

# Strategies for the Protection of Ceramic Intellectual Property Rights under the Notarisation System for the Preservation of Evidence

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**Abstract:** On 1 June 2021, China's Patent Law of the People's Republic of China came into force, Article 11 of which explicitly provides for infringement of intellectual property rights of patents. The introduction of this provision demonstrates the exclusivity and monopoly of patents and the importance China attaches to the protection of intellectual property rights in patents. The present ceramic patent intellectual property rights of particularly serious infringement. The notary public notarisation of ceramic evidence preservation notarisation is not standard, notarial instrument effectiveness is insufficient and other issues, proposed to improve the preservation of evidence notarisation notarisation method, play the notary public evidence of natural credibility. Through the mainland China preservation of evidence notarisation and China Taiwan preservation of evidence notarisation for notary public for notarial field work documentary effectiveness, intellectual property protection function comparison research, this research draws on China Taiwan notary public for notarial field work documentary effectiveness, notary public for intellectual property protection function diversification of the advantages of notary public for notary public preservation of evidence notarisation in mainland China in the deposition of the problem of notary public for the protection of intellectual property rights business to extend the notary public for the protection of intellectual property rights business.

**Keywords:** China, Ceramics, Intellectual Property Rights, Notarisation, Preservation of Evidence.

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## 1 Introduction

On 1 June 2021, China's Patent Law of the People's Republic of China (Patent Law) was formally promulgated and put into effect. Article 11 of the Patent Law clearly stipulates that no unit or individual shall, without the permission of the patentee, carry out the patent, i.e., shall not manufacture, sell, sell, or import the patented product for the purpose of production and business. Article 11 clearly stipulates that no unit or individual shall implement the patent without the licence of the patentee, i.e. shall not manufacture, promise to sell, sell or import its patented products for the purpose of production and business. This provision specifies the measures for the protection of patent intellectual property rights in China, to combat the infringement of ceramic intellectual property rights, to protect the security of ceramic intellectual property rights.

Patent law mainly in ceramic intellectual property rights protection in the early stage to play a preventive

warning role. In ceramic infringement, patent law alone to protect ceramic intellectual property rights in the evidence of the fixed aspects of patent infringement appears to be particularly insufficient protection, but also need to introduce the notary infringement of ceramic intellectual property rights of evidence fixed. 1 September 2017, People's Republic of China Notary Public Law was introduced into the implementation of the notary public institutions for the preservation of evidence of notarial matters, which clearly stipulates that the amendment to the law to protect effectively Ceramic intellectual property rights infringement of late security.

In terms of notarisation of preservation evidence for ceramic intellectual property rights, Zhang Xi (2023) points out that digital archiving allows notaries to digitally archive intellectual property related documents to ensure the authenticity and completeness of the evidence[1]. Xia Xianhua (2020) points out that notaries can play a role in factual fixation, among other things[2]. Wang Qin hao

[1] Zhang Xi. (2023). Development of intellectual property notary services in the context of the new provisions of the Civil Code.

*China Notary* (07), 44-46.

[2] Xia, Xianhua. (2020). Theoretical review of notary's

(2020) proposes to try to build a chain of notary and forensic alliances to achieve the purpose of solidifying electronic evidence and sharing data on the integrity of the parties[3].

Scholars in the evidence preservation notary public for intellectual property rights infringement protection, put forward the evidence digitisation, to ensure the authenticity of evidence. The notary evidence preservation has credibility and helps the judiciary to find evidence facilitation. Evidence preservation notary protection of intellectual property rights infringement of late evidence fixed. Notary participation in forensics, electronic evidence curing and other in-depth research. But the lack of evidence preservation notary public protection of ceramic intellectual property rights infringement of evidence on the research. And the present ceramic evidence preservation notary public in the evidence collection procedure is caught in the way with the difficult dilemma of evidence collection, evidence preservation is not easy to impede the evidence preservation notary public in the protection of ceramic intellectual property rights infringement to play the natural national credibility of the effectiveness of the advantage.

## 2 Methodology

### 2.1 Research Method

The research in this paper will use qualitative research to address the issues.

Firstly, interview method. This research will interview seven interviewees from different industry sectors on the existing ceramic evidence preservation notarisation in China produces problems such as difficulties in obtaining evidence, and how to promote the formation of effective and fast evidence preservation notarisation.

Second, literature review method. For China evidence preservation notary protection ceramic intellectual property rights evidence collection method perfect, notary public evidence preservation notary public and court, supervisory office and other judicial organs for joint evidence fixing, glazed ceramics easy to fall off the colour, storage is not easy to carry out a search of Chinese and foreign literature research. Li Jinghai pointed out in the Analysis Of The Relevant Content Of The Notarial Evidence to enhance the objectivity, authenticity and standardisation of the notarial

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participation in the reform of judicial auxiliary affairs under multi-dimensional theory. *Journal of Harbin Institute of Technology (Social Science Edition)* (04), 32-38.

[3] Wang Qin hao. (2020). Application trends and development of blockchain + rule of law. *People's Forum-Academic Frontier* (20), 120-123.

[4] Li, Jinghai. (2018). Analysis of the relevant contents of notarial

evidence[4]. Zou Lidan and Pan Yishan in the Preservation Of Evidence Notary Business Regulation And Development pointed out that the establishment of notary and court communication and coordination mechanism, notary institutions should take the initiative to promote the notary's judicial identity[5]. Wu Xiaofei pointed out in Measures to Enhance the Service Capacity of Notaries in the Field of Intellectual Property Protection that in terms of hardware facilities, for various types of intellectual property notary business types, notary offices can set up a separate office for handling evidence, and configure computers, servers, filming, and other evidence-gathering equipment dedicated to notarisation[6].

