

Research on the Connotation Interpretation and Legal Protection of Intellectual Property Rights in Emei Martial Arts

Lin Zhu. Xiaolu Zhang

Dept. of P.E, Leshan Normal Univ, Leshan 614000, China

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Abstract

By analyzing the connotation of intellectual property rights in Emei martial arts from a legal perspective, this study aims to identify the challenges in the legal protection of Emei martial arts intellectual property rights and propose corresponding legal protection strategies. Research suggests that the intellectual property of Emei martial arts refers to the sum of Emei martial arts and all intellectual achievements created around Emei martial arts. The main difficulties in the legal protection of intellectual property rights in Emei martial arts lie in the particularity of the subject of Emei martial arts intellectual property rights, the imbalance of the object of Emei martial arts intellectual property rights, the relatively imperfect legal system of sports intellectual property rights, and the convenience of Emei martial arts intellectual property infringement. Research suggestion: Implement separation of management and office, clarify the rights holders; Optimize the development order and promote object balance; Improve the legal system of sports and establish a legal foundation; Strengthen comprehensive governance to prevent infringement.

Keywords

Emei Martial Arts; Intellectual Property; Sports Intellectual Property; Legal Protection

1. Introduction

As a statutory right, intellectual property serves as an active affirmation of human intellectual achievements, aiming to incentivize creativity and motivation by establishing and safeguarding innovators' rights over their intellectual outputs. This, in turn, encourages the continuous creation of advanced, innovative, and functionally effective intellectual labor outcomes to support national strategic development, social harmony, and the fulfillment of public product demands. It can be said that intellectual property protection has risen to become a crucial national policy and fundamental strategy for the high-quality economic development of modern nations.

As a subset of intellectual property, sports intellectual property undoubtedly holds extraordinary research value. The innovation and development of this field primarily manifest in three dimensions: strengthening the people through sports, strengthening society through sports, and strengthening the nation through sports. Strengthening the people through sports entails enhancing the quality of sports products, ensuring safe sports activities, and safeguarding public health; strengthening society through sports requires orderly sports operations to foster social harmony and stability; And building a strong sports nation requires a comprehensive improvement in the country's overall sports strength. Among these, strengthening the people through sports is the foundation, strengthening society through sports is the key, and strengthening the nation through sports is the core. Yet, all of this hinges on the comprehensive protection of sports intellectual property. Based on the above analysis, to explore the innovative development and value of sports intellectual property, this paper takes the intellectual property of Emei martial arts as a case study. It delves into the essential connotations of Emei martial arts intellectual property, identifies the practical challenges in its development, and proposes methods and pathways for the innovative development and legal protection of Emei martial arts intellectual property. This effort aims to promote the high-quality development of sports intellectual property and lay the groundwork for achieving the goals of strengthening the people, society, and the nation through sports.

2. Interpretation of the connotation of intellectual property rights in Emei martial arts

Emei martial arts are well-known and spread throughout the country and beyond. However, there is still some controversy in the academic community regarding the conceptual understanding of Emei martial arts, which adds a lot of uncertainty to the intellectual property protection of Emei martial arts. The protection of intellectual property rights in Emei martial arts is related to the economic rights and interests of the Emei martial arts sports industry. If the intellectual property rights of Emei martial arts cannot be effectively protected, it will inevitably affect the survival and development of Emei martial arts sports industry. As is well known, the economic foundation determines the superstructure, and the obstruction of the development of Emei martial arts and sports industry will inevitably affect the development, popularization, and improvement of Emei martial arts sports. It can be seen that the protection of intellectual property rights in Emei martial arts is of great significance for the deep development of Emei martial arts. Undoubtedly, a deep understanding of the intellectual property rights of Emei martial arts is the basic prerequisite for the protection of Emei martial arts intellectual property rights. Therefore, this article will elaborate on the definition of Emei martial arts, the attributes of intellectual property rights, and the connotation of Emei martial arts intellectual property rights from

three levels.

