

Research on the Legal Protection of Economic Law for the Development of Emerging Industries

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ABSTRACT

Emerging industries cover high-tech, green energy, digital economy and other fields, and are closely related to the national economic reconstructing and innovation-driven strategies. However, with the rapid development of emerging industries, the adaptability and completeness of the legal environment are facing serious challenges. Economic law is an important legal tool to adjust the behavior of market subjects and guarantee the development of industries, and its effectiveness and applicability are of great significance to the growth of emerging industries. Therefore, this paper will discuss the legal protection mechanism of economic law for emerging industries, in order to provide legal protection and policy recommendations to promote the healthy development of emerging industries.

KEYWORDS

Economic law; Emerging industries; Legal guarantee

The rise of emerging industries such as information technology, biotechnology and new energy resources has provided new impetus to the economic reconstructing of various countries. They are playing an increasingly important role in driving economic growth, and have a profound impact on a number of areas, including innovation, employment and sustainable development. However, emerging industries also face a series of legal and institutional challenges in the process of development. The current legal framework is often difficult to adapt to the characteristics of emerging industries, and in the context of rapid technological development, the practical application of traditional legal provisions has many limitations. For example, the lag of intellectual property protection makes many innovations unable to get due legal protection, thus inhibiting the innovation impetus of enterprises and the healthy development of the market. With the rapid development of emerging economic forms such as digital economy and sharing economy, improving economic law to support the sustainable development of emerging industries has become a hot spot in economic law research today. In conclusion, this paper will study the legal protection of economic law for the development of emerging industries, in order to provide some theoretical support and practical guidance for related fields.

1 Analysis of Legal Environment of Emerging Industries

1.1 Innovation-driven: the Combination of Technology, Market and Policy

Technological progress provides a wide range of possibilities for emerging industries, market demand drives the practical application of technology, and policy support creates a favorable

environment for all of these. Technological progress is the basis of innovation-driven emerging industries. Technological innovation enables enterprises to optimize operations, improve efficiency and reduce costs through big data, cloud computing and other means, and the rapid iteration of technology also requires enterprises to continuously invest in research and development to maintain competitive advantage, which further promotes the formation of the innovation atmosphere and technology ecology of the entire industry. Market demand is a powerful driving force to promote technological innovation. As consumers' pursuit of personalized and high-quality products intensifies, enterprises must respond quickly to market changes and provide differentiated products and services. Under this background, enterprises need to rely on existing technologies to explore new market demands, and then stimulate continuous technological innovation.

1.2 The Concept and Core Content of Economic Law

Economic law aims to use legal means to regulate economic activities, promote the establishment and maintenance of market order, and protect the social public benefits and individual legitimate rights and interests. It involves the legal norms of the state, market subjects and other economic behaviors, and covers many legal fields such as anti-monopoly law, competition law, consumer protection law, intellectual property law and finance and tax law. The main functions of economic law are to regulate the behavior of market subjects and ensure the normal operation of market economy. In market economy, the relationships among various market subjects such as enterprises, consumers and the government are complex and diverse. Economic law maintains fair competition and prevents unfair competition and monopolistic practices by regulating market transactions, competitive behavior and commercial activities. Through these provisions, economic law effectively protects the legitimate rights and interests of consumers and promotes the healthy development of the market. At the same time, economic law bears the important responsibility of regulating the relationship between the market and the state. In modern economy, state intervention and regulation are necessary means to maintain market order.

2 The Guarantee Mechanism of Economic Law for the Development of emerging Industries

2.1 Construction of the Legal System

The construction of legal system should be based on the overall strategic planning of the country. The Outline of the 14th Five-year Plan for Economic and Social Development and Long-range Objectives Through the Year 2035 of the People's Republic of China¹ has clarified the importance of scientific and technological innovation and laid the policy foundation for the legal framework of emerging industries. At the same time, relevant laws need to be combined with national strategies to form systematic support for emerging industries. For example, for specific fields such as artificial intelligence and biotechnology, corresponding special laws can be formulated to clarify specific requirements such as industry standards, intellectual property protection, and market access, so as to provide clear legal guidance and protection for enterprises. In addition, the legal system needs to address the limitations of existing laws in adapting to the development of new industries. It is often difficult for the traditional legal framework to effectively cover new issues brought about by emerging technology. For example, in terms of intellectual

¹ The Central People's Government of the People's Republic of China: The Outline of the 14th Five-year Plan for Economic and Social Development and Long-range Objectives Through the Year 2035 of the People's Republic of China

property protection, defining the copyright ownership of AI-generated works and protecting data and its use are all legal gaps that need to be solved urgently. Therefore, It is necessary to fill these gaps by amending existing laws and enacting new ones to ensure that the law can adapt to technological advances.