Third, the comparative method. Comparative analysis of the evidence preservation notarisation of notary institutions in Taiwan, China, with the effectiveness of the evidence preservation infringement fixtures of notary offices in China in the event of loss, the single type of evidence preservation notarisation, and the single function of evidence preservation notarisation.

### 2.2 Chapter Division

This research will be divided into the following four parts.

Firstly, it introduces the origin of notarial evidence preservation, makes a comparative distinction between notarial evidence preservation and evidence preservation notarisation, and discusses the existing status quo of ceramic evidence preservation notarisation in China which is difficult to obtain evidence, as well as the problems arising from ceramic evidence preservation notarisation practice.

Second, using qualitative research literature review and expert interview method. For the literature for the collection of domestic and foreign for China's ceramic evidence preservation notary forensics difficult views. Using expert interview method, some notary industry experts, judicial experts, ceramic production experts to interview, understand the experts on China's ceramic evidence preservation notary forensic difficult status quo and summarise the expert's recommendations, promote the ceramic evidence preservation notary forensic method of perfection, play the role of notary evidence preservation of imperial evidence.

Third, on the second part of the collection of the

evidence. *China Notary* (09), 55-59.

[5] Zou, Lidan & Pan YiShan. (2023). Regulation and development of notarial business of preservation of evidence. *China Notary* (03), 49-51.

[6] Wu, Xiaofei. (2024). Measures to improve the service capacity of notary public in the field of intellectual property protection. *Legal Expo* (05), 106-108.

present ceramic evidence preservation notary public evidence collection and evidence preservation notary public for the role of evidence fixing advantages and disadvantages, understand the evidence preservation notary public as the king of evidence for China ceramic evidence fixing role, improve China ceramic evidence preservation notary public evidence difficult to collect the shortcomings.

Fourth, China's evidence preservation notary public and Taiwan's evidence preservation notary public in the original evidence of the loss of the effectiveness of notarial instruments, evidence preservation notary public of the type of evidence, evidence preservation notary public function of the differences, to make up for the shortcomings and draw on the advantages of Taiwan's evidence preservation, and to promote the reform of mainland China's evidence preservation notary public evidence collection method.

Fifth, for the Chinese ceramic evidence preservation notary public evidence collection difficult, improper procedures; Infringement of ceramic custody difficult, infringing ceramic evidence is difficult to fix; Evidence preservation notary public infringing ceramic fixtures missing judicial recognition difficult and so on, to give the corresponding specific solutions, summing up China's for the reform of evidence preservation notary public evidence collection to make a solution, and briefly introduces the method of insufficient as well as to be perfected place.

### 3 Overview of evidence preservation notarisation

#### 3.1 The concept and origin of notarisation of preservation of evidence

Evidence preservation notary, its concept refers to the party with the will to apply for the choice of notary institutions with relevant qualifications, requiring notary institutions in accordance with the relevant laws and regulations, will be some of the party's behaviour, language or legally binding instruments and other content of the legal notarisation to ensure that the nature of its true and effective<sup>[7]</sup>. Notarial documents have legal evidence effect and effective proof, notary can provide effective fixed evidence for ceramic intellectual property infringement litigation. 1982 promulgated administrative regulations *Notary Provisional Regulations*, which clearly stipulates in article 4, paragraph 11, "preservation of evidence" established as one of the main business of the notary office, with the proof of inheritance, such as proof of notarisation,

<sup>[7]</sup> Wu, Jianhua. (2022). The importance of evidence preservation notarisation and its development proposal. *Legal Expo* (24), 98-100.

<sup>[8]</sup> Zhou, Xiangjun. (2023). Research on the proof effect of notarisation of preservation evidence--and notarisation of

custody of documents, drafting documents. Notarisation of certificates of inheritance, etc., notarisation of enforcement, safekeeping of instruments, drafting of instruments, etc<sup>[8]</sup>. In 2000, the Ministry of Justice issued the *Circular on the Trial Format of Elements for Three Types of Public Certificates, Including Evidence of Preservation*, stipulating the norms for the format of elements for notarisation of evidence of preservation, and in 2004, the China Notary Association formulated the *Guiding Opinions on the Handling of Notarisation of Evidence of Preservation*<sup>[9]</sup>. On 1 March 2006, first *Notary Law of the People's Republic of China* was formally promulgated and implemented, ending China's reliance on previous regulations and rules to provide for matters relating to notarisation and forming a unified law.

On 1 September 2017, the second amendment to the *Notary Law of the People's Republic of China* was introduced, in which *Article 6* stipulates that the character of a notary institution is a notary institution established in accordance with the law, which is not for profit, and which independently performs notary functions and bears civil liabilities in accordance with the law, and makes it clear that a notary institution is a non-profit-making institution that serves the work of social attestation matters, and precludes a notary from unilaterally chasing notary quantities because of their profitability.

*Article 11* clearly stipulates the notary institution for the ten specific matters, which contains the preservation of evidence of proof matters, for ceramic intellectual property infringement evidence fixed to provide legal support. *Article 36* specifies the legal effect of notarial instruments made by the notary public, notarised civil legal acts, facts and instruments of legal significance, shall be used as a basis for determining the facts, but there is evidence to the contrary sufficient to overturn the notarisation of the exception. The effectiveness of evidence is superior to that of general types of evidence, thus making notarial preservation of evidence the king of evidence.