2.1. Analysis of the Concept of Emei Martial Arts

According to the definition of "Emei martial arts", "Emei martial arts are a general term for martial arts that originated in the Emei Mountain area of Sichuan and have been widely spread throughout Sichuan and even the southwestern region." [1] From this definition, it can be inferred that the birthplace of Emei martial arts can only be Mount Emei in Sichuan. From the perspective of dissemination, Emei martial arts are mainly spread throughout the entire Sichuan region and have radiated to various parts of southwestern China. However, since ancient times, communication within and outside martial arts has been a common occurrence. So, what is the relationship between Emei martial arts and foreign martial arts? Does the development of Emei martial arts exclude foreign martial arts, and are foreign martial arts the same as Emei martial arts? Obviously, the Emei Mountain area in Sichuan does not reject the intervention of foreign martial arts, and has great openness and inclusiveness towards foreign martial arts. This can be seen from the emergence and significant development of various foreign martial arts such as Tai Chi, Wing Chun, and Nan Quan in this life. So, is this type of martial arts considered Emei martial arts? According to the definition of Emei martial arts, as the origin of this type of martial arts is not in the Emei Mountain area, it should not be called Emei martial arts. But once the content elements of this type of martial arts are absorbed by Emei martial arts, they can become an integral part of Emei martial arts. Therefore, Emei martial arts are not all martial arts in the Emei region. But Emei martial arts can integrate other martial arts elements to develop itself. Because, fundamentally speaking, various martial arts have similarities, with offensive and defensive techniques as the core elements of martial arts, and highly similar forms of movement, such as routines, techniques, combat, and ideological concepts. Therefore, Emei martial arts can be considered as a traditional martial arts with local characteristics gradually formed through the development of martial arts techniques originating from the Emei Mountain area in Sichuan, supplemented by martial arts materials from other regions, and through the mutual exchange, learning, and dissemination of internal and external martial arts techniques.

Finally, semantically speaking, Emei martial arts are named after mountains, which is the most prominent feature of the regional culture of martial arts and the main distinguishing feature between Emei martial arts and other martial arts. Essentially, Emei martial arts are a form of combat and, like other martial arts, are a member of the martial arts family. To deny the combativeness of Emei martial arts is to deny the fundamental value of Emei martial arts. In terms of content, Emei martial arts exhibit a different style from other martial arts, which often depends on the understanding of offensive and defensive techniques by martial artists in the Emei Mountain area, and this understanding is often limited by the specific geographical environment of

practice. That is to say, Emei martial arts is a technique of combat developed by martial artists in the Emei Mountain area through mutual learning and self-development in social practice. In short, Emei martial arts originated from the Emei Mountain area and have developed in a diverse and inclusive manner.

2.2. Interpretation of the Connotation of Intellectual Property

The concept of intellectual property is the most fundamental category of the theoretical and institutional system of intellectual property, and is the foundation and logical starting point of intellectual property research. [2]Tracing back to its roots, the term 'intellectual property' originates from the English word 'intellectual property'. Its meaning is "ownership of knowledge (property)" or "ownership of wisdom (property)". In theory, it was the mid-17th century French scholar Capuzov who first summarized all rights derived from the field of intellectual activity as "intellectual property". [3]The definition of intellectual property mainly includes enumeration, generalization, and a combination of the first two forms. International conventions generally adopt a list format, such as Article 1 (2) of the RTIPS protocol, which stipulates that intellectual property rights include copyright and related rights, trademarks, geographical indications, industrial product designs, patents, integrated circuit layout designs, and protection of undisclosed information. Furthermore, according to the 1967 Convention Establishing the World Intellectual Property Organization, intellectual property rights should include rights related to literary, artistic, and scientific works; Performing artists' performances, recordings, and broadcasts……[4]Chinese scholars often use a generalized approach. For example, Professor Sicheng Zheng believes that intellectual property is the right that people legally enjoy over their creative intellectual achievements; Professor Handong Wu believes that intellectual property refers to the rights that people legally enjoy over the results created by their intellectual activities and the marks and reputation in their business management activities.[3] In addition, some legal norms in our country also adopt a mixed form of summarization and enumeration, such as Article 3.1 of the "Guidelines for the Management of Intellectual Property Rights in Industrial Enterprises", which stipulates that in the fields of science and technology, literature and art, inventors, creators, etc., have exclusive rights to their creative labor results in accordance with the law, including patents, trademarks, copyrights and related rights, integrated circuit layout designs, geographical indications, etc.[5] Intellectual property has a private nature. Knowledge is the intellectual factor that drives productivity progress, and it can be transformed into wealth. Therefore, the academic community generally believes that intellectual property is also an intangible property right. Moreover, in the process of knowledge production, the personal resources of creators play a decisive role, namely the mastery of knowledge and the investment of creativity. At the same time, academia also believes that intellectual property is a civil right, which stems from the fact that knowledge is a

