

THE CONSTRUCTION PATH OF ENTERPRISE INTELLECTUAL PROPERTY COMPLIANCE MANAGEMENT SYSTEM

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Abstract: With the intensification of global economic integration and technological competition, intellectual property has become a key element of the core competitiveness of enterprises. At present, Chinese enterprises are in a critical period of transition from 'manufacturing power' to 'innovation power'. Intellectual property is no longer just an asset, but also a 'passport' and 'moat' for enterprises to participate in domestic and foreign market competition. However, companies face increasingly complex intellectual property risks and compliance challenges. The purpose of this paper is to explore the macro background and reality of intellectual property compliance management of Chinese enterprises, systematically sort out the core problems faced by enterprises in the construction of compliance system, and put forward specific and feasible construction paths and coping strategies for these problems, so as to help enterprises realize the systematization, normalization and efficiency of intellectual property compliance management in a complex environment.

Keywords: Intellectual property compliance; Management system; Risk prevention and control

1 INTRODUCTION

In the third decade of the 21st century, the global business environment is undergoing profound changes and reconstruction[1]. A new round of scientific and technological revolution and industrial transformation represented by artificial intelligence, big data and biotechnology is reshaping the global industrial structure and competition rules. In this context, intellectual property rights as a legal carrier of innovation, its strategic position has been elevated to an unprecedented height. The profound changes in this macro environment have made the importance and urgency of enterprise intellectual property compliance management increasingly prominent, mainly reflected in the following aspects.

1.1 Top-Level Design and Guidance at the National Strategic Level

The Chinese government attaches great importance to the protection and application of intellectual property rights as the core element of the national development strategy. The Outline of Building a Strong Intellectual Property Country (2021-2035) issued in 2021 clearly puts forward a grand blueprint for building a strong intellectual property country, which provides a fundamental follow-up and action guide for the development of the cause in the next ten years. Subsequently, a series of supporting policies such as the "Rule of Law China Construction Plan (2020-2025)" have been introduced one after another, jointly building a macro-policy environment based on the rule of law and innovation-oriented. The implementation of these national strategies not only marks that China's intellectual property protection has entered a new stage, but also puts forward higher requirements for the creation, application, protection and management of intellectual property rights of enterprises.

1.2 The 'Hard Threshold' of International Market Competition

In the in-depth development of globalization, intellectual property rules have become the cornerstone of international trade and technical cooperation, and also the 'hard threshold' for enterprises to participate in international competition. For Chinese enterprises committed to 'going out', whether they are exporting products, investing overseas to build factories, or participating in the formulation of international standards, they must face the strict and complex intellectual property legal system and law enforcement environment of the target market countries. In recent years, international trade frictions have occurred frequently, and intellectual property disputes have often become the focus[2]. Enterprises lacking an effective intellectual property compliance management system are vulnerable to infringement litigation in overseas markets. They may not only face high compensation and product bans, but also seriously damage brand reputation and market opportunities. Therefore, the establishment of a set of intellectual property compliance management system in line with international standards is no longer an 'optional', but a 'must-answer' for enterprises to obtain tickets to the global market.

1.3 Realistic Needs of Enterprise Endogenous Risk Prevention

With the continuous increase of R & D investment and the continuous accumulation of technological achievements, the scale of China's intellectual property assets has shown a rapid growth trend[3]. According to authoritative statistics

released by the State Intellectual Property Office of China, in the first half of 2020 alone, the total number of trademark applications in China has reached 4.284 million, and the number of valid registered trademarks has exceeded 27.414 million. Based on this growth trend, it is estimated that by 2025, the relevant data will show a more substantial growth trend. However, if the massive intellectual property assets are not managed scientifically and effectively, it will bring significant endogenous risks to enterprises. This risk is mainly manifested in two-way characteristics :on the one hand, enterprises may infringe on others ' intellectual property rights due to negligence in R & D, production, sales and other business links, which will lead to legal disputes and form external infringement risks. On the other hand, the company 's own core intellectual property rights such as patented technology, trade secrets, and brand logos may also face the risk of being infringed, abused, or lost, resulting in damage to their own rights and interests. The objective existence of this two-way risk makes the enterprise intellectual property management face severe challenges. Building a sound intellectual property compliance management system is not only an inherent requirement for the steady development of enterprises, but also a key guarantee for enhancing core competitiveness. Through the establishment of a sound compliance system, enterprises can achieve a clear definition of internal rights and responsibilities, standardized operation of management processes, and at the same time, they can establish an effective risk early warning mechanism to ensure the risk of intellectual property infringement and provide strong support for the sustainable development of enterprises.