Present, with the improvement of awareness of ceramic intellectual property protection, the formation of a new wave of social protection of intellectual property rights is advocated by the community, evidence preservation notary public for the protection of ceramic intellectual property rights plays an important role in the social affirmation, but also appeared in the ceramic evidence preservation notary public evidence of the difficult dilemma, preventing the evidence preservation notary public to play the role of the king of the evidence.

preservation electronic data. *Journal of Gansu University of Political Science and Law* (04), 130-145.

<sup>[9]</sup> Li Yong. (2020). Ruminating on the security of notarial evidence. *Law and Economy* (10), 86-87.

## 3.2 The current situation of ceramic evidence preservation notarisation in China

### 3.2.1 Infringers refused to cooperate with the deposition, ceramic evidence preservation notarised deposition difficulties

There are two different ways of evidence preservation, one is to the notary public for evidence preservation notarisation, the other is to the court to apply for evidence preservation. In contrast, the court for pre-litigation evidence preservation more court is not supported, and the court application for preservation of evidence spent time is more than the notary public notary preservation of evidence, notary public preservation of evidence can be hidden evidence, but the court must notify the parties in advance of the evidence, easy to beat the bushes and snake, the evidence may not be successful[10]. In the face of the disappearance of evidence urgent situation, not in line with the interests of the parties and the original purpose of evidence preservation. Therefore, the parties are more likely to choose notary public ceramic evidence preservation notarisation, may be lost or difficult to obtain evidence in a timely manner fixed, can maximise the reproduction of the original state of the facts to be proved in the litigation, reflecting the real situation of the case[11].

Due to the simplicity of the business carried out by notaries public, in terms of staff size, the vast majority of existing notaries public around the world, with the exception of a few well-developed notaries public offices whose staff size can still meet the demand for daily business, are unable to meet the demand for notaries public in terms of the amount of relevant business[12]. The larger notary office in Guangzhou City, Guangdong Province, the Southern Notary Office in Guangzhou City, Guangdong Province, also has only 43 notaries[13]. These include notaries who handle wills, translations, etc. There are even fewer notaries who are actually engaged in notarising the preservation of evidence, and according to the Notary Public Law of the People's Republic of China, notaries are required to have two notaries in order to carry out on-site preservation of evidence. Notary public repeatedly into the market for the preservation of evidence notarisation leads to the market business for the notary to produce the phenomenon of

familiarity, resulting in the production of notary public for the purchase of ceramics, infringers will subconsciously believe that it is to carry out the infringement of ceramic evidence of fixing and refusing to sell the infringing ceramics, or replace the infringing ceramics with similar compliance ceramics, resulting in the ceramic evidence of preservation of notary public evidence of the dilemma of the difficulty of obtaining evidence, impede the entire preservation of evidence notarised The notarisation of ceramic evidence is difficult, hindering the entire preservation of evidence notarisation.

In order to solve the problem of preservation of evidence notarisation in its entirety, it is necessary to first solve the problem of difficulties in obtaining evidence, realise the autonomy and convenience of the notary institution in preserving evidence, facilitate the parties to collect relevant evidence concerning their litigation claims in a timely and effective manner and reduce the burden of litigation on the parties. Through the notarisation of preservation of evidence, the parties can fix the main or key evidence of the dispute in a timely manner, so that both parties can be based on the psychology of agreement and mutual compromise before the prosecution or arbitration[14].

Appear ceramic infringers do not cooperate with the preservation of evidence notarisation, the most essential reason is that ceramic infringers probably know that the evidence preservation notarisation means that they are about to face legal sanctions. 27 May 2014, by the Ministry of Justice of the People's Republic of China issued the "preservation of evidence notary" pointed out that apply for the process of the act of preservation of evidence, the applicant must have the ability to control the situation of the scene of the preservation of evidence, preventing conflicts from intensifying; once the situation at the site is out of control, the notary has the right to suspend the preservation process and continue or terminate it as appropriate when normalcy is restored. Therefore, to solve the problem of evidence, should be carried out "anonymous evidence", to ensure that the infringement of ceramic can be successfully obtained.

[10] Zou, Lidan & Pan, Yishan. (2023). Regulation and development of notarial business of preservation of evidence. *China Notary* (03), 49-51.

[11] Zou, Lidan & Pan, Yishan. (2023). Regulation and development of notarial business of preservation of evidence. *China Notary* (03), 49-51.

[12] Wu, Xiaofei. (2024). Measures to improve the service capacity of notary public in the field of intellectual property protection.

*Legal Expo* (05), 106-108.

[13] URL source: Web page of Nanfang Notary Office, Guangzhou City, Guangdong Province, 17 March 2024, 11:35:32, <http://www.nfgzc.org.cn/ArticleDetail.aspx?NavID=10&FID=2&id=116>

[14] Zou, Lidan & Pan, Yishan. (2023). Regulation and development of notarial business of preservation of evidence. *China Notary* (03), 49-51.

### 3.2.2 Irregularities in the operation of the deposition procedure and the lack of a notarial deposition process for the preservation of ceramic evidence

Article 93, paragraph 7, of the Interpretation of the Supreme People's Court on the Application of the Civil Procedure Law of the People's Republic of China stipulates that facts that have been proved by a valid notarial instrument. Except where the parties have evidence to the contrary sufficient to disprove it[15]. Whether a notarial instrument has a strong and effective depends greatly on the process of evidence collection, whether the steps are legal, compliance, fair record of ceramic preservation evidence collection of the whole process and evidence collection procedures are standardised. The present notary public deposition procedure operation is not standardised, ceramic evidence preservation notarization deposition process is missing, no deposition steps to take photos, audio, video, full trace and photos, audio, video, no synchronised dynamic display time, weakening the notary public preservation of evidence notarization objectivity, authenticity, normality.

