

Fengqiao Electronic Age: Research on Online Mediation of Intellectual Property Infringement in Guangzhou

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Abstract: *Fengqiao Experience, as a model of China's grassroots social governance practice, had played an important role in resolving various civil disputes. In recent years, in the face of a surge in the intellectual property disputes, in order to optimize the business environment that values intellectual property, various measures have been taken across the country, including establishing online mediation platforms such as Fengqiao E Station. How to maintain healthy market competition and regulate the rules about business rights protection is a topic that urgently needs to be studied and resolved in the field of intellectual property protection currently. This paper used the results of online surveys conducted on wxj.cn and mikecrm.com for workers in different industries, to summarize the challenges faced by online mediation of intellectual property disputes and experience accumulated in practice, such as Hong Kong's facilitative mediation model. The paper takes Guangzhou as an example, to put forward effective measures to resolve the problem and provide references for intellectual property protection in the Greater Bay Area.*

Keywords: *Fengqiao, electronic age, intellectual property infringement, online mediation, Guangzhou*

1. Introduction

In the early 1960s, during the Socialist Education Movement, the government of Fengqiao Town of Zhuji County, Zhejiang Province effectively resolved various civil disputes by "relying on and mobilizing the masses, so as to avoid passing on cases to the superior government", which is the famous "Fengqiao Experience". With the advent of the "Internet +" era, Fengqiao Experience in the new era adheres to the direction of intelligent development. Internet technology is applied to dispute resolution, the construction of information sharing mechanism is promoted, and the "Online Fengqiao Experience" is gradually accumulated. In the new era, respecting intellectual property and creation is still the requirements of society. In the face of a surge in the intellectual property disputes, in order to optimize the business environment that values intellectual property, various measures have been taken across the country, including establishing online mediation platforms such as Fengqiao E Station. How to maintain healthy market competition and regulate the rules about business rights protection is a topic that urgently needs to be studied and resolved in the field of intellectual property protection currently.

2. Proposal of online Mediation of Intellectual Property Infringement

2.1. Related National Regulations

According to Article 15 of the Regulation on Optimizing the Business Environment that came into effect on January 1st, 2020, the state shall establish a punitive damage system for intellectual property

infringement, promote the establishment of a quick and concerted intellectual property right (IPR) protection mechanism, improve the diversified dispute resolution mechanism and the assistance mechanism in intellectual property protection, and strengthen the protection of IPR. In order to fully implement relevant laws and regulations and national intellectual property strategies, and give full play to the convenient and efficient protection of diversified dispute resolution, online mediation platforms for intellectual property disputes including the Fengqiao E Station in Guangzhou have been established across the country, and the quality and effectiveness of dispute resolution have been continuously improved. The informatization and data analysis of online mediation undoubtedly provide an accurate reference for resolving disputes. However, intellectual property disputes are naturally characterized by complex interests and high professionalism, which determines that the relevant dispute resolution mechanism needs to be standardized.

2.2. Online Mediation and its Regional Characteristics

In addition to the characteristics of intellectual property disputes, the author also found in the practice of mediation that the parties to intellectual property disputes do not value the judicial decision of the court about stopping infringement. What they value is the considerable and huge economic benefit behind the intellectual property. For this reason, the author believes that due to the susceptibility and concealment of intellectual property disputes, as well as complex calculation, inaccessible proofs, long cycle, and high cost, it is necessary to combine the high marketability and profit-seeking nature of intellectual property to properly deal with related disputes and establish a set of online mediation mechanisms that conform to its nature. In addition to the nature of the case, the characteristics of legal region of the dispute also need to be considered to succeed in mediation. Let's take the Guangdong-Hong Kong-Macao Greater Bay Area including Guangzhou as an example. The three places belong to three different jurisdictions, and their substantive laws and private international laws are very inconsistent. Although the common cultures of the three places that are hard to ignore have laid the foundation for the establishment and improvement of the cross-border civil and business dispute mediation mechanism, it is undeniable that the mainland mainly adopts the evaluation model, while Hong Kong and Macao mainly adopt the facilitative model. The two models have their own advantages. The Outline Development Plan for the Guangdong-Hong Kong-Macao Greater Bay Area released in February 2019 states that the focus of the outline is "strengthening policy coordination and planning convergence". Promoting the alignment of rules amongst Hong Kong, Macau and the Mainland is inevitable to promote the construction of the Guangdong-Hong Kong-Macao Greater Bay Area. It is worthy of discussion to find a way to implement the requirements of the Outline Development Plan for the Guangdong-Hong Kong-Macao Greater Bay Area in the practice of mediation, fully implement the concept of "same protection" of intellectual property rights, and seek methods acceptable to both parties