product of intellectual labor. The creator of knowledge is naturally its rightful owner. The interest relationship that arises around the utilization of knowledge is a property relationship between equal subjects. This equal relationship does not change based on the nature of the subject. That is to say, intellectual property rights holders, whether they are countries, international organizations, governments, enterprises, or individuals, are all civil subjects. The private nature of intellectual property rights does not change with different legal protection measures for that right.[6] As Professor Wu Handong believes, "Intellectual property is a private right, a private right, not a right shared by everyone. Finally, the characteristics of intellectual property are as follows: (1) intangibility. The object of intellectual property is knowledge products (or intellectual achievements), which have no form and are called spiritual wealth. The main characteristics are: possession without tangible control, use without tangible loss, and factual disposal without eliminating knowledge products; (2) exclusivity. As a legal right, intellectual property has exclusivity. However, this exclusivity is relative and not absolute, and it will be limited by geography and time. (3) Regionality. Since intellectual property is a legal right, it means to some extent that its spatial effectiveness is not unlimited. Traditionally, it is believed that intellectual property has strict territoriality and its effectiveness is limited to the territory of the country. (4) Timeliness. Intellectual property is neither a monopoly right without infinite space nor an eternal right without time limits. For the progress of human society and the development of social welfare, sovereign states or international organizations usually impose certain time limits on intellectual property rights. (5) Internationality. The territorial nature of intellectual property reflects the legal will of sovereign states to protect their domestic intellectual property rights and interests. But the international circulation or exchange of knowledge products is mainstream and normal, while closure and restrictions are temporary. Therefore, the extraterritorial application of intellectual property laws is gradually becoming a reality, which mainly manifests in three forms: extraterritorial legislative jurisdiction, extraterritorial law enforcement jurisdiction, and extraterritorial judicial jurisdiction.[7]

2.3. Analysis of the Relationship between Emei Martial Arts Intellectual Property and Emei Martial Arts Intellectual Property

Emei martial arts intellectual property is a type of intellectual property, but Emei martial arts intellectual property is different from other intellectual property, which is determined by the different types of intellectual property. From an attribute analysis, the intellectual property of Emei martial arts is primarily intellectual property, which is the result of the creator's intellectual labor and has no difference in connotation from other intellectual property in the traditional sense. However, due to differences in species, the intellectual property of Emei martial arts inevitably manifests as other unique characteristics of Emei martial arts intellectual property.

Different species differences mean different categories. In other words, the name is different. Furthermore, the difference in species also creates a fundamental distinction. For example, Emei martial arts is a form of martial arts that involves physical skills and behaviors. And the process of creating and using Emei martial arts skills does not generate any other intellectual products, its product is the Emei martial arts movement itself. Of course, in modern society, the value of Emei martial arts is no longer limited to the use of skills in combat and fighting, but rather a sports activity that strengthens the body, exercises, competes, cultivates oneself, and cultivates the mind. So, the intellectual property related to martial arts skills, also known as the intellectual property of Emei martial arts, is a narrow definition of Emei martial arts intellectual property. However, in the usual sense, the intellectual property of Emei martial arts has a broad sense. It not only includes intellectual property rights related to martial arts skills, but also includes trademarks, brands, and equipment products of Emei martial arts. So, the intellectual property of Emei martial arts cannot be simply equated with the intellectual property of Emei martial arts in the usual sense. However, they share a common root - Emei martial arts.