And ceramic preservation of evidence in the notary also need to keep the infringing ceramic evidence, but a few notaries in the sealing of infringing ceramics, in the seal does not write the date, no notary signature. Notary seal box is not marked on the evidence time, encapsulated items, evidence address, resulting in multiple batches of infringing ceramics in different locations, different parties, different cases, different sources of multiple exhibits appear confusing, may affect the judicial authorities for the notary preservation of evidence of infringing ceramics and notary certificate of the determination and admissibility of the received, or even the emergence of a negative certificate of the validity, affecting the determination of the facts and the outcome of the case, so as to Cause damage liability and other litigation[16].

Notarisation of evidence preservation must be carried out in accordance with the provisions of the Notary Law and the Rules of Notary Procedure, etc., which stipulate that the notary must be present at the preservation of evidence and that two notaries must be present at the same time, a provision that should not be simply interpreted in the new form of notarisation of evidence preservation. From another perspective, the ultimate purpose of requiring the presence of a notary public for the preservation of evidence is to prevent tampering with the evidence and to ensure its

authenticity[17]. Should regulate the operation of evidence collection procedures, ceramic evidence preservation notary deposition of the whole process of audio, video, photography and notary public should record the notarisation of ceramic preservation of evidence of the scene of the work of the record, and in the notary public scene of the work of the record of the notary public signatures and period, to ensure that the evidence preservation of the notary public effectiveness.

### 3.2.3 Ceramic structure is complex and fragile, effective evidence fixation is not obvious

While the traditional notary business is shrinking, the volume of intellectual property notary business is increasing year by year, and it is expected that intellectual property notary services will continue to rise in amount and occupy an increasing proportion of the overall notary business types[18].

According to the Report on the Development of China's Notary Service for Intellectual Property Rights, jointly issued by the Department of Guidance for Lawyers and Notaries of the Ministry of Justice and the China Association of Notaries, at present, China's intellectual property notary service mainly includes the following notarial matters: notarisation of subject qualification, such as notarisation of business licence; notarisation of declaration and authorisation (power of attorney), such as declaration of transfer of trademarks, authorisation to handle relevant application procedures, registration procedures, etc.; contract, agreement notarisation, such as the agreement on the transfer of trademark rights; notarisation of evidence preservation, such as the fixing of evidence of infringement.

With the Circular of the State Council promulgating the "14th Five-Year Plan for the Protection and Application of National Intellectual Property Rights" on 9 October 2021, intellectual property rights have continued to rise, focusing on the social and economic value of intellectual property rights. However, in the notary service organisations, there is often no separate legal service department for intellectual property notary, and most of them are sandwiched between other departments, such as the licensing section. Therefore, the notary office did not set up a separate evidence room, in the hardware equipment for the protection of intellectual property rights do not have any separate computer, server, filming and other equipment, resulting in infringement of the ceramic appearance of the film is not clear, the internal filming can not be, infringing on the details of the ceramic is not complete.

[15] Li, Jinghai. (2018). Analysis of the relevant contents of notarial evidence. *China Notary* (09), 55-59.

[16] Li, Jinghai. (2018). Analysis of the relevant contents of notarial evidence. *China Notary* (09), 55-59.

[17] Yu, Jinlan. (2022). Exploring the way of shopping preservation

notarisation--an analysis based on judicial big data. *China Notary* (03), 26-29.

[18] Wu, Xiaofei. (2024). Measures to improve the service capacity of notary public in the field of intellectual property protection. *Legal Expo* (05), 106-108.

For ceramic intellectual property rights for the preservation of evidence notary business, often seal the infringing ceramics, and sealed ceramics fragile nature, especially glazed ceramics will also have the problem of colour loss, there will be a long time backlog in the notary and can not be withdrawn. Because the infringing ceramics in the intellectual property litigation process will often be used as key evidence, such as the sealing of ceramics broken or lost, the parties to the subsequent litigation will have a serious negative impact on the litigation, resulting in litigation failure[19].

In the construction of the notary institution, the intellectual property notary section should be subdivided from the traditional notary business section, and set up separately as a special department. In August 2022, the China Intellectual Property Research Association released the "Intellectual Property Appraisal Management Standards", "Patent Appraisal Standards", "Trademark Appraisal Standards" and other three intellectual property appraisal series of group standards, and at the same time, in the national group standard information platform for the society. Public. The notaries in the Intellectual Property Section should also learn the knowledge related to intellectual property and form an experienced notary service team. And for a variety of intellectual property rights and business types, the notary office should also set up a separate witness agency, equipped with a special scanner for infringing ceramics for the appearance of details fixed. The establishment of a special storage room, according to the size of ceramics, categories, storage time for storage, and by a person or archivist is responsible for.

### 3.2.4 Poorly documented notarial instruments and low recognition by the judiciary

On 27 May 2014, the Ministry of Justice of the People's Republic of China issued the Notarisation of Preservation of Evidence, which states that the notarisation of preservation of evidence refers to the notarial institution's legalisation of the rights and interests of the applicant in accordance with the application of a natural person, legal person or other organisation[20]. As well as evidence that is likely to be lost or difficult to obtain in the future, the course of conduct to be extracted, stored, fixed, described, supervised, in order to maintain the evidence of the evidence of the evidential capacity and the power of proof of the certifying activity.

Article 36 of the 2017 Notary Law of the People's

[19] Wu, Xiaofei. (2024). Measures to improve the service capacity of notary public in the field of intellectual property protection. *Legal Expo* (05), 106-108.

[20] Zhang Wen. (2021). Discussion on deepening the role of notary public in the field of intellectual property protection. *Legal Expo* (17), 112-113.

