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## THE POSITIVE SIGNIFICANCE OF PERFECTING THE LEGISLATION FOR CHINA'S ENHANCEMENT OF INNOVATION CAPABILITY

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*This paper introduces the development process of China's intellectual property protection law and innovation-related legislation, and analyzes the significance of improving legislation for protecting innovation achievements and enhancing innovation capabilities.*

**Keywords:** *China Innovation; Legislative Protection; Intellectual Property Protection.*

## ПОЛОЖИТЕЛЬНОЕ ЗНАЧЕНИЕ СОВЕРШЕНСТВОВАНИЯ ЗАКОНОДАТЕЛЬСТВА ДЛЯ ПОВЫШЕНИЯ ИННОВАЦИОННОГО ПОТЕНЦИАЛА КИТАЯ

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*В статье представлен процесс разработки законодательства Китая в области охраны интеллектуальной собственности и законодательства, связанного с инновациями, а также анализируется значение совершенствования законодательства для защиты инновационных достижений и повышения инновационного потенциала.*

**Ключевые слова:** *китайские инновации законодательная защита; защита интеллектуальной собственности.*

In 1986, China promulgated the General Principles of the Civil Law. In this law, the concept of "intellectual property" was proposed for the first time, and some standardized operations were also carried out on the protection of copyrights, trademarks and patents. After that, China successively issued a number of laws and regulations: the Intellectual Property Protection Law, the Patent Law of the People's Republic of China, the Implementing Regulations of the Patent Law of the People's Republic of China, the Regulations on Collective Administration of Copyright, the Trademark Law of the People's Republic of China, "Regulations for the Implementation of the Trademark Law of the People's Republic of China", "Copyright Law of the People's Republic of China", "Regulations for the Implementation of the Copyright Law of the People's Republic of China" and "Regulations on the Protection of Computer Software", etc.

In 2005, China set up a leading group for the formulation of a national intellectual property strategy and officially launched the formulation of a national intellectual property strategy, which shows that China is continuously strengthening the protection of intellectual property rights. With the continuous increase in the size of China's economy, the number of intellectual property rights of Chinese enterprises is also increasing. Improving the legislative protection of intellectual property rights will not only help reduce unnecessary international trade disputes, but also better protect the domestic intellectual property owners and the interests of innovative companies.

From 2017 to 2020, the total number of first-instance cases involving intellectual property and competition disputes received by the people's courts increased from 201,039 to 443,326, and the proportion of the total number of first-instance cases received by the people's courts increased from 1.56 % to 3.05 % [1]. This is enough to

see that the influence of intellectual property protection in the national economy is gradually increasing.

The acceleration of China's innovation speed is mainly due to the participation of private enterprises and small and medium-sized enterprises. China's strong national defense and basic scientific strength are related to the innovative research and development achievements of scientific research institutions set up by China's state, but it is undeniable that the technology of enterprises Innovation makes it easier for people to feel the changes brought about by technology and gain market share in international markets.

A series of technological innovation brands such as "Huawei", "Xiaomi" and "IFLYTEK" were developed under the support of China's national innovation policy. It is especially worth noting that although these enterprises have achieved rapid development through the state's preferential support policies for innovation, these enterprises were all small and medium-sized innovative enterprises at the beginning of their establishment. It is bound to be unable to resist unfair competition in numerous aspects, especially under the pressure of some technical monopoly enterprises. If there is no perfect legal protection, it will face numerous insurmountable difficulties, and may even fail at the beginning of the business.

Improving legislation to protect innovative achievements can also help Chinese enterprises protect their own innovative enterprises and innovative achievements in their normal foreign trade activities, especially to prevent foreign enterprises from taking advantage of technological advantages or price advantages to conduct dumping and industry monopoly. It will be a huge challenge or threat to the country's innovative development.

There have been numerous cases where the market share of Chinese innovative companies has been squeezed by foreign brands due to imperfect anti-dumping laws. For example, Japan's Fuji Film once occupied 70 % of the film market share in China in the 1980s, and the American Kodak and Germany's Agfa competed with China's Lucky to occupy 30 % of the market share. As the Kodak film began to be dumped in China at a low price, the living space of China's Lucky film was also reduced. China's Lucky Films did not fail entirely, the reason being that foreign film companies made mistakes in their investment decisions. During the whole process of anti-dumping, China lacked a comprehensive anti-dumping law and did not provide substantial legal assistance to its own innovative enterprises.