3. Discussion on the Practice of Online Mediation of Intellectual Property Infringement

3.1. Models of Mediation

Combining the theoretical perspectives of different countries, the word "mediation" can be defined as the activities of the parties to the dispute seeking solutions, reaching a settlement agreement, and resolving disputes with the assistance of a neutral third party. The models of mediation can be divided into different types such as facilitative, evaluation, agreement, and treatment. Evaluation mediation, also known as evaluative mediation, refers to the opinions related to the relevant laws, facts and proofs provided by the mediators during the mediation process, to try to persuade both parties to the dispute to resolve the dispute. This mediation model is common in mediation practice in Mainland China. The Hong Kong facilitative mediation refers to a confidential, voluntary, non-binding, and private dispute resolution process in which a neutral person (mediator) assists both parties to negotiate and reach a consensus. The Hong Kong facilitative mediation emphasizes the needs and interests of both parties to the dispute, while focusing on the opinions and communication rather than evidence. Article 14 of the Mediation Rules of WIPO Arbitration and Mediation Center specifically states that the mediator's "right to suggest dispute resolution" shall only be used when mediation fails. In practice, it is difficult to obtain evidence in intellectual property disputes, and it is not easy to preserve evidence in the mediation stage. The conflict of interest between the two parties is greater than that in other cases, which requires more time to deal with the emotions. Therefore, facilitative mediation in intellectual property disputes conforms to both the mediation rules of WIPO and the law of intellectual property protection, which is both legal and reasonable. In the practice of online mediation in intellectual property disputes, the author

tried to combine the nature of the case to adopt facilitative mediation, and insisted on enhancing the parties' sense of honesty in dispute resolution in the norms, making certain achievements.

3.2. Mediation Cases

The following is a real case resolved by the author in practice. The basic situation is as follows: Guangzhou Company A discovered that Company B from another place had stolen original pictures from the official website of Company A for the promotion of goods on the official WeChat account of Company B, confusing the public and presenting unfair competition. If A is not willing to litigate, how can A claim rights against B who is in a different place? As mentioned earlier, A can use the online mediation platform to resolve intellectual property disputes without leaving Guangzhou, which is convenient and efficient. How should mediators smartly use mediation models to succeed in mediation? In the intellectual property disputes handled by the author, most of the parties involved are corporate organizations. Commercial subjects are characterized by profit-seeking, who generally hope to resolve disputes through the balance of economic interests. They value economic interests, goodwill and market development. In the face of intellectual property disputes in which business interests are important, if the mediator handles the mediation simply from a legal perspective at the beginning, the flexibility of mediation may not be fully shown, and improper positioning may greatly reduce the success rate of mediation. For this reason, it is very important to find a mediation model that meets the interests of commercial subjects. The author found in practice that facilitative mediation focuses on the interests of the parties instead of on the law, which is exactly the mediation model required for intellectual property disputes. While dealing with relevant mediation cases according to the facilitative mediation process, the author focused on the interests of the parties concerned, and succeeded in some of the mediation cases.

3.3. Preparation before Mediation

The Guangzhou Court of the Internet distributes the case to the case manager designated by Guangzhou Commercial Mediation Commission through the internal diversified dispute resolution platform, and then the case manager assigns the cases to the relevant mediators. According to the guidance and suggestions of judges of the Guangzhou Court of the Internet, the author will first contact the respondent based on the applicant's information. If the respondent cannot be reached, the mediator can only file a mediation withdrawal on the platform. If the respondent can be reached, the mediator will start to build a WeChat group to establish a mediation platform. The author mainly completes the above work through telephone and WeChat. It should be noted that, before mediation, it is necessary to gain the trust of the respondents in particular, and do the best to help them understand the possible consequences of intellectual property disputes. This is especially important for the successful mediation of profit-seeking intellectual property disputes.