Republic of China clearly stipulates that notarised civil legal acts, legally significant facts and instruments shall be used as the basis for determining the facts, unless there is evidence to the contrary sufficient to disprove the notarisation, which is why the notary document issued by the notary office for the preservation of evidence is known as the King of Evidence. To play the maximum effectiveness of the notarial instrument, it means that the notarial instrument should be recorded accurately, without flaws. However, in practice, due to the notary's personal operation is not careful, resulting in the notary certificate and the attached contract, manuscript will, seal, photos, video and other ambiguous, difficult to identify, missing, doubtful, damaged and not formed or difficult to form the evidence carrier, resulting in the notarial instrument has defects, the evidence of the effectiveness of the weak. (Preservation of evidence certificate attached to the field work (or field work records) is extremely necessary, it is the notary personally experienced the facts and evidence of the formation process of recording, but also to determine the notary certificate and the notary preservation of evidence by the effectiveness of the basis[21].

In particular, the notary public in the present preservation of evidence, do not pay attention to the record of the field work record, appear record information is not comprehensive, omit the scene time, evidence location, the infringer's personal information and so on the emergence of the situation, and even a small number of notary public ignored the record of the field work record, do not record of the scene, leading to the judicial authorities on the content of the public certificate of controversy, it will lead to some important ceramic preservation of the evidence of the details of the details of the unclear. The credibility of the notarial instrument is not high.

The fundamental criterion for notarial evidence is whether the evidence is objective, true, legal and has probative value; any recording, copying or videotaping is selective, and the process of selection is the process of discovery. Whether copying or discovering, the fundamental requirement is to be "truthful"[22].

To standardise the notarial instruments, detailed records of infringing ceramic preservation of evidence of notarisation of the address, method, etc.. Notarial documents in addition to the accompanying notarisation of the scene of work, but also should be audio, video, photography, the whole trace and should be synchronised with the dynamic

[21] Li, Jinghai. (2018). Analysis of the relevant contents of notarial evidence. *China Notary* (09), 55-59.

[22] Li, Jinghai. (2018). Analysis of the relevant contents of notarial evidence. *China Notary* (09), 55-59.

display of the precise time; infringement of ceramics involving the need for confidentiality and other trade secrets, craft practices, should be sufficiently secure and confidential private space for the preservation of evidence of infringement of ceramic deposition.

## 4 Result

### 4.1 Ceramic intellectual property preservation evidence notarisation has a single function and lacks the concept of pre-litigation evidence fixing through preservation evidence notarisation.

With the continuous improvement of the pre-litigation evidence preservation system, this procedure has been increasingly applied in judicial practice, especially in intellectual property cases, where pre-litigation evidence preservation can be used to prevent the loss of relevant important evidence. According to the statistics of WKCD, as of 11 September 2023, there were a total of 576 cases involving pre-litigation evidence preservation procedures in publicly available first-instance civil litigation judgments, and cases with the subject matter of "disputes over intellectual property rights and infringement" accounted for 62% of the cases, with a total of 357 cases<sup>[23]</sup>. In the ceramic intellectual property rights are infringed damage, according to law and timely evidence to take evidence preservation fixed evidence of the right is particularly important. But due to the lack of rights through the preservation of evidence notarisation for pre-litigation evidence fixed concept, and even encountered ceramic intellectual property rights infringement, will not think of legal ways to maintain the legitimate rights and interests of the rights and interests of ceramic intellectual property rights preservation of evidence notarisation function single.

Jingdezhen City, Jiangxi Province, ceramic craftsmen Wang Huimin pointed out that Jingdezhen is basically copying each other and generate ceramic market, craftsmen have been accustomed to ceramics copy each other, and no legal awareness. Craftsmen in the ceramic intellectual property rights infringement, mainly in the small red book social platform for accusations, and as in the same ceramic market most of the craftsmen do not want to expand this thing, just ask the infringer to stop doing the infringement, and jingdezhen ceramics maker is basically a small workshop, a small workshop, go to the court litigation also have to bear the cost of litigation, litigation costs for the handicraftsmen is also very high.

About intellectual property infringement evidence preservation notary type is divided into four categories, the

first category is the preservation of shopping, notary public in the acceptance of intellectual property rights notary application, in accordance with the "People's Republic of China notarial rules of procedure" to carry out strict, standardised preservation of evidence of the notary operation process, to the party's designated suspected of infringing on the intellectual property rights of ceramic merchants or shops, through the purchase of relevant ceramics The way, the suspected infringing ceramics and purchase, sales behaviour to take on-site photos, video and other ways to preserve evidence, divided into on-site shopping preservation and online shopping preservation. The second type is the preservation of infringement of the status quo, refers to the notary on the suspected infringement of intellectual property rights of the infringement activities and infringement of the status quo for the preservation of the infringement of the fact that the state of the infringement of the continuing infringement of the results of the preservation of evidence, fixed preservation of activities, mainly divided into the status quo of the exhibition of the preservation of the cinema, entertainment venues, dance halls, the evidence of the preservation of the preservation. The third and fourth types are preservation of mail collection and preservation of electronic evidence, respectively. In addition to the above types, the court can also be evidence of disclosure and other evidence preservation, jingdezhen city, jiangxi province, ceramic handicraft producer wang huimin for ceramic intellectual property rights infringement for fixing infringing ceramics in the process of evidence, whether you want to notarise the infringement of evidence through the preservation of notarisation of evidence fixing the problem of the handicraftsmen that the preservation of notarisation of evidence is not particularly popular, a lot of handicraftsmen will not think of the notary public for evidence fixing. Notary public for evidence fixed. Jiangxi law shuozi law firm lawyer Chen Xiaoyu for the above problem that evidence preservation notary public, the charge is not cheap, relatively high. Therefore, most of the infringers choose to go to court for pre-litigation evidence preservation, so the number of notary public evidence preservation is not much.