Therefore, the intellectual property of Emei martial arts refers to the sum of Emei martial arts and all intellectual achievements created around Emei martial arts. It can be broadly or narrowly defined, and its attribute characteristics mainly include: sportsmanship, intangibility, temporality, limitation, internationalization, and other features. Sportiness is not only the fundamental attribute of Emei martial arts, but also the unique feature of Emei martial arts intellectual property. However, there is still no formal consensus in the sports related academic community on the intellectual property rights of sports, which has also created corresponding obstacles to the narrow protection of Emei martial arts intellectual property rights. As for the other characteristics of the intellectual property of Emei martial arts, there is no disagreement in the academic community due to its universality.

3. Legal protection dilemma of intellectual property rights in Emei martial arts

3.1. The particularity of the subject of intellectual property rights in Emei martial arts

As a traditional martial arts, Emei martial arts have been passed down for thousands of years, incorporating the martial arts ideas and training methods of generations of Emei martial arts inheritors, and containing rich cultural connotations of martial arts. Nowadays, with the rescue, excavation, dissemination, and promotion of Emei martial arts, the economic, social, and cultural equivalence of Emei martial arts deserves to shine brightly. For example, the Emei martial arts brand is renowned both domestically and internationally, and the Emei martial arts industry has begun to expand and develop. The Emei martial arts movement has already entered campuses. Despite the achievements of Emei martial arts, how to determine the

rights holder of Emei martial arts still brings great confusion to contemporary people. As is well known, in order to protect Emei martial arts, this traditional skill has been included in the national intangible cultural heritage protection list and a corresponding management organization has been designated. This means that the cultural form of Emei martial arts has been protected to a certain extent. Obviously, the list of intangible cultural heritage neither clearly identifies the true founder of Emei martial arts nor grants corresponding ownership to the inheritors of Emei martial arts. Moreover, it is generally believed that the management organization of Emei martial arts has management power, but not ownership, which means that Emei martial arts belong to public wealth. The absence of the rights holder of Emei martial arts will inevitably affect the protection of Emei martial arts intellectual property to a certain extent. Of course, although the rights holder of Emei martial arts is ambiguous, the innovation and development of Emei martial arts can clarify its rights holder. The invention and creation of Emei martial arts products and services can apply for intellectual property rights to determine the ownership of rights, in order to motivate the pioneers of Emei martial arts knowledge products and promote the development of Emei martial arts and related industries. However, the owner of the intellectual property of Emei martial arts is generally also the manager or closely related party of the intangible culture of Emei martial arts. Intangible cultural heritage usually has a public welfare nature, while intellectual property emphasizes its private nature. Therefore, under certain conditions, the privatization and development of Emei martial arts will affect the public welfare of Emei martial arts. Moreover, in the field of sports, the rights holders of sports intellectual property are not very enthusiastic about intellectual property protection. This is limited to general local sports events only. Of course, the organizers of major sporting events, such as the organizers of the Olympic Games, have shown significant efforts in protecting sports intellectual property rights. Obviously, the development of Emei martial arts competitions is in its infancy, and although it has also formed its own sports brand, the protection of intellectual property rights is still insufficient.

3.2. Unequal Object of Intellectual Property Rights in Emei Martial Arts

The object of intellectual property rights of Emei martial arts is the sum of Emei martial arts and related knowledge products. Among them, Emei martial arts is the main form of its product, which is also known as the "work" in copyright, and its content is very rich and its forms are diverse. Emei martial arts works involve Emei martial arts combat, Emei martial arts health preservation, Emei martial arts fitness, Emei martial arts competitions, and other content. Although the content of Emei martial arts works is extremely rich, the legal protection of their works in China only includes two forms: text and video. Secondly, the patent rights of Emei martial arts knowledge products. It is an intellectual property related to Emei martial arts. According to a search conducted by Qichacha, the patented products related to Emei

martial arts mainly include Emei thorns, kitchen knives (Emei martial arts boys), and martial arts clothing tops. Among them, there are 8 patents related to Emei thorn, of which only 1 is valid, and its patent form is a design. Seven other patent rights have been terminated, one for invention authorization and the other six for utility models. Thirdly, the trademark rights of Emei martial arts knowledge products. On Qichacha, through the precise trademark column search, there are a total of 13 products with the trademark "Emei Martial Arts", 7 of which are valid, and 5 of which are invalid in 1 application. Its categories mainly include: social law, financial property management, handmade instruments, convenience food, medicine, transportation and storage, design and research, education and entertainment, advertising and sales, beer and beverages, alcoholic beverages, etc. In addition, the name, brand name, and logo of Emei martial arts industry are also its intellectual property rights.

