve precise crackdown on large-scale and sporadic infringements at a lower social cost, effectively compensating for the shortcomings of judicial remedies in terms of periodicity and economy. Especially in the context of rapid development of digital trade, the fragmented nature of cross-border e-commerce poses a serious challenge to traditional law enforcement. China has strengthened the risk control of customs big data and extended the tentacles of administrative interception to the field of micro packages, attempting to accurately identify infringement nodes in

massive logistics.

At the same time, the preliminary evidence obtained in this administrative procedure also plays a key role in transforming its effectiveness in subsequent judicial connections. By simplifying the process of notarial confirmation and strengthening electronic data storage, China's judicial practice is gradually breaking through the "evidence island" between administrative law enforcement and civil litigation, thus constructing a more penetrating chain of rights relief[5]. The game between China and Europe in this field has also given rise to higher-level institutional coordination. Through customs enforcement mutual assistance agreements and information sharing mechanisms, both sides are gradually moving from simple rule comparison to substantive law enforcement linkage in determining the ownership of transit goods and sharing malicious infringement lists. This deep collaboration not only alleviates the pressure of regulatory blind spots caused by logistics growth, but also explores a balanced path between regulatory effectiveness and trade convenience for both parties in the complex and ever-changing international trade environment, providing more flexible governance experience for international intellectual property protection. In addition, the breadth of this international legal cooperation is constantly expanding, not only limited to traditional goods seizure, but also gradually extending to cross-border pursuit of digital copyright and cross-border blocking of malicious trademark registration, reflecting the strategic transformation of law enforcement mechanisms from "regional blockade" to "global joint defense" in the context of globalization.

In addition, the improvement of law enforcement mechanisms is not only reflected in the construction of physical barriers, but also in the deep coupling between the social credit system and the effectiveness of legal remedies. In the process of administrative law enforcement, China has gradually introduced mechanisms for incentivizing trustworthiness and punishing dishonesty. Intellectual property infringement records have been included in corporate credit files, and cross departmental joint punishment has significantly increased the cost of illegal activities. This comprehensive and three-dimensional governance network enables administrative protection to no longer exist in isolation, but instead forms a positive interaction with social integrity construction, thereby reducing the frequency of infringement at the source. In contrast, this path that focuses on the overall governance effectiveness of society complements the logic of Europe's emphasis on individual rights defense and proportionality principle discretion. The deep integration of this rule of law concept not only strengthens the protection of the substantive interests of rights holders, but also provides a deep observation perspective for multinational enterprises to shift from "procedural compliance" to "credit compliance" when understanding the differences in the legal environment between China and Europe, further consolidating the social foundation of intellectual property protection[6].

Especially in the field of customs protection, Chinese customs have been granted extensive regulatory powers, forming a full chain monitoring system from filing, inspection to detention and investigation. Chinese customs not only support the right holder's detention upon application, but also have accumulated rich experience in risk analysis through long-term border supervision. They can actively intercept infringing goods based on their authority, which plays an irreplaceable role in maintaining the international trade integrity system. In terms of the details of institutional operation, this initiative is also reflected in the administrative exploration of complex infringement criteria. When dealing with technical issues such as design patents or trademark similarity, Chinese customs often form preliminary administrative judgments through expert consultation and internal appraisal guidelines before exporting goods. This rapid response to technical standards is in line with the strict adherence of European customs to the principle of prudence in handling only obvious infringement (Prima Facie Infringement). The European model tends to fully transfer the complex infringement judgment power to the judicial system, aiming to eliminate all reasonable trade

interference risks through precise trial procedures. The difference in the scope of customs discretion and the depth of judicial review between China and Europe actually reflects the balance weight between "security warning" and "free circulation" on both sides. This micro game on the mechanism has prompted both parties to pay more attention to the connection between the temporary seizure procedure of goods and the preservation guarantee system in cross-border trade disputes, thus achieving a higher level of theoretical evolution and practical interaction in terms of institutional flexibility.