4. Diversified online Mediation Techniques for Resolving Intellectual Property Disputes

Facilitative mediation is mainly divided into the basic stages of opening remarks, first joint meeting, individual interviews, second joint meeting, individual interviews, and reaching a settlement. Of course, the mediator can flexibly adjust the stages according to the specific circumstances of the case. If the benefits relationship of the case is not too complicated, it is necessary to strive for a one-time settlement agreement. At the same time, judicial confirmation is recommended for both parties conduct to prepare for subsequent execution. Faced with different types of intellectual property disputes, different models can be used to resolve them accordingly

4.1. Goodwill Protection Cases

The mediation skills of such cases are mainly aimed at the respondent being a medium and large company. These companies do not care about the amount of compensation, but resolving the dispute as soon as possible to maintain existing goodwill. In response to this characteristic, the mediator must pay special attention to confidential matters throughout the mediation process. The word "confidentiality" should be highlighted in the WeChat group to improve the awareness. The process must be standardized, but not procrastinated. Regarding the opening remarks, in order to ensure the efficiency required by the parties, the author synchronously logged in to WeChat on the computer side and sent the prepared opening remarks to WeChat. Regarding the first joint meeting, it is necessary to find out the common basis for communication between the two parties based on the case as soon as possible. As for individual

interviews, the main purpose is to guide the parties to adopt measures that are mutually acceptable to resolve disputes as soon as possible and avoid litigation.

4.2. Case-guided Cases

The mediation skills of this type of case are mainly aimed at the respondent, as the applicant claims that the amount of compensation is insufficient. These companies hope to have a legal basis of the amount of compensation to resolve disputes as soon as possible. Based on this characteristic, mediators should utilize judges or litigation platforms to provide both parties with judgments in similar cases as a reference for mediation. Regarding the opening remarks, in order to ensure the efficiency required by the parties, the author synchronously logged in to WeChat on the computer side and sent the prepared opening remarks to WeChat. Regarding the first joint meeting and individual interviews, the mediator must first summarize the common basis for communication between the two parties based on the case as soon as possible, and then arrange a private conversation on WeChat as an individual interview during the joint meeting, that is, online private communication. It is necessary to get in touch with each other, resolve disputes as soon as possible, and avoid litigation. Since the respondent needs time to compare the judgments of similar cases, the second joint meeting may be held after 3-5 days for this kind of mediation, and the mediation is more likely to be successful. At the beginning of the second joint meeting, it is necessary to remind both parties to discuss the points of interest. The consensus reached at the first joint meeting can be emphasized, to remind both parties to consider their interests to eliminate differences. During the individual interviews, the mediators should show patience and respect, and try to strive for success in mediation. In the second joint meeting, the mediators should continue to arrange individual interviews, grasp the core points, and do not procrastinate the process. The discussion of the pending issues shall be discussed one by one in the order agreed upon by both parties. At the same time, it is necessary to give full play to the advantages of online mediation to make up for the failure in fully expressing their wishes due to the inability to immediately perceive the other party's emotions.

4.3. Emotion-Guided Cases

The mediation skills for such cases are mainly aimed at cases where both parties are dissatisfied and the case is relatively simple. In this type of case, the mediator must pay attention to fully respect the emotions of both parties, and persuade them with reasons. For the opening remarks, in order to ensure equal status of both parties, the mediators shall call the male a Mr. and the female a Ms., without adding any title, to avoid negative mediation effects due to disparity in social status. This is the technique of "empowerment" in the Hong Kong facilitative mediation. For the first joint meeting and individual interviews, it is important to note that the order of the matters to be discussed must be approved by both parties. The mediator should not arrange the order at will, so as not to cause any suspicion. If the mediation fails after the first joint meeting, the mediator can arrange a second joint meeting, but it should be noted that private conversation on WeChat can be arranged before the joint meeting to continue to calm the emotions of both parties. Regarding the second joint meeting, the mediators should try their best to guide both parties to focus on the development of the enterprise on the basis of calming their emotions. Their emotions should not affect the proper handling of the case to finally achieve a successful mediation.

5. Flexibility of online Mediation Results for Intellectual Property Infringement

The mediator must respect the wishes of the parties, and must not "patch things up" for the success of the mediation. Regarding the different results in the mediation process, the mediator should treat it rationally and seek a method acceptable to both parties to advance the next step.