2.2 Government Regulation and Market Access

2.2.1 The Establishment of Government Regulatory Framework

Government regulation is a constraint on market behavior and a support for the healthy development of emerging industries. An effective government regulatory framework can provide a clear legal environment for emerging industries, enable enterprises to carry out innovative activities on the basis of legality and compliance, and promote the sustainable development of industries. On the one hand, with the progress of technology and changes in the market, many new business models and technology applications often appear in emerging industries, which requires the government to formulate regulatory policies adapted to the characteristics of emerging industries on the basis of the existing legal system. For Internet companies involved in data processing and privacy protection, the regulatory framework should strengthen regulatory requirements for user data security to ensure that consumers' rights and interests are not infringed. On the other hand, the characteristics of emerging industries determine that they involve multiple fields and departments, so the government should establish a cross-departmental coordination mechanism to avoid regulatory blind spots caused by overlapping functions or missing responsibilities among various departments. Through cross-departmental information sharing and cooperation, risks in emerging industries can be identified and managed more comprehensively, and all-round supervision of emerging industries can be formed.

2.2.2 The Impact of Market Access Policies

Market access policies determine the conditions and procedures for enterprises to enter a specific market, and affects the industrial competition pattern and the allocation of market resources. The easing of market access policies plays a direct role in promoting the growth of emerging industries. In a competitive market environment, simplifying and lowering market access barriers can encourage more entrepreneurs and businesses to enter the market, and promote innovation and diversity. Easier access to business licenses and related qualifications for start-ups and technology companies will encourage more innovative projects to come online and promote rapid iteration and application of technology. The open market access policy can form a good competitive atmosphere, and prompt the participants in the industry to continuously optimize products and services, so as to meet the increasing needs of consumers. However, too loose market access policies may also lead to disorderly competition in the market, which will affect the healthy development of the industry. In the absence of effective regulation and standards, emerging industries may suffer from poor quality and vicious price competition, which will ultimately damage consumers' rights and industry reputation.

2.3 Intellectual Property Protection Mechanism

The establishment of a comprehensive and effective intellectual property protection mechanism can encourage enterprises to increase investment in research and development, ensure fair competition in the market, and safeguard the legitimate rights and interests of innovators. Current intellectual property laws in China include the Patent Law, the Copyright Law and the Trademark

Law, etc. These laws provide basic legal protection for different forms of intellectual property rights. However, the effectiveness of the implementation of these laws is often challenged in the face of rapidly evolving technological fields. For example, the rapid development of artificial intelligence and big data technology has made the traditional definition of intellectual property more complicated. In addition, while legal provisions provide the basis for the protection of intellectual property rights, the actual execution capability and the soundness of the rights protection mechanism are equally critical. In the face of infringement, enterprises often need to protect their rights through legal channels. Establishing an efficient intellectual property protection mechanism can improve the efficiency of handling infringement cases and reduce the cost and time of enterprises in the process of safeguarding rights.

3 Discussion on the Path of Cooperative Development of Economic Law and Emerging Industries

3.1 Improve the Support of Economic Law for Emerging Industries

Emerging industries are usually characterized by strong technological innovation, rapid market changes, and diverse development modes. These characteristics require that economic law can provide a stable legal environment and be flexible to adapt to rapid changes in the market and technology. Therefore, economic law should provide clear legal support and policy guidance for the development of emerging industries. In this process, the state should enact laws specifically targeting emerging industries through legislative procedures. The laws can cover encouraging measures for enterprise innovation, financing support policies, easing market access conditions, etc., so as to form a systematic legal guarantee system and promote the healthy development of emerging industries. In addition, the improvement of economic law should pay attention to the protection and support of intellectual property rights, and the core competitiveness of emerging industries often depends on the effective protection of intellectual property rights. Although the existing intellectual property legal framework provides some protection, it is still a challenge for economic law to adjust and extend the scope of protection in a timely manner in an environment of rapid technological development.

3.2 Promote the Positive Interaction between the Law and the Market

The positive interaction between the law and the market helps to build a stable market environment, effectively improve the market efficiency and the allocation of social resources, and ultimately promote the sustainable economic growth. The positive interaction between the law and the market is reflected in the scientific design of laws and the conscious compliance of market subjects, and through the complementary relationship, jointly promote the healthy development of emerging industries. Therefore, the law should provide clear rules and frameworks for the market to enable market subjects to conduct business activities in a compliant environment. By formulating reasonable laws and regulations, the government can provide clear standards of conduct and competition rules for market participants to reduce market uncertainty. When the law can adapt to market changes and be adjusted in a timely manner, enterprises can better grasp market opportunities to engage in innovation and investment. Conversely, if the law lags behind market developments, enterprises may face legal risks that affect their decision-making and innovation capabilities. In addition, the market is the basis and test standard for the implementation of laws, and through the observation of the behavior of market subjects, the legislature can obtain a large amount of first-hand data to evaluate the effectiveness and adaptability of existing laws.

4 Conclusion

This study makes an in-depth discussion on the legal protection of the economic law for the development of emerging industries, and clarifies the characteristics of emerging industries under the combination of technology, market and policy, and the key role of economic law in supporting the healthy development of emerging industries. The establishment of a sound legal system, the construction of an effective government regulatory framework, and the strengthening of the intellectual property protection mechanism are important guarantees to promote the sustainable innovation of emerging industries. At the same time, promoting the positive interaction between the law and the market can create a more stable and predictable business environment for enterprises, thus encouraging them to engage in innovation and investment.

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