In summary, due to the current trend of exploring, organizing, rescuing, and protecting Emei martial arts, its innovative products are still in their infancy. Therefore, the number of intellectual property rights objects in Emei martial arts shows an uneven state in the primary development stage. Its main manifestation is that there are relatively more works of Emei martial arts techniques, more trademark products, and relatively fewer patented products. At the same time, it should be noted that although there are many martial arts schools and diverse skills in Emei, there are not many works with significant innovative value due to the fact that they mostly inherit the intangible cultural heritage of predecessors. In terms of patented products, Emei martial arts knowledge products only have one valid design patent, and there are no high-quality invention patents. In terms of trademark categories, although the content is relatively extensive, there is no trademark related to Emei martial arts skills. It can be seen that Emei martial arts knowledge products need innovative development, optimized development, and balanced development.

3.3. Imperfect legal system for sports intellectual property rights

The imperfect legal system for sports intellectual property is another important reason for the dilemma of intellectual property protection in Emei martial arts. As is well known, the legal protection of intellectual property mainly consists of three systems: the Copyright Law, the Patent Law, and the Trademark Law. Of course, there are also legal provisions for intellectual property protection in the Anti Unfair Competition Law, Civil Code, and Criminal Law. The Anti Unfair Competition Law aims to protect fair commercial competition and curb unfair competition practices from the perspective of healthy market development, thereby protecting the rights and interests of operators and consumers. The Civil Code is responsible for safeguarding the legitimate rights and interests of citizens, and its content also includes relevant provisions on intellectual property protection, such as "technical achievements, technical secrets and technical contracts", "domain names", "commercial franchising" and other legal provisions. The Criminal Law is the strictest

legal system for upholding social justice, and its protection of intellectual property rights is equally crucial. It will give offenders severe punishment. In addition, various international intellectual property treaties that China has participated in are also important legal systems for intellectual property protection in China. The intellectual property of Emei martial arts is a type of intellectual property that should theoretically be closely protected by the above legal system. However, due to the sports characteristics of Emei martial arts intellectual property, it is clearly not adequately protected by ordinary intellectual property legal systems. The ideal legal protection is for Emei martial arts intellectual property to have a specialized legal system, namely the sports intellectual property legal system. However, despite the promulgation and recent revision of the Sports Law in China, the legal system only stipulates in Article 52 of Chapter 4 on competitive sports that the name, emblem, flag, and mascot of sports events held within China shall be protected in accordance with relevant national regulations. Without the permission of the organizers and other relevant rights holders of sports events, it is not allowed to collect or disseminate on-site pictures, audio and video information of sports events for profit. It can be seen that the protection of sports intellectual property rights in the Sports Law is relatively weak.

3.4. Convenience of Emei Martial Arts Intellectual Property Infringement

There are two reasons for the occurrence of intellectual property infringement in Emei martial arts: firstly, the relatively low awareness of rights protection among the rights holders; The second is the rapid development and popularization of Internet technology. Firstly, the low awareness of rights protection among the rights holders has contributed to the occurrence of intellectual property infringement in Emei martial arts. As is well known, in the field of sports intellectual property, due to the fact that sports technology is the source of sports intellectual property, the participants of sports technology usually focus on sports training and competition results, and their awareness of intellectual property protection is not strong. At the same time, due to the dominance of national training management in sports competition in our country, patriotism and collectivism are the main emotions of athletes. In the creation of sports equipment, the inventions and creations of sports participants are usually simple and scarce, such as the appearance inventions and utility models of sports products. Therefore, the social evaluation of sports products is not high. More importantly, the protection period for sports intellectual property is relatively short, such as the protection period for utility models and designs being 10 years. Currently, through enterprise investigation, it can be found that most of the invention patents for Emei martial arts intellectual property are invalid, and the number of valid trademarks for sports products is not only small, but also many trademarks are used by non Emei martial arts sports industry. Secondly, the