5.1. Not disheartened by Unsuccessful Mediation

When the mediation is unsuccessful, the mediator must first send a message to the WeChat group to show gratitude for the active participation of both parties. At the same time, the mediator should remind both parties that it is only one step left to the success. Try to encourage them and give them time to consider whether to continue the mediation. One characteristic of online mediation is that body language is unnecessary to facilitate mediation. It is precisely such a characteristic that makes the mediation more flexible. Intellectual property disputes involve interests of many parties, so such a characteristic is needed to succeed in mediation.

5.2. Not Worried After Reaching a Settlement

Remember, the purpose of mediation is to reconcile. If both parties can reach a settlement, there is no need for mediation. In the mediation process, if the dispute between the parties is a small one, or if the amount of the subject matter is relatively small, the mediator should encourage the parties to contact each other to reach a settlement. After that, they should submit the settlement plan to the mediator, complete the agreement with the assistance of the mediator, and sign or stamp for approval, so as to resolve the dispute. Of course, for situations where the two parties cannot reach an agreement, online mediation is still needed. If the online mediator is unable to resolve the dispute after intervening, “unsuccessful mediation” should be specified, so that the case can enter the litigation process in accordance with the law. The above approach is based on Article 36 of the Mediation Regulations of Guangzhou Court of the Internet’s Diversified Dispute Resolution Online Platform (Trial). “If the mediation fails, the mediator should fill in materials like Termination of Mediation Report, and Agreement on Confirmation of Undisputed Facts, to file the dispute to the court for filing through a diversified resolution platform”.

5.3. Follow-up for Successful Mediation

The mediator should send messages to the WeChat group to thank both parties for their efforts. At the same time, the mediator should say something to encourage both parties, so that the relationship between them can be more harmonious. If it is settled immediately, everyone will be happy. But if it needs to be executed in installments, the mediator should respect the will to apply for judicial confirmation or the court to issue a mediation document, and at the same time, say something to encourage both parties and prepare for the installment. What needs to be reminded is that after the successful online mediation, if a judicial confirmation is needed immediately, both parties can complete it face to face. However, the actual situation needs to be considered. For example, the pandemic will cause inconvenience to offline judicial confirmation. After the mediation is successful, the mediator should follow up the relevant situation in real time through the platform to ensure that the execution is in place, so that the right is fully protected. Regarding the confirmation of the mediation agreement, the mediator should ensure the legitimacy and voluntariness, and take into account efficiency and justice.

6. Online Mediation Mechanisms and Platform for Resolving Intellectual Property Disputes

6.1. Fengqiao E Station: Online Mediation Platform for Resolving Intellectual Property Disputes

In recent years, the number of intellectual property disputes accepted by courts in Guangzhou increases rapidly. Facing the surge of cases, the courts in Guangzhou innovated a one-stop diversified dispute resolution mechanism, and issued Several Opinions on Promoting the Construction of a One-stop Diversified Dispute Resolution Mechanism (Trial), to handle conflicts and disputes on the online dispute resolution platform (ODR platform), actively promote the multi-industry and multi-field specially-invited mediation system, and promote the establishment of industry-based and professional mediation organizations, in order to fully release the potential of diversified dispute resolution, and accumulate a number of on-site practice samples of “Fengqiao Experience” for quick one-stop resolution of conflicts and disputes. For example, the Guangzhou Court of the Internet officially launched the “Fengqiao E Station” on this basis. It integrates the traditional “Fengqiao Experience” with Internet justice, and establishes online dispute resolution sites on the Internet platforms of enterprises or institutions to provide parties with diversified on-site dispute resolution services such as reconciliation, mediation, and litigation. The Electronic Court has been launched in many places in Guangdong, Hong Kong and Macau, innovating the cross-border online diversified dispute resolution mechanism. In September 2019, in the demonstrative mediation of an image infringement case accepted by the Guangzhou Court of the Internet, the parties in 77 similar cases participated in the audit, and the mediation of 51 cases was successfully completed, with a success rate of 66.2%.

