

# Research on the Current Situation of Intellectual Property Law Based on the Perspective of Public Information Resource Management

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**Abstract.** With the continuous development of the economy and society, China has gradually entered into the information society, and information has gradually become an important means to promote the economic development. Because of the important role of information, how to better implement the intellectual property law and balance the relationship between intellectual property and public information resources has become an important issue for today's society. Intellectual property is aimed at maintaining between intellectual property and public information field balance. Based on the analysis of the influence of intellectual property law on public information resources management, this paper puts forward the necessity of building a social legal environment related to information resource management and the necessity of legal guarantee mechanism, so as to balance the loss caused by the inclination of intellectual property law to the exclusive right of information.

## Introduction

With the rapid development of modern information technology, human beings have been gradually brought into the information society. The concept of information is not limited to the progress of information technology. The development of information industry, the cultivation of information market, and the construction of relevant laws and policies are all important elements for information construction. Although information technology has been placed in an important position in the current information construction, the construction of information civilization is the essence and goal of the information construction of human society. The realization of this ultimate goal is based on the free flow of information, convenient and quick access. The democratization, equality and convenience of information resources acquisition are the direction of the construction of social information. The development of this direction needs to be realized with the help of the management of public information resources. Public information resources are information resources that can be used for the public. They are beyond the scope of legal restrictions, and are free flowing and fully shared information resources. To carry out effective management of public information resources is an inevitable requirement for the development of information society. With the continuous development of modern information technology, information as an important productivity has become an important driving force for the development of social economy, and a strategic asset as well [1-2]. It is valued by individuals, enterprises and even the state. Some people hope that information can be protected as a private property, while others want to be able to get all kinds of information fairer. In such a large environment, how to better protect intellectual property rights and do well in the management of public information resources has become a continuing problem.

## The relationship between the management of public information resources and the law of intellectual property

The intellectual property law is both a protection and a restriction to the management of public information resources. One of the most important concepts in the theory of intellectual property law is "public domain", including the works beyond the scope of intellectual property law protection, the works with full protection period and the works that the right people give up protection [3]. It is

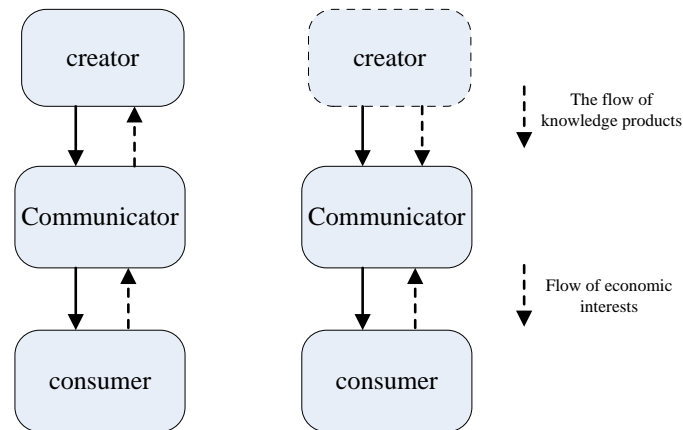
these works that constitute the source and the living space of the management of public information resources. In addition, the restriction of intellectual property law on intellectual property rights, such as the principle of fair use, license and compulsory use, enables some works to be built into public information space in a certain range. The most direct restrictions on the management of public information are also derived from the law of intellectual property [4]. Whether they are government information resources or private information resources, whether they can become the standard of public information resources is mainly due to the limitation of intellectual property law. The object outside the scope of protection of intellectual property law is the composition of public information resources.

The management of public information resources is the same as the ultimate goal of the intellectual property law. The goal of the management of public information resources is to realize the publicity of information resources. The publicity of public information resources determines that it must get information from the public, and then pass information back to society through various means of publicity. Its essence is to safeguard public interest. As a law, intellectual property law maintains a balance between safeguarding the interests of intellectual property owners and safeguarding public interests, but the fundamental goal of intellectual property law is to safeguard public interests [5]. For example, the patent law of China is protected for 20 years in the patent law; once it exceeds the period, the patent will become a common wealth of the society. China's copyright law also stipulates that using other people's works for purposes of study, research and appreciation can be neither agreed by the author nor paid to him. The Congress of the United States has suggested that the most fundamental purpose of the Congress is to enact the copyright law according to the constitution, not to protect the author's natural rights in his works, but to serve the public interest of the society. The provisions of copyright only temporarily guarantee the exclusive right of the author to his works for a certain period of time.

Public information resource management and intellectual property law to achieve the objectives of different ways. Public information resources management is a direct and positive way to safeguard public interests, and collate and publish some information, so that people can get this information directly. The rule of intellectual property is to generate greater social and public interests by safeguarding the interests of intellectual property owners. For example, when inventors know that their interests can be protected through property rights law, they will apply for patents as soon as possible [6]. Such protection will also encourage owners of intellectual property to create and research better things, promote the development of technology and culture and enable the public to benefit from it. So the ultimate goal of these two methods is to maintain the public interest, but the method is different.

### **Analysis of the current situation of intellectual property law from the perspective of public information resources management**

The development of public information resources requires intellectual property law to maintain a relative balance between private interests and public interests, so as to achieve the goal of encouraging knowledge creation and promoting the dissemination and utilization of knowledge products. But in fact, this balance is only an ideal. The private interests won't give up the competition of interests, and the public domain also wants to get a bigger cake. The imbalance between the two interests of the law of intellectual property is bound to be caused by the imbalance of the strength of the representatives of both the both and the public interests of the private interests. This imbalance has already appeared in the development of intellectual property law, and intellectual property law has already begun to tilt to private interests. The theory of knowledge product and the mode of dissemination of current academic works as shown in figure 1. The development of public information resources management is facing great challenges.