Core crux :the systematic challenges faced by the construction of enterprise intellectual property compliance system. Under the dual role of policy guidance and market-driven, Chinese enterprises have made significant progress in intellectual property compliance awareness and practice level in recent years, but on the whole, it still shows the stage characteristics of uneven development and system construction[4].

1.4 Limitations of Strategic Cognition: Management does not Pay Enough Attention to it

At the level of strategic cognition, the main dilemma of Chinese enterprises lies in the lack of management 's understanding of the strategic value of intellectual property rights. A considerable number of enterprise managers, especially the decision-makers, still position intellectual property management as a purely legal matter, failing to elevate it to the height of corporate strategic development. This cognitive bias leads to systemic problems such as unbalanced resource allocation, poor departmental coordination, and inadequate system implementation.

1.5 Defects in System Construction: Institutional Fragmentation and Imperfect Operation Mechanism

From the perspective of system construction, the intellectual property compliance management of Chinese enterprises generally presents a ' patch-like ' feature, lacking systematicness and integrity[5]. An effective compliance management system should be an organic whole covering the whole business chain of enterprise R & D, procurement, production, sales, investment and financing. However, the current reality is that intellectual property management is often separated from the legal department or R & D department, and there are serious ' information islands ' and ' process breakpoints ' between other business departments.

1.6 External Environmental Pressure: The Improvement of the Legal System and the High Cost of Rights Protection

At the external environment level, the compliance management of intellectual property rights of enterprises faces double challenges :it is necessary to adapt to the continuous improvement of the domestic legal system, but also to cope with the increasingly complex international rules and law enforcement pressure[6]. Although China 's intellectual property legal system is constantly improving, there is room for improvement in areas such as competition law to deal with intellectual property abuse and monopoly. More seriously, enterprises are facing a huge practical dilemma in the process of rights protection :intellectual property infringement has the characteristics of strong concealment and difficulty in obtaining evidence, which leads to a long cycle of rights protection, complicated procedures and high costs. Even if a large number of small and medium-sized enterprises have valid patents, they are also unable to bear the high litigation costs and time costs and swallow up the infringement, which in turn weakens the motivation of enterprises to invest in intellectual property rights and compliance construction.

1.7 Insufficient Resource Allocation: Lack of Professional Talents and Backward Technical Tools

From the perspective of resource allocation, enterprise intellectual property compliance management is faced with the dual constraints of shortage of professional talents and backward technical tools. Intellectual property compliance management is a highly complex work, which requires practitioners to have the comprehensive ability of technology, law, business operation and strategic management. However, at present, there is a serious lack of such compound professionals in the Chinese market. Many intellectual property managers in enterprises are often held by legal personnel or technical personnel, lacking systematic compliance management knowledge and practical experience. At the same time, the application level of digital and intelligent tools related to intellectual property management is generally low. In the key links of patent information management, monitoring and infringement risk early warning, most enterprises still rely on traditional manual methods, resulting in low efficiency and high error rate.

2 CONSTRUCTION PATH :PROBLEM-ORIENTED CONSTRUCTION STRATEGY OF ENTERPRISE INTELLECTUAL PROPERTY COMPLIANCE MANAGEMENT SYSTEM

In view of the above problems, enterprises should adopt systematic thinking to build an intellectual property compliance management system, correspond the problems and countermeasures one by one, step by step, address both the symptoms and root causes, and build a comprehensive compliance management system.

2.1 Cultivate a Strategic-Oriented Compliance Culture and Build a Cognitive Foundation

In order to fundamentally solve the problem of insufficient cognition, enterprises must raise intellectual property compliance to a strategic level and cultivate a full compliance culture from top to bottom. Strengthen leadership commitment :The key to the success or failure of system construction lies in the ' top leader project '[7]. The top managers of the enterprise must publicly express their commitment to intellectual property compliance, incorporate it into the overall development strategy and annual business objectives of the enterprise, and reflect it in resource allocation, organizational structure and performance appraisal. Incorporating into the business strategy :the intellectual property department should move from the background to the front desk, deeply participate in major business decisions such as product development, market access, investment and financing mergers and acquisitions, and provide forward-looking intellectual property risk assessment and strategic layout recommendations, so that intellectual property becomes a ' navigator ' rather than a ' fire extinguisher ' for business development. Enhance the awareness of all staff :carry out normalized and differentiated intellectual property compliance training for employees at different levels and positions. For senior management, focus on strategic value and risk responsibility ; r & D personnel, focusing on patent mining, avoiding design and confidentiality obligations ; for market sales personnel, it focuses on the standardized use of trademarks and copyrights and anti-unfair competition.