### 4.2 Difficulty in obtaining notarial evidence for preservation of evidence and insufficient knowledge of intellectual property rights among notaries public

On 11 June 2015, the document "Several Opinions of the Ministry of Justice on the Implementation of the Notary Law of the People's Republic of China" issued by the Ministry of Justice clearly points out that efforts should be made to create a high-quality notary team. To improve the professional quality of the notary team, improve and perfect

<sup>[23]</sup> Li, Yuan Yuan. (2024). Combining judicial data to analyse the patent pre-litigation evidence preservation procedure. *Legal Expo*

(03), 79-81.

the notary practice access mechanism, develop a unified notary training plan, strengthen the notary business of knowledge and job skills training, improve the notary's business level and the ability to handle evidence. However, as intellectual property rights only emerged with the promulgation of the "14th Five-Year" National Plan for the Protection and Application of Intellectual Property Rights on 9 October 2021 by the State Council. Compared with European countries, China's intellectual property rights started late and the supporting facilities are not perfect, so the notary public institutions for intellectual property rights section, equipment are not perfect and the notary public's intellectual property rights related training is far from enough, and even some notary public offices do not engage in intellectual property rights services for the system of intellectual property rights related training, so the notary public's knowledge of intellectual property rights is insufficient. Intellectual property knowledge is lacking. Foshan City, Guangdong Province, Chancheng District People's Procuratorate staff Yang Ying on the above issues that can be more professional engaged in forensics, to prevent some businessmen to carry out the replacement of infringing ceramic evidence. Therefore, Guangzhou City, Guangdong Province, southern notary public notary Zhang Yufang that intellectual property rights from the establishment, circulation, rights remedies, dispute resolution to extraterritorial applications, extraterritorial protection, international cooperation have notary public, and the law school of the universities or the relevant departments to establish a talent training programme, the establishment of intellectual property rights professional notary public. Guangzhou City, Guangdong Province, South Notary Issuance Centre staff Huang Xiaomin that intellectual property-related knowledge of the study, notaries better engaged in ceramic intellectual property-related business.

Article 36 of the Law on Notary Public provides for four attributes of notarial evidence: firstly, notarial evidence has a legal character. The validity of notarial evidence stems from the provisions of the law, such as article 69 of the Civil Procedure Law. Second, notarial evidence has priority. Preservation of evidence notarised instruments generated by the priority effect is greater than other evidence[24]. Similarly, the law also carries out a strict notary public evidence preservation form of legitimacy provisions, one is the subject of legitimacy, in accordance with the provisions of the law engaged in the preservation of evidence notary public is the subject of the notary public. One is the

[24] Li Y. (2020). Ruminating on the security of notarial evidence. *Law and Economy* (10), 86-87.

[25] Wu, J.. (2022). The importance of evidence preservation notarisation and its development proposal. *Legal Expo* (24), 98-100.

[26] Zhou, Xiangjun. (2023). Research on the proof effect of

legitimacy of the procedure, the notary preservation of evidence notarisation for the implementation of the process of relevant laws and regulations, procedural rules and industry requirements for strict constraints. But due to ceramic dealers due to the subconscious that the notary public ceramic preservation of evidence notarisation, means that they are about to face the sanctions of the law, in common parlance is to "eat the lawsuit", so ceramic dealers will hinder the notary public ceramic preservation of evidence notarisation.

### 4.3 Ineffective fixation of intellectual property notarial evidence and unclear notarial documentation

In 2017, the Standing Committee of the Chinese People's Congress promulgated the Notary Law of the People's Republic of China, in which Article 11, Item 9 stipulates that the notary institution can handle the preservation of evidence. Under this article, the concept of evidence preservation notarisation is specified, which refers to the nature of the party with the intention to apply to choose a notary institution with relevant qualifications, and request the notary institution to legally notarise some of the party's actions, language or legally effective instruments in accordance with relevant laws and regulations, to ensure that they are true and effective[25].

The "preservation of the course of conduct and facts" provided for in article 3, paragraph 5, of the Guidelines on the Handling of Notarisation of Preserved Evidence belongs to the certification activity of "proof of legally significant facts" provided for in article 2 of the Notary Public Act. Therefore the applicant's or the person concerned's act of taking evidence or act of preservation" and other legal facts of procedural significance[26].

Evidence means "relevant facts or materials that prove the truth of something", where "fact" means "the way things really are"[27]. The most important thing about the notarisation of preservation of evidence is to record in detail the process and facts of notarisation of preservation of evidence, which is about the notary's personal experience - whether or not the notary has experienced the process of formation of facts and evidence is what must be examined in respect of notarised evidence.

In the infringement of ceramic preservation evidence notarisation process should be recorded synchronous video,

notarisation of preservation evidence--and notarisation of preservation electronic data. *Journal of Gansu University of Political Science and Law* (04), 130-145.