On this basis, the reasonable sharing of the cost of safeguarding rights and the construction of a socialized assistance system are also key dimensions for deepening the comparison of law enforcement mechanisms between the two sides. China has significantly reduced the threshold for administrative remedies by establishing intellectual property rights protection assistance centers and specialized public service platforms to provide accurate legal advice and evidence-based guidance for small and medium-sized innovative enterprises. This government led inclusive legal service differs from Europe's highly dependent path on professional insurance systems and legal fee compensation mechanisms. European rights holders often avoid high legal game risks by purchasing intellectual property litigation insurance, which has a high degree of marketization but also challenges their economic strength. Through horizontal comparison, it can be found that China's effective allocation of administrative resources in law enforcement has largely filled the gap in market-oriented relief, reflecting the deep integration of legal protection and industrial support. The active intervention of administrative power reflects the strong endorsement of the state in protecting innovative achievements, and through the effective allocation of administrative resources, a tight border defense system has been constructed. At the legal level, this model reflects the value orientation of prioritizing efficiency and balancing fairness. In the context of adapting to rapid market changes, it minimizes the difficulty for rights holders to protect their rights to the greatest extent possible.

In sharp contrast, the intellectual property enforcement mechanism in Europe is deeply rooted in the tradition of private law autonomy and procedural justice, with a strong emphasis on judicial remedies and the limiting role of proportionality principle in public power intervention. Although EU member states have a unified legal framework for border protection, its implementation logic emphasizes more on the active participation of rights holders and the ultimate jurisdiction of subsequent judiciary. In the European legal context, the seizure status of customs after intercepting suspicious goods is usually temporary, and its effectiveness depends heavily on whether the rights holder can initiate formal litigation or preservation procedures within a very short legal time. Otherwise, the detention will be automatically lifted due to the expiration of the procedural statute of limitations. The original intention of this design concept is to strictly prevent excessive interference of administrative power on free trade and ensure that administrative actions are always under close monitoring by judicial review.

In response to abuse of power and unfair competition, China and Europe have also established different prevention thresholds at the level of procedural law. In recent years, China has significantly strengthened the application of the principle of "good faith and trustworthiness" through judicial interpretations, aiming to curb the use of administrative seizure procedures to obstruct the normal operation of competitors through punitive damages and malicious litigation counterclaim mechanisms. This pursuit of substantive justice is similar to the procedural barriers constructed by Europe through "restrictive writs" and "anti-interference injunctions". The European Court of Justice has repeatedly emphasized in relevant precedents that the exercise of intellectual property rights must comply with its social functions and strictly prohibit the use of enforcement procedures as tools for monopolizing markets. This dynamic definition of rights boundaries provides profound legal support for fairness in cross-border enforcement. In addition, Europe

heavily relies on the cross-border coordination of EU directives and the guiding role of European Court of Justice precedents when dealing with complex patent disputes or digital infringements.

5. Systematic Construction and Reflection on Specialized Trial System and Diversified Dispute Resolution Path

As global industrial competition shifts towards high-precision fields, both China and Europe have entered a period of deep reform in the specialized field of judicial trials. The differences in their institutional designs imply different interpretations of fairness and efficiency. In recent years, China has demonstrated strong institutional mobilization in the construction of a specialized intellectual property adjudication system. By establishing specialized intellectual property courts in major innovative cities and implementing a "three in one" trial mechanism, civil, administrative, and criminal cases involving intellectual property are uniformly handled by professional courts, greatly enhancing the uniformity and professional depth of the judgment scale. The specialization of judicial trials not only effectively solves structural contradictions such as long trial cycles and difficulty in determining technical facts in the past, but also ensures that legal judgments have high technical persuasiveness in the face of cutting-edge technological disputes such as artificial intelligence and biomedicine by establishing an auxiliary support system composed of expert databases and technical investigators[7]. In terms of the allocation of judicial power, this centralized trial mode can carry out high-intensity crackdowns on malicious infringement, and the certainty and enforcement of its judgments send a clear signal to the international community that China is committed to building a world-class business environment.

In this process, the scientific investigation mechanism of technical facts has become the core pivot supporting specialized trials. China has successfully transformed complex technical language into legal evaluation logic by establishing a three in one auxiliary mechanism of "technical investigators, technical consulting experts, and technical appraisers". This court led technology neutral review effectively avoids the doubts about the impartiality that may arise from unilateral entrusted appraisal. In contrast, the European judicial system tends to use the "expert witness" system to achieve adversarial debate in court when dealing with such issues, utilizing cross examination by experts from both sides to reveal the technological vacuum[8]. The Chinese model focuses more on the construction of a technical support system within the jurisdiction, aiming to enhance the certainty of factual investigation through the optimization of authoritarianism; The European model, on the other hand, ensures the parties' participation and right to defense in the determination of technical facts through rigorous verification procedures. This division in the path of factual investigation essentially reflects the deep differences between the pursuit of judicial efficiency and the tradition of evidence rules between both parties, and also provides profound legal references for the mutual recognition of evidence acceptance standards in cross-border technology infringement cases.