widespread application of Internet technology has facilitated the occurrence of Emei Wushu intellectual property infringement. If some scholars point out that: (1) globalization of information resource access is the foundation of online infringement behavior; (2) The concealment of Internet technology is a convenient condition for network infringement; (3) The internationalization of online infringement has increased the difficulty of safeguarding rights.

4. Legal Protection Strategies for Intellectual Property of Emei Martial Arts

4.1. Implement separation of management and office, clarify the rights holders

The separation of management and operation refers to the separation of rights, obligations, and responsibilities between the Emei martial arts management organization and the Emei martial arts industry organization. The management institutions of Emei martial arts include enterprise management institutions, which are non-profit organizations mainly responsible for controlling the development direction of Emei martial arts, promoting entrepreneurship and innovation of Emei martial arts knowledge products, and guiding and assisting the development of Emei martial arts enterprises and institutions. The Emei martial arts industry includes both the product industry of Emei martial arts techniques and movements, such as Emei martial arts event performances, training, and related industries of Emei martial arts material products. The industry of Emei martial arts equipment products. As mentioned earlier, the main area of intellectual property disputes in Emei martial arts is in the field of sports technology. Its rights holders usually exhibit dual characteristics. That is to say, the subject of the intellectual property of Emei martial arts is likely also the subject of the intangible cultural heritage of Emei martial arts. Therefore, clarifying the subject of rights also means that personnel of the Emei martial arts management organization are not allowed to engage in the business of Emei martial arts industry organizations, and cannot be both referees and athletes. Only with the separation of public and private, clear rights and responsibilities, can the various undertakings of Emei martial arts develop well, and the intellectual property rights of Emei martial arts can be effectively protected.

4.2. Optimize the development order and promote object balance

The imbalance of the object of intellectual property rights in Emei martial arts is related to the cognition of the rights holders. Currently, most of the intellectual property rights holders of Emei martial arts only focus on immediate benefits without a scientific, systematic, and long-term strategic development plan, ultimately leading to a serious imbalance in the development of the rights object of Emei martial arts intellectual property. Of course, there are also some people who register brand trademarks related to Emei martial arts for personal gain, but at the same time do

not create and produce related industry products, which to some extent hinders the healthy development of Emei martial arts industry. In order to promote the sustainable development of the Emei martial arts industry, create excellent Emei martial arts brands, and create outstanding Emei martial arts knowledge products, it is necessary to strictly regulate the unreasonable behavior of the market in accordance with the scientific development order, in order to create a situation of object balance. Firstly, the priority of technological development. Technology is the source, without the technological development of Emei martial arts, the brand of Emei martial arts would be like water without a source. Only through continuous development can Emei martial arts demonstrate its important value in serving society. As an intangible cultural heritage protection, the task of Emei martial arts is not just about excavating, organizing, and shelving it. Because intangible cultural heritage is not an innovative product, but a public good or public welfare product. At the same time, only the innovative development of Emei martial arts can form knowledge products and generate market behavior for Emei martial arts products. Technical products can generate copyright, such as the copyright of Emei martial arts competitions. Secondly, the criticality of necessary products. The essential products of Emei martial arts industry are indispensable product elements in Emei martial arts sports. The specialized equipment used in Emei martial arts, such as the Emei Thorn, is a necessary tool in the performance of Emei Thorn in Emei martial arts. For example, the symbol of Emei martial arts is the spiritual symbol of Emei martial arts and a necessary product in Emei martial arts sports. This type of product is presented in material form, and its intellectual property can be represented in the form of patented products, while logos and badges can protect intellectual property in the form of special logos. Thirdly, the auxiliary nature of related products. The related products serve Emei martial arts sports, such as consulting, advertising, promotion and other intermediary service industries or other sports service activities. This type of industry can apply for product trademarks related to Emei martial arts. Of course, such industries must truly serve the development of Emei martial arts. Finally, strengthen the supervision of the Emei martial arts industry market, eliminate the use of Emei martial arts' brand, and engage in activities unrelated to Emei martial arts. In summary, the development of the Emei martial arts industry must be a concentric circle development model of Emei martial arts, with internal and external expansion, gradually expanding, and maintaining balance. Instead of sacrificing the basics and pursuing the opposite, ultimately leading to market disorder and damage to industrial development.