[27] Li Y. (2020). Ruminating on the security of notarial evidence. *Law and Economy* (10), 86-87.



while the presence of notary public screen, to prevent tampering with the evidence, to ensure the authenticity of the evidence. But present from time to time due to the preservation of evidence notarisation process is not clear, the fact that the record is not clear, it will lead to the notary whether the fact that the notary is personally experiencing the process of doubt, which in turn affects the authenticity of the notary certificate, legitimacy and proof of the applicant's power to damage the problem. Especially about the ceramic intellectual property infringement of covertness, evidence is easy to lose, evidence has fugitive. Guangzhou City, Guangdong Province, southern notary public notary Zhang Yufang for the fragile nature of ceramics, glazed ceramics easy to lose the colour of the problem of infringing ceramics distortion and does not meet the requirements of the judiciary as evidence of the problem, that only try to take pictures of a little bit more angle, the present there is no corresponding method of solving the problem. Foshan City, Guangdong Province, Chancheng District People's Procuratorate staff Yang Ying for the notarial instruments because of defects or records of the situation is unclear, and was found by the judicial organs of the infringing ceramic evidence of the preservation of notarisation is invalid, she showed that the problem, the state has a strict specification of notarial instruments, such as in the process of obtaining evidence to be photographed, video, but a lot of notary public video and so on did not have the whole process of video. Resulting in intellectual property notarisation evidence fixation effect is not strong, notarial instruments do not achieve the desired results of the parties, undermining the credibility of the notary.

## 5 Affirmative and Negative Analyses of Ceramic Evidence Preservation Notarisation in China

### 5.1 Affirming the development dimension

#### 5.1.1 Protecting ceramic intellectual property rights and fixing evidence of infringement

In 2018 the state council approved and agreed to set up jingdezhen national ceramic culture inheritance and innovation pilot zone, the following year the national ceramic culture inheritance and innovation pilot zone implementation programme was adopted, which clearly put forward to strengthen the protection of ceramic intellectual

property rights, and strengthen the construction of ceramic brand. 2019 general secretary xi Jinping inspected jiangxi, asked to build jingdezhen national ceramic culture inheritance and innovation pilot zone, to create a new platform for foreign cultural exchanges[28]. The state attaches importance to the protection and development of intellectual property rights, especially the protection of ceramic intellectual property rights, to promote China's emphasis on intellectual property rights social climate, to protect personal "knowledge", to encourage ceramic intellectual property rights innovation. 2023, November 28, the State Intellectual Property Office approved the consent of the city of jingdezhen to build a national intellectual property rights protection centre, intellectual property protection centre in jingdezhen. Jingdezhen Intellectual Property Protection Centre was formally established, intellectual property protection centre will provide Jingdezhen ceramic materials industry with a set of rapid pre-trial, rapid confirmation of rights, rapid rights protection as one of the intellectual property protection "one-stop" comprehensive services.

In order to quickly confirm the right to defend the rights of the essential is the implementation of evidence, so most of the ceramic factory in the ceramic infringement, choose to preserve the evidence notarised. As of 18 March 2024, in China's referee network to "notarised evidence" as the key words searched a total of 32,292 documents, of which "ceramic" disputes a total of 173 cases[29]. Therefore, notary public in the protection of ceramic intellectual property rights infringement in the effective preservation of pre-litigation evidence.

#### 5.1.2 Evidence preservation notary protection of ceramic trademarks, patents transfer for prior prevention

Notarisation is the activity of a notary institution to certify the authenticity and legality of civil legal acts, facts and documents of legal significance in accordance with the legal procedure applied by a natural person, legal person or other organisation[30]. Notary's business is not only a will notary, notary counselling and other activities, there is also a preservation of evidence notarisation of this important plate. And in the application of ceramic above, not only is the preservation of evidence notarisation of ceramic shopping evidence fixed, but also in the notary institution according to the natural person, legal person or other organisations, according to the application of the applicant's ceramic patent registration, trademark registration and other rights and interests of the applicant, as well as the possibility of loss or later difficult to obtain ceramic trademarks, ceramics,

notarisation--an analysis based on judicial big data. *China Notary* (03), 26-29.

[30] Zhang Wen. (2021). Discussion on deepening the role of notary public in the field of intellectual property protection. *Legal Expo* (17), 112-113.

[28] Zhang, J. F.. (2023). Research on the Dilemma and Countermeasures for the Development of Ceramic Intellectual Property Service Industry in Jingdezhen under the Background of National Pilot Area. *Journal of Jingdezhen College* (02), 122-125.

[29] Yu, Jinlan. (2022). Exploring the way of shopping preservation

ceramics, such as transfer of evidence, the process of action to be extracted, stored, fixed, described, Supervision[31]. Notary public for evidence preservation in ceramic trademark registration, ceramic patent applications and ceramic trademarks, ceramic patent transfers as well as the use of ceramic electronic evidence in the examination and determination of the use of prior prevention, to prevent the future in ceramic patents, trademarks, disputes arising from the transfer.

## 5.2 Negative improvement aspects

### 5.2.1 Notaries serve a single area of intellectual property

Regarding the proportion of evidence preservation notarisation business, agreements and declarations involving trademarks occupy a large proportion of notarisation. A small number of notary institutions in the protection of intellectual property notary business, and even the evidence preservation notary as the only business promotion direction, notary institutions will be their own intellectual property business self-reduced, limiting the other intellectual property notary business scope of development. As a modern evidence preservation system should have diversified functions, in addition to fixing the evidence should also have other functions, such as evidence collection and evidence disclosure, the promotion of centralised trial, and contribute to the settlement of disputes outside the litigation[32].

Notary publics should not wait for the party of the preservation of evidence notarisation until the ceramic infringement of the preservation of evidence notarisation, but also should enhance the preservation of evidence notarisation and high-tech enterprise adhesion, strengthen the notary and high-tech enterprise associations to promote the notary stationed in the high-tech enterprise parks, high-tech enterprises to provide preservation of evidence notarisation services<sup>[33]</sup>. Continuously carry out the field of notarial services for intellectual property rights from the scope of business, but also spatially expand the scope of business and increase the

effectiveness of notarial services for intellectual property rights.