6.2. Diversified online Mediation Mechanisms

The Guangzhou Commercial Mediation Commission is a social and non-profit mediation organization established with the approval of the judicial administrative department and is directly subordinate to the Guangzhou Economic Law Association. The team of mediators of the Commission is selected from the Association, covering professionals in various fields such as law, who are

characterized by fairness, professionalism, and meticulousity required for the mediation of civil and commercial disputes such as intellectual property infringement. The mediation model is “people’s mediation + judicial confirmation”, which can quickly and efficiently resolve civil and commercial disputes including intellectual property disputes, providing due support for the optimization of the business environment in Guangzhou and the Greater Bay Area. In 2019, the Commercial Mediation Commission of the Guangzhou Economic Law Association (hereinafter referred to as Guangzhou Commercial Mediation Commission) entered the Guangzhou Court of the Internet platform as a specially invited mediation agency to conduct online mediation activities. Guangzhou Court of the Internet invited Guangzhou Commercial Mediation Commission to settle in the platform and give full play to the mediation function in intellectual property disputes based on the advantages of the Commission. In addition to Guangzhou Commercial Mediation Commission, five people’s mediation commissions including the Guangdong People’s Mediation Commission for Intellectual Property Disputes, and Internet companies such as Alibaba and Tencent have also settled in the diversified resolution platform. Guangzhou Court of the Internet is a “mobile court”. The court transfers the disputes to the relevant mediation organization in accordance with the relevant provisions of the People’s Mediation Law of the People’s Republic of China. The mediation organizations then appoint a people’s mediator to organize the parties to reach a mediation agreement voluntarily on the basis of equal consultation. Intellectual property disputes are complicated and the judges are under great pressure. Mediation can help relieve such pressure.

7. Main Challenges Faced by Online Mediation of Intellectual Property Infringement

7.1. The Public’s Preference of Mediation Needs to Be Increased

The mediation process of intellectual property disputes should not only consider the resolution of disputes, but more importantly, proceed from the overall situation of mutual economic win-win and commercial cooperation between both parties. The result of mediation by the parties may be the transfer of part of their interests. The process of mediation is a process in which the mediator repeatedly balances the interests of the parties. Regarding the choice of mediation models for intellectual property disputes, the questionnaire data shows that 72.8% of the subjects said they were not familiar with the online mediation process, and 38.6% of them said they would not prefer online mediation. It can be seen that market entities have little knowledge of resolving disputes through online mediation, so they need to be guided correctly, and they need more sense of gain in the protection of rights.

7.2. The online Mediation Mechanism Needs to Be Improved

In 2019, the Guangzhou Court of the Internet set up a diversified dispute resolution platform. Through the mediation of specially-invited mediators, it served the parties online and received significant results. The surveys showed that 63.5% of the subjects indicated that they were not familiar with the management of the mediation platform. Due to the complexity of intellectual property disputes, the functions of the platform need further improvement. For example, when contacting the parties by phone or WeChat, it should be taken into consideration about how to gain the trust of the parties without being misunderstood as a phone scam, and how to upload the evidence. If there is a problem in uploading the mediator’s documents, is there any procedure that can reverse that? As mentioned earlier, the mediators should face directly the difficulties, combine with the specific circumstances of the case and insist on innovative development, in order to resolve disputes efficiently.

During the process of mediating intellectual property disputes, the author found that though IP disputes are complicated, the parties to the disputes are most concerned about economic interests. Therefore, when there is an IP dispute, can the mediator succeed in mediation starting from the interests of both parties? In addition, what are the factors that affect the success of mediation? In order to further understand the relevant situation, the author designed the questionnaire based on the practice of mediation, and carried out online surveys randomly on wjx.cn and mikecrm.com. Relevant data shows that 80.3% of the subjects believe that the parties involved in intellectual property disputes care about their own interests the most. 51.9% of the subjects believe that the priority factor in resolving intellectual property disputes is whether it can be effectively implemented. Regarding online mediation agencies, everyone has shown certain concerns about whether the process is convenient for the people, whether the management is complete, whether the service is in place, and the reputation of the mediation agency in the industry. Regarding the mediator’s experience, work attitude, mediation skills and mediation norms, these issues are also within the consideration of most people. Regarding the process of mediation

activities, 62.7% of the subjects hope that the mediator has a standardized process. Regarding the execution after mediation, 58.8% of the subjects require a judicial confirmation.

