

# Research on Legal Protection of Trademark Rights in the Network Environment

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**Abstract:** The popularization and development of the Internet have brought changes to people's lives and economy. The trademark rights in the online environment have not only expanded their popularity due to the promotion of products and services through the internet, but also generated unique forms of trademark infringement, leading to many new types of trademark infringement issues. This has to some extent caused conflicts between trademark owners and users, leading to a series of new trademark disputes. Based on this, this article conducts research on the legal protection of trademark rights in the online environment, in order to effectively protect the legitimate rights and interests of trademark owners.

**Keywords:** Trademark Rights, Network Environment, Legal Protection

In recent years, with the rapid development of information technology and the gradual popularization of online transactions, trademark infringement has also occurred continuously. Although in recent years, the country has successively issued some laws and regulations on how to rectify trademark infringement in the online environment, it is still unable to achieve the protection of the legitimate rights and interests of trademark owners. Based on this, relevant legislative staff should take effective measures to address existing trademark infringement in the online environment, which is of great significance for China to more effectively protect the legitimate interests of trademark owners in the future.

## 1 The Problems Faced by Legal Protection of Trademark Rights in the Network Environment

Firstly, our country has not formed a complete legal system in regulating domain names and combating malicious trademark registration at present. This further leads to a lack of clarity in the court's determination and judgment of malicious trademark in case of a trademark dispute over a domain name. In addition, when our country solves the problem of trademark infringement in the search engine, it only solves it according to the relevant provisions of The

Anti-unfair Competition Law and The Trademark Law, and does not have a set of special laws and regulations to regulate it, this will be more detrimental to the protection of trademark owners.

Secondly, there are no relevant laws and regulations in China that stipulate the rights and obligations that network service providers should bear. This will provide network service providers with reasons to avoid liability, that is, when trademark infringement is discovered in the network environment in the future, network service providers will use various ways to evade liability. This is also not conducive to the healthy development of trademark law in the online environment.

## 2 Countermeasures for Legal Protection of Trademark Rights in the Network Environment

### 2.1 Improving Relevant Laws

Firstly, the regulation of online trademark infringement should be a top priority in improving China's laws and regulations. In laws and regulations, it is not only necessary to focus on cracking down on trademark infringement through the use of the internet, but also to strengthen the protection of domain names. In addition, the emerging infringement of online trademarks should also be included in the regulatory system of trademark laws and regulations.

Secondly, it is necessary to refine relevant laws and regulations such as trademark approximation recognition and malicious infringement. For example, before identifying trademark infringement behavior, a campaign on trademark confusion can be conducted with consumers to conduct research. If there is infringement of online trademarks, different review standards should be established for service providers and related parties providing trademarks, so that the legal responsibilities borne by both parties should also be significantly different.

Finally, it is necessary to coordinate the logical relationships of legal norms at various stages and levels, and strive to ensure that there are no conflicts between the levels. Criminal law plays a significant role in protecting citizens' personal rights and property rights, and it can also be said to be the last line of defense for protecting citizens' rights. Therefore, relevant legislators should establish relevant criminal laws based on the existing laws in China to regulate the infringement of online trademarks.

## 2.2 Improving the Responsibility System of Network Service Providers

In the online environment, relevant management workers can use website interception to protect trademark rights. Firstly, it is necessary to establish and improve the system of indirect infringement liability that service providers in the network should bear, and full consideration must be given before formulating the system. On the one hand, the established system should be able to protect the legitimate interests of network users, as network users play an important role in the Internet. Effective measures should be taken to maintain network users in order to enable the healthy development of the Internet. On the other hand, it is necessary to standardize the development of network service providers. The law can establish a "circumvention system" for network service providers. Although there is no obligation for network service providers to conduct prior review in the law, there is also a corresponding duty of care for trademark infringement. When

supervising and inspecting network service providers, they can be mainly divided into two aspects. The first is that the network service provider first reviews the legality of information on the network platform. This mainly includes formal examination of the authenticity of the user's identity. In addition, it is also necessary to supervise the legality of the products sold by network users, and to backup and retain the receipts and related information of the products sold on the network to ensure easy viewing and supervision in the future. The second is that when the trademark owner has discovered that they have been infringed, the network service provider should take timely and effective measures to solve the problem, including searching the infringing content across the entire network and comparing it one by one, then deleting the infringing content, and in severe cases, cancelling their infringing account.

In summary, with the rapid development prospects of information technology, the law is the last line of defense that can protect trademark rights holders from infringement. Therefore, relevant legislators should improve the trademark laws and regulations in the online environment to ensure the legitimate rights of trademark owners. In addition, it is necessary to improve the responsibility system of network service providers and encourage them to strengthen their supervision efforts to ensure the healthy development of the internet industry.

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