### 5.2.2 Inadequate composition of notary publics

According to the notary law of the People's Republic of China and the "People's Republic of China notary rules of procedure" provisions, the notary agency in the preservation of evidence notarisation, the notary must be present and the requirement of more than two notaries, the purpose is to prevent notary notarisation ceramic notarisation data tampering, so that the preservation of evidence notarisation is more objective, the evidence is more authenticity, involving ceramic intellectual property rights in the business basically needs two Notary operations, such as out of the preservation of evidence forensics, online purchase of infringing ceramic evidence fixed, which for the notary's proficiency and further increase, and China's existing notary there are aging, newcomers to replenish the situation, leading to a more shortage of personnel[34]. And for ceramic intellectual property rights business often need more knowledge related to ceramic intellectual property rights, and most of the present notary public institutions do not have with the relevant universities, training institutions to establish intellectual property talent training programmes[35].

Resulting in the notary is not exposed to the relevant knowledge, for ceramic intellectual property rights infringement preservation of evidence notarisation, often with other preservation of evidence notarisation method, there are ceramic intellectual property rights infringement of the relevant details are not documented clearly, the notarial instrument evidence to prove the effectiveness of a big discount. No intellectual property rights knowledge of notary public training on the appearance of ceramics, clay production technology and other limited understanding, if the infringer in the sale of the place to steal, come up with the infringing ceramics similar to ceramics, but there are differences in ceramics, notary public often can not be quickly and accurately judge. At this time the notary with ceramic intellectual property technology will greatly reduce the risk of evidence preservation notarised to the evidence in the later litigation is not available[36].

<sup>[31]</sup> Duan, W. X.. (2020). Insufficiency and Improvement of Preservation Evidence Notary Service in Intellectual Property Protection. *Law and society* (27), 35-36.

<sup>[32]</sup> Choi, Ki-Fan & Song, Yeon. (2021). Evidence preservation system of intellectual property litigation in Taiwan and its reference. *Straits Law Journal* (04), 3-9.

<sup>[33]</sup> Zou, Lidan & Pan, Yishan. (2023). Regulation and development of notarial business of preservation of evidence. *China Notary*

(03), 49-51.

<sup>[34]</sup> Wu, Xiaofei. (2024). Measures to improve the service capacity of notary public in the field of intellectual property protection. *Legal Expo* (05), 106-108.

<sup>[35]</sup> Wu, Xiaofei. (2024). Measures to improve the service capacity of notary public in the field of intellectual property protection. *Legal Expo* (05), 106-108.

<sup>[36]</sup> Li, Yuan Yuan. (2024). Combining judicial data to analyse the

## 6 Notarisation of Evidence Preservation in China and Notarisation of Evidence Preservation in Taiwan

### 6.1 Comparative Analysis of the Effectiveness of Notarial Preservation of Evidence in Taiwan and Mainland China on Notarial Fieldwork Documentation

Notary preservation of evidence notarisation not only the process of taking photographs, audio, video also includes a complete record of the notary site work record. Notary site work is a notary in person notary factual objective records, in the absence of true, sufficient evidence to the contrary, belong to the difficult to deny the authenticity, relevance, legitimacy of the witness testimony, has a high degree of probative power and admissibility. Notary site work record is the notary personally experienced the fact that the proof and direct evidence. When the contract, photo, video, etc. attached to the notary certificate are ambiguous, difficult to identify, missing, doubtful, damaged, and not formed or difficult to form the evidence carrier, or even the notary certificate has errors, the notary field work record has the role of corroborating, correcting, supplementing, making up for, perfecting, replacing and so on<sup>[37]</sup>. Mainland China, although it is said that the notary public site work record has to supplement the defective notarial instrument time and place records, but the court in practice does not notary public site notarial record is not the same as the effectiveness of notarial instruments. Therefore, when encountering the notarial instrument is defective, the court requires the notary public to issue a new complete notarial instrument, will lead to the original notarial instrument is invalidated, a waste of notary public resources, but also a waste of time costs and energy of the parties.

Taiwan, China, according to the Civil Procedure Law, Article 375 of the provisions of the preservation of evidence pointed out that the investigation of evidence implemented as a result of the preservation of evidence needs to form the evidence record. Derived from the notary site notarial record and notarial instruments have the same effect. Because the notary issued by the notary preservation of evidence notarial instrument evidence of the form of evidence power has been confirmed by the preservation process, so the notarial instrument attached to the notary site work record has the

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patent pre-litigation evidence preservation procedure. *Legal Expo* (03), 79-81.

[37] Li, Jinghai. (2018). Analysis of the relevant contents of notarial evidence. *China Notary* (09), 55-59.

[38] Lin, Yang. (2018). On the Formal Evidential Power of Notarial

same direct presumption of authenticity<sup>[38]</sup>. Guangzhou City, Guangdong Province, southern notary public notary ZhangYuFang also think that this can effectively preserve the details of the evidence, when the notarial document is not clear, can have the same legal effect, help to achieve the party's reasonable claims. Therefore, it believes that we can learn from the notary public in Taiwan, China, the preservation of evidence of notarisation of the notary public site work record has the same legal effect in the notarial documents, can solve the problem of waste of notarial resources, while reducing the time cost and energy of the parties.

### 6.2 Comparative Analysis of Notaries' Intellectual Property Business Functions

The Taiwan Intellectual Property Office (TIPO) of Taiwan announced on 6 February 2024 that it had received 72,607 applications for three types of patents in 2023, a year-on-year increase of 1%. Taiwan, China's intellectual property patent applications continue to increase, so the notary public in Taiwan in order to deal with the situation, continue to increase the content of the service of intellectual property business, expanding the function of the preservation of evidence, Taiwan in 2000 when the revision of the "Taiwan Code of Civil