8. Suggestions about Perfecting online Mediation of Intellectual Property Infringement

8.1. Enhance Publicity and Increase Public Recognition

Under the new dispute resolution model, relevant public awareness and risk prevention awareness and user habits need to be cultivated. The non-disclosure principle of mediation may reduce the public's awareness of the dispute resolution function. Therefore, relying on the portal and the service hall, it is necessary to establish a sound interactive communication mechanism, announce and explain the operation details of the diversified resolution process including mediation, and increase the coverage and awareness of the regulations. First of all, popularize the mediation knowledge. Relevant departments can use various methods such as demonstrative mediation, WeChat promotion, cloud classroom, computer terminal, and offline seminars, to summarize typical cases in a timely manner based on the nature of intellectual property disputes, and create a good environment for smoothly carrying out relevant mediation work. Secondly, provide enterprises with professional mediation training. Through organizing corporate intellectual property protection training activities, improve the relevant knowledge level of corporate staff. Thirdly, organize local and even national academic exchange activities on the topic of intellectual property, organize various online and offline activities, such as knowledge contests and academic lectures, to maximize the effect of publicity. In order to give full play to the unique advantages of the diverse legal systems of Guangdong, Hong Kong and Macao, and serve the construction of the Guangdong-Hong Kong-Macao Greater Bay Area, in 2020, the Higher People's Court of Guangdong Province held a mock trial of intellectual property disputes in Guangdong, Hong Kong and Macao. It is recommended to refer to the above experience to organize an IP dispute mock mediation jointly in the three places to guide more public to recognize and give priority to online mediation.

8.2. Innovative ways to improve the Efficiency of Mediation

In the mediation process of intellectual property disputes, the involved interests are more complicated and the damage calculation is more difficult than that in other cases. Therefore, it is necessary to prove in writing when the two parties reach a settlement. For online mediation, how the settlement agreement should be presented and how to obtain sufficient trust from the parties are issues worth considering in practice. According to Paragraph 2 of Article 2 stipulated in the United Nations Convention on International Settlement Agreements Resulting from Mediation (Singapore Mediation Convention), a settlement agreement is "in writing" if its content is recorded in any form. The above provisions mean that the information contained in the electronic communications can be made available for future reference, that is, the written requirements of the settlement agreement have been met. Therefore, in the online mediation process, the consensus reached by the parties online should be effectively recorded and retained as the written form of the agreement. At this point, we can learn from the excellent experience of Beijing Court of the Internet. In order to gain the trust of the parties in a relatively short time, the call records generated by the Beijing Court of the Internet when using the virtual dials will leave traces on the system, so that mediators and judges can trace them and keep the evidence. At the same time, it can further solve the problem of the parties' distrust of the mediators. When the parties receive the call, they will also receive a text message simultaneously showing the case mediator's extension number, so that the parties can contact the mediator at any time. The above practice can be considered for reference. Meanwhile, the mediator should combine the actual situation of the case in the mediation process and flexibly learn from the excellent experience of online mediation at home and abroad. For example, they can learn from Hong Kong and Macao and adopt facilitative mediation to actively encourage the parties to propose a settlement agreement and actively perform the obligations of the agreement, reduce the regretting rate of the parties, and improve the efficiency of mediation.

8.3. Improve the System and Increase Convenience for the Public

The establishment of a sound system is an important factor that affects the public's preference for online mediation as a way to resolve intellectual property disputes. In this regard, Guangzhou's successful practice has provided valuable experience for online dispute resolution. On July 31, 2020, the Information Office of Guangzhou Municipal People's Government held a special press conference on judicial openness in courts in Guangzhou to announce the measures and results of judicial openness in