4.3. Improve the sports legal system and form a legal foundation

The protection of intellectual property rights in Emei martial arts should be based on a specialized legal system for sports intellectual property rights. At present, the intellectual property rights of Emei martial arts, like other sports intellectual

property rights, can only rely on general intellectual property laws such as the Copyright Law, Patent Law, Trademark Law, Anti Unfair Competition Law, etc. when encountering infringement. Emei martial arts have sports attributes, and it is somewhat inappropriate to use the ordinary intellectual property legal system as the premise for infringement legal acts. The copyright of sports activities is still controversial in theory, patents for sports methods cannot be recognized in intellectual property law, and sports logos and trademarks cannot be treated equally. Therefore, building a sound legal system for sports intellectual property rights is the foundation for reliable protection of Emei martial arts intellectual property rights. Currently, the Sports Law has undergone three revisions in 2009, 2016, and 2022, consisting of 12 chapters and 122 articles. However, among all the chapters, only Article 52 of Chapter 4, Competitive Sports, deals with sports intellectual property content. This article stipulates that "the names, emblems, flags, mascots, and other symbols of sports events held within the territory of China shall be protected in accordance with relevant national regulations. Without the permission of the organizers of sports events and other relevant rights holders, it is not allowed to collect or disseminate on-site pictures, audio and video information of sports events for profit." In other words, China's Sports Law has recognized the necessity of intellectual property protection in the field of sports. However, at the same time, the Sports Law is only a principle provision for intellectual property infringement in the sports field, and cannot effectively solve the problem of sports intellectual property infringement. Therefore, as the only basic law in the field of sports, the Sports Law should be further refined in terms of sports intellectual property rights, providing corresponding instructions on copyright, patent rights, trademark rights, and other related rights in sports, and building a sound legal system for sports intellectual property rights based on this. With a sound legal system for sports intellectual property rights, sports intellectual property rights can be protected, and Emei martial arts intellectual property rights can have a legal basis.

4.4. Strengthen comprehensive governance to prevent infringement

The infringement of intellectual property rights in Emei martial arts not only damages the economic interests of the rights holders, but also undermines the fair, reasonable, and orderly environment of the Emei martial arts industry market operation. Over time, the healthy development of Emei martial arts and related industries will inevitably be affected by it. In order to prevent infringement, the protection of intellectual property rights in Emei martial arts can be addressed from the following aspects: firstly, improving the rights holders' ability to protect their rights; Secondly, strengthen the punishment measures for infringement; Thirdly, improve the supervision and operation mechanism of the market; The fourth is to enhance measures for protecting against online infringement. Using artificial intelligence to implement network security protection and improve technical

protection measures for network products.

5. Conclusion

A deep understanding of the connotation of Emei martial arts intellectual property is the fundamental prerequisite for protecting Emei martial arts intellectual property. The fundamental dilemma in understanding the intellectual property of Emei martial arts lies in its sportsmanship. From the copyright of sports, to the patentability of sports technology, to the different forms and connotations of sports trademarks and logos, all indicate that the sportsmanship in Emei martial arts intellectual property is fundamentally different from other fields of intellectual property. In addition, the protection of intellectual property rights in Emei martial arts also needs to clarify the particularity of the rights subject, the imbalance of the initial formation period of the rights object, the incompleteness of sports intellectual property law, and the convenience of infringement behavior in today's era. In short, deepening the understanding of the intellectual property rights of Emei martial arts and responding promptly to the current practical difficulties faced by Emei martial arts intellectual property rights are the only way out.

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