The evolution of judicial specialization in Europe is more reflected as a difficult leap from sovereignty fragmentation to regional integration. For a long time, the differences in intellectual property adjudication standards among European countries have been seen as a major legal barrier to regional market integration. The official operation of the Unified European Patent Court (UPC) marks Europe's attempt to provide one-stop and predictable judicial remedies for patent disputes throughout Europe through a single trial procedure and a unified system of rules.

Under this transnational judicial cooperation framework, how to balance the judicial sovereignty of member states with the effectiveness of unified judgments has become a complex issue faced by China and Europe in the field of international private law. Europe is attempting to end the fragmented phenomenon of legal application at the regional level by establishing a sophisticated

mechanism for coordinating conflicts between exemptions and prohibitions under "long arm jurisdiction"; China, on the other hand, actively promotes the circulation and mutual recognition of intellectual property judgments in a larger spatial dimension by participating in discussions on the Hague Convention on the Recognition and Enforcement of Civil and Commercial Judgments. This rational response to global judicial jurisdiction not only involves intricate design at the procedural level, but also concerns how to construct a "finality" expectation for cross-border dispute resolution while respecting the principle of territorial intellectual property rights.

At the same time, the precision of damage compensation calculation and the effectiveness of evidence disclosure system are also key dimensions for measuring the maturity of the Sino European judicial system. China has gradually improved the mechanisms of "evidence presentation order" and "reversal of burden of proof" in judicial practice, aiming to break through the chronic problem of "difficulty in providing evidence" for rights holders. By introducing a punitive damages system, it has achieved a functional transformation from compensatory to deterrent. In contrast, the European judicial system has established a rigorous "Disclosure Procedure" through the Intellectual Property Enforcement Directive, emphasizing the transparency of key financial data in the pre-trial stage, in order to obtain a fair assessment of damages based on actuarial principles.

It is worth noting that the Chinese and European judicial systems are showing a trend of cross integration in regulating the abuse of power. Chinese courts have strengthened the application of the principle of "good faith and trustworthiness" in judicial rulings, and severely cracked down on the practice of unfair competition through separate or repeated litigation. This is in stark contrast to the anti unfair competition mechanism established in Europe through the Anti Unfair Competition Directive at the macro level. The refined division of labor between the two parties in the examination of the relevance of evidence disclosure and the protection of malicious obstruction not only raises the technical threshold for specialized trials, but also provides precedent support for the legal definition of the parties' obligation of good faith in cross-border disputes. This deep pursuit of procedural fairness maintains the necessary institutional thickness for diversified solutions in the highly adversarial legal field. In terms of the value orientation of dispute resolution, the European legal environment shows a high regard for non adversarial means, especially when dealing with complex interest relationships such as standardized patent (SEP) licensing fees and cross licensing. The European judicial community tends to guide parties to rebalance their interests through professional arbitration institutions or mediation frameworks to prevent long-term litigation games from having negative spillover effects on the promotion of industry technical standards. This high respect for autonomy of will and deep reliance on non litigation relief mechanisms form the resilient foundation of the European intellectual property judicial environment.

6. Conclusion

In summary, although the intellectual property legal systems in China and Europe have their own characteristics in historical evolution, law enforcement logic, and judicial system construction, their value demands in responding to global technological changes and maintaining trade fairness are highly convergent. China has achieved a leapfrog improvement in institutional efficiency through the efficient "dual track" protection model and specialized trial reform; Europe, on the other hand, has provided important references for international intellectual property governance through its judicial exploration of regional integration and rigorous tradition of private law remedies. Faced with the increasingly complex cross regional trade environment and technological barriers, both sides should further deepen dialogue and cooperation in the fields of customs supervision, diversified dispute resolution, and legal risk warning, while respecting differences in the rule of law.

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