Guangzhou's two-level courts to help optimize the business environment under the rule of law. The press conference pointed out that it is necessary to improve the online dispute resolution system of diversified coordination, participation and common interests to improve a fair and convenient user experience. Under the guidance of this goal, Guangzhou will accelerate the construction of the intellectual property protection service system through the interconnection of platforms, and provide a full range of mediation services for optimizing the business environment. In recent years, through promoting various business reforms in legal aid and people's mediation, Guangzhou's public legal service system has been continuously improved. For example, in 2019, Nansha deepened institutional innovation in the field of intellectual property rights, actively constructed a work pattern for the "big protection" of intellectual property rights, and established the country's first intellectual property dispute mediation center of court at ports. On the premise of fully respecting the wishes of the parties, Nansha actively informed the parties of the relevant provisions and measures that they could apply to the court for pre-litigation preservation and mediation. If both parties reached a preliminary settlement, the Nansha People's Court would appoint a mediator to intervene in the dispute in advance and initiate relevant pre-litigation mediation mechanism, which effectively shortened the dispute resolution cycle and saved the economic costs. Since the operation of the center, it has successfully completed the mediation of an IP dispute of a certain battery brand within just two hours. In addition, it has also actively leveraged the technological empowerment of "Internet+" to create a commercial mediation app, and has been awarded the "Top Ten Cases (Examples) of Creating a Legalized Business Environment in Guangzhou in 2017". How to promote and apply such practical experience in Guangzhou that can be copied and used for reference? Taking the Greater Bay Area as an example, we can start from the following aspects: Firstly, create a corresponding public service platform to better meet the public legal service needs of the three market entities, and help create a social governance pattern of collaboration, participation and common interest. Secondly, improve the mediation laws in the Greater Bay Area according to the People's Mediation Law, with the Singapore Mediation Convention as a reference. The legislative principle should be based on promoting the economic development of the three places. The purpose of the legislation should be conducive to social and economic development and protect the long-term interests of enterprises. The legislative measures (including the approval process) should be improved from the national level to the mediation system of the three places. Thirdly, establish a legal service platform between enterprises and legal service providers in the Greater Bay Area. The construction of the platform requires resource integration amongst the relevant departments of the three places. Establish an information platform and a legal service platform for technological innovation. The platform should include intercommunication amongst enterprise, amongst legal service providers, between enterprises and legal service provides, and should docking outside the domain. Fourthly, establish a typical case database, improve the database for the disputes, laws and regulations in the three places. The database should include case information, links to the laws, document templates and news and hotspots. Fifthly, establish a standing group for civil and commercial mediation in the three places. The governments of the three places should promote the establishment of a joint mediation platform.

8.4. Carry out Publicity Activities to Cultivate Intellectual Property Culture

The frequent occurrence of intellectual property disputes stems from the insufficiency or lack of public awareness of intellectual property protection. The public's awareness of intellectual property protection can be increased through carrying out a variety of activities for intellectual property protection. While enhancing the publicity of online mediation, remind the public that they can actively seek online mediation to protect their legitimate rights and interests, when their intellectual property rights are infringed. Article 77 of the Measures for the Promotion and Protection of Intellectual Property Rights in Guangzhou Nansha New District (Free Trade Zone) stipulates that the competent authorities and relevant departments in the district must vigorously carry out the promotion of intellectual property protection in enterprises, units, communities, schools, and the Internet, so as to plant the concept and awareness of intellectual property protection deeply in the hearts of the people, and cultivate a social culture that advocates and respects innovation. Article 7 of Macao's Cultural Heritage Protection Law stipulates that residents of the Macao Special Administrative Region shall have the right to enjoy cultural heritage. The public's enjoyment of the cultural heritage of the Macao Special Administrative Region shall coordinate with the function, safety, protection and promotion of the heritage. The protection of intellectual property rights, including cultural heritage, is inseparable from the constant perception and comprehension of the public, including young people, in corresponding cultural practices. Regarding the above excellent experience in Guangzhou Nansha New District and Macau Special Administrative Region, the Guangdong, Hong Kong and Macau Greater Bay Area can learn from each other and promote their experience to the cultivation of intellectual property protection culture. The

cultures of the three places have the same origin. Interesting activities related to mediation can be held from time to time through online and on-site communication. In addition to simple explanations, the activities can also be combined with recording micro-videos, guided competitions, and exploration activities.

9. Conclusion

As mentioned earlier, with the increasing awareness of social intellectual property protection and rights protection, the number of intellectual property disputes continues to increase, and the pressure on the courts for trials is also increasing. Practice has proved that boldly applying Internet technology to every aspect of online mediation can facilitate dispute resolution. The successful practices of E Court, cross-border mediation, remote mediation, Hong Kong facilitative mediation, and diversified dispute resolution platform have effectively served the parties and served the purpose of closing the case, which can be promoted and used for reference. Guangzhou, as part of the Guangdong-Hong Kong-Macao Greater Bay Area, needs in-depth discussion and implementation of issues like how to improve the effectiveness of mediation, improve the level of mediation, and improve the efficiency of mediation through diversified dispute resolution platform. All the difficulties in the world must be done easily. All the great things in the world must be done meticulously. In the next step, including the Guangdong-Hong Kong-Macao Greater Bay Area, China will leverage the “Belt and Road Initiative” to gradually form an international dispute resolution center. The relevant courts must start with details and improve the online dispute resolution platform for intellectual property. Mediators need to standardize the process and accurately understand the needs of the parties to assist them in achieving their set goals, so as to help optimize the business environment and export oriental mediation wisdom with Chinese characteristics to the world.

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