As China's investment in innovation continues to increase, the investment in current innovation projects, talents and resources has increased exponentially compared with the past. If these investments are not managed by perfect laws, there will be a very chaotic situation.

It is extremely likely to lead to increased risk of national investment. Over the past 20 years, China has made great strides in strengthening its innovation capabilities. R&D spending as a share of GDP rose steadily from 1.1 % in 2001 to 2.23 % in 2019. According to the "Main Science and Technology Indicators" released by the Organization for Economic Co-operation and Development (OECD), China is currently the world's second largest R&D country after the United States in terms of purchasing power parity, and the gap with the United States is shrinking significantly. In 2005, China's R&D spending was equivalent to 26 % of that of the United States, and by 2018 this proportion had risen to 80 %. [2] With the increase of R&D investment and the continuous growth of patent output, both the supervision of funds and the protection of patent achievements need to continuously improve the role of the law in supervision. Otherwise, it will considerably dampen the enthusiasm for social innovation.

Driven by technology, human life and consumption habits, as well as social and economic relations, have gradually become more complex with the development of technological innovation. If the law is not continuously developed and perfected according to the actual situation, it will gradually affect people's enthusiasm for innovation and development and produce a contradiction between ethics and technological development. For example, in the field of medical science and technology, with the advancement of technology, many new medical problems and disputes need to be regulated and defined by perfect laws, otherwise it will affect the application of medical science and technology achievements in the medical field.

At present, there are continuous cases of illegal implementation of new technologies in medical clinical applications in China. For example, while new biological treatment technologies such as stem cell transplantation and monoclonal antibodies are emerging in large numbers, some medical institutions have irregular drug clinical trials; the clinical application of new biological technologies is irregular, and even taking advantage of the relatively lagging legal gaps to implement violations of medical ethics and violations of medical behavior in accordance with national laws and regulations. The emergence of these situations has led to the occurrence of a large number of medical damage disputes, increasing the risks for patients, hospitals and pharmaceutical R&D companies. [3]

It is precisely because of the lag of relevant laws that scientific and technological innovation achievements have not been used in a standardized and reasonable manner, which has considerably reduced the effect of innovation achievements. Therefore, the development and improvement of the law should also progress at the same time as the development of innovation achievements, so as to protect each other.

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## АНАЛИЗ ПОЛИТИКИ КИТАЙСКОЙ НАРОДНОЙ РЕСПУБЛИКИ В РЕАЛИЗАЦИИ ЦЕЛЕЙ УСТОЙЧИВОГО РАЗВИТИЯ

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*Реализация Целей устойчивого развития (ЦУР) является долгосрочной задачей для всех стран мира в связи с тем, что она обеспечивает целостный многоаспектный взгляд на развитие человечества. В данной статье анализируется деятельность КНР в качестве одного из наиболее активных государств в достижении ЦУР. В качестве основы для проведения анализа политики Китая был взят план по реализации ЦУР, в котором изложены политика развития Китая и усилия государства по поддержке других развивающихся стран мира, а также ежегодные отчеты МИДа КНР, где анализируется прогресс государства по каждой из семнадцати Целей устойчивого развития.*

**Ключевые слова:** Китай; Цели устойчивого развития; Повестка дня; ООН.

## ANALYSIS OF THE POLICY OF THE PEOPLE'S REPUBLIC OF CHINA IN THE IMPLEMENTATION OF THE SUSTAINABLE DEVELOPMENT GOALS

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*The implementation of the Sustainable Development Goals (SDGs) is a long-term task for all countries of the world due to the fact that it provides a holistic multidimensional view of human development. This article analyzes the activities of the PRC as one of the most active states in achieving the SDGs. As a basis for the analysis of China's policy, the SDG implementation plan was taken, which outlines China's development policy and the state's efforts to support other developing countries of the world, as well as the annual reports of the Ministry of Foreign Affairs of the People's Republic of China, which analyzes the state's progress on each of the seventeen Sustainable Development Goals.*

**Keywords:** China; the Sustainable development goals, agenda, the UN.