2.2 Establish a Systematic Management Framework Based on GB / T 29490-2023 Standard and Improve the Institutional System

In order to overcome the problem of institutional fragmentation, enterprises should build a systematic and process-oriented management framework based on the national standard GB / T 29490-2023[8]. Organizational structure construction :Clearly set up full-time or part-time intellectual property management departments or positions, and grant them the necessary authority. At the same time, an inter-departmental intellectual property management committee, which is led by senior management and participated by the heads of various business departments, should be established to be responsible for the decision-making and coordination of major matters and ensure that compliance instructions can penetrate the whole company. PDCA management cycle:follow the ' planning-implementation-check-improvement ' Plan-Do-Check-Act management logic[9]. In the planning (P) stage, identify internal and external compliance obligations, assess intellectual property risks, and formulate compliance goals and management plans. In the implementation phase (D), the compliance requirements are embedded into specific business processes such as R & D project establishment, procurement contract, employee management, and marketing to achieve process control. In the inspection (C) stage, through regular internal audit and management review, the achievement of compliance objectives and the operation effect of the system are monitored. In the improvement (A) stage, the found non-conformities are corrected and the management system is continuously optimized. Documentary management : the intellectual property policy, objectives, responsibilities, processes, etc.in the form of documents fixed down, forming a complete set of management system documents. At the same time, all intellectual property management activities, such as patent search reports, contract review records, training sign-in forms, internal audit reports, etc., are properly recorded and kept, so that ' everything has rules to follow and everything has evidence to check '.

2.3 Build a Risk System to Deal with Complex Environments

In the face of complex legal environment and high cost of rights protection, enterprises need to change from passive response to active management, establish sensitive risk radar and efficient response plan. Intelligence monitoring mechanism :Establish a normalized intellectual property intelligence monitoring mechanism, use professional databases and analysis tools, continuously track patent dynamics in key technology areas, the intellectual property layout of major competitors, and changes in relevant laws and regulations at home and abroad, so as to ' know yourself and know yourself, early warning '. Emergency response plan :For the possible infringement warning letter, lawyer letter or litigation, formulate a detailed response process in advance, and clarify the internal reporting path, responsible department, decision-making authority and the selection criteria of external lawyers. This can ensure that enterprises can respond calmly, orderly and professionally when encountering emergencies, and avoid greater losses caused by busyness. Diversified rights protection strategy :In view of the high cost of rights protection, enterprises should adopt flexible and diversified strategies. In addition to the traditional means of litigation, we should also actively explore a variety of solutions such as administrative complaints, customs protection, sending warning letters, negotiations, and industry mediation[10]. At the same time, it may be considered to purchase intellectual property insurance to share potential litigation costs and compensation risks, a proposal that has been mentioned in academic discussions.

2.4 Optimize the Allocation of Resources, Improve Management Efficiency

In order to make up for the shortcomings of talents and tools, enterprises should be both internal and external, be good at using internal and external resources, and improve management efficiency through technology empowerment[11]. Talent training mechanism :through the combination of internal training and external introduction, a professional intellectual property management team is formed. Internally, select potential technical or legal personnel for systematic training ; externally, actively recruit professionals with a composite background of technology, law and management. External resource utilization :For small and medium-sized enterprises with limited resources, it is not necessary to pursue a ' large and complete ' internal team. You can establish long-term cooperative relations with excellent law firms, patent agencies, intellectual property consulting companies, etc., and have strong professionalism in patent applications, trademark registration, legal advice, and system counseling.

3 CONCLUSION

Building a sound intellectual property compliance management system has become the only way for Chinese enterprises to achieve high-quality and sustainable development. It is not only a defensive shield for enterprises to prevent legal risks and cope with market competition, but also an offensive weapon to enhance innovation ability and maximize the value of intangible assets. Enterprises must abandon outdated concepts, proceed from a strategic perspective, be problem-oriented, refer to national standards such as GB / T 29490-2023, and proceed from four dimensions :cultivating compliance culture, establishing a systematic framework, strengthening risk monitoring, and optimizing resource allocation. This road of construction is not achieved overnight and requires long-term persistence and investment. However, only in this way can Chinese enterprises move steadily and far in the increasingly fierce global innovation wave, and truly move from ' Made in China ' to ' Made in China '.

COMPETING INTERESTS

The authors have no relevant financial or non-financial interests to disclose.

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