**Figure 1.** The theory of knowledge product and the current mode of communication of academic works

### **The space compression of public information resources under the expansion of intellectual property rights**

Public information resources and private information resources constitute the main body of information resources, and the relationship between the two is the relationship between the two. The expansion of intellectual property rights has strengthened the protection of private information resources so that the space of public information resources is further compressed. This compression is mainly reflected in the limit of the increase in the total amount of public information resources. First of all, the increasing object of the protection of intellectual property rights directly leads to the reduction of the object in the field of public information resources. The new form of work will first appear in the public domain to get public awareness. When intellectual property has not been included in the scope of protection, these new forms of work will enter the public field in large quantities. However, the expansion of intellectual property is fast. When the new works start to appear, they will be quickly brought into the Protection wings. It is impossible for public information resources to grow rapidly with the help of new works. Secondly, the information resources exceeding the protection period are an important part of the public information resources. The continuous extension of the intellectual property protection period has postponed the time for information resources to enter the public domain. The number of intellectual property protection works is huge, and the increase in the number of works in the public domain will be seriously affected by the protection period of one year. In addition, information resources are very timeliness. In general, the value of information resources decreases with the passage of time. Postponing the time when information resources enter the public domain, makes the value of information resources in the field of public information resources greatly reduced, and the proportion of available public information resources is reduced.

### **The imbalance of social interests under the expansion of intellectual property rights**

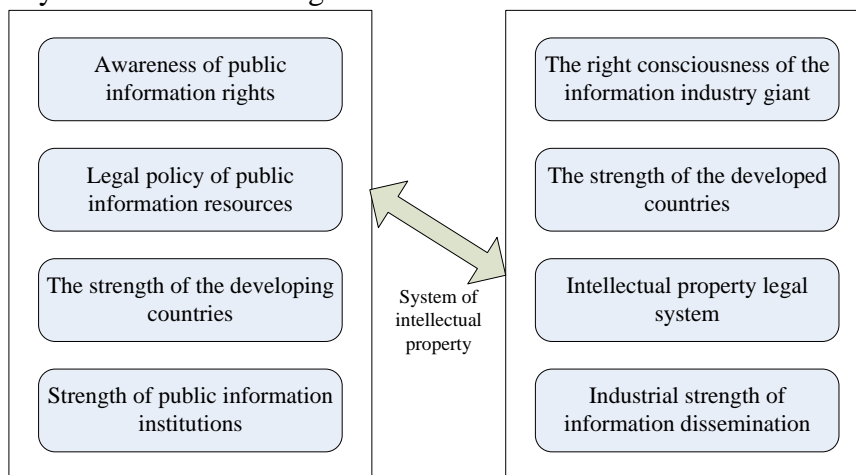
Intellectual property is aimed at maintaining between private interests and public interests of the owner of intellectual property balance. The expansion of intellectual property has increased the elimination of intellectual property law's protection of private interests, but the protection of public interest has not been strengthened, thus breaking the original balance of intellectual property law. Besides, private interests and public interests are mutually exclusive. The enhancement of private interests will, to a certain extent, encroach on the original public interest and further weaken the public interest, which will lead to this imbalance. In the field of information resources, the conflict between private interests and public interests is manifested in many aspects, such as the conflict between private information privacy and the right to know the public, and the conflict between private data and public use. In general, the protection of private interests tends to be confidential and inflow, while the protection of public interests is inclined to the disclosure and use of information. Contemporary knowledge

The aggravation of the protection of private interests by the law of property rights will cause the

information management to be secrecy and incline to the information. However, the confidentiality of information and the impediment of flow will increase the transaction cost of market players, and make the value of information resources hard to maximize, thereby impeding the development of society to a certain extent.

**Analysis of the influence of intellectual property law on the management of public information resources by the imbalance of interest in intellectual property law**

The impact of intellectual property law on private interests and the deviation from public interest on public information resources management is significant, which will bring a series of adverse effects to public information resources management. The hindrance of free expression of information and limited knowledge innovation will directly affect the quantity of information resources. Information production is the only source of information resources, and it is also a necessary condition for the development of public information resources. If the growth of the total amount of information resources is slow, the growth of the total amount of public information resources will be affected. The reduction of the social information production caused by the over protection of intellectual property rights will give a great blow to the development of the management of public information resources. The reasons for the imbalance of interest in intellectual property law are shown in figure 2.



**Figure 2.** The reasons for the imbalance of interest in intellectual property law

The imbalance of game between intellectual interest groups and public interest groups makes it difficult for intellectual property law to maintain the original balance between private interests and public interests in the information field. The expansion of intellectual property and the reduction of public domain positions are negative to the public interest management of public information resources. This will not only reduce the space of public information resources, but also seriously affect the flow of information resources, thus making the target of information sharing difficult to achieve. Therefore, the development of the management of public information resources must break through the layers of intellectual property rights and build their own development space.

**Summary**

With the development of industrial civilization, intellectual property law is gradually produced and perfected. The essence of information is a public resource, whether it is public information resource management or the ultimate goal of intellectual property law is to protect public interest. However, with the continuous development of information technology, intellectual property law is gradually transferred to private interests. The protection of information by intellectual property law makes the public information resources be continuously compressed, and the new information is fully grasped in the hands of a few people, forming a kind of information monopoly. These people use this monopoly to gain high profits, to a large extent, to the public interest. At the same time, intellectual property law makes information publicity difficult to play its due value, which prevents people from

acquiring information and research information, and even hinders the creation of new information and new inventions. On the other hand, protecting the interests of intellectual property owners will help them create more information, so how to balance private interests and public interests will become the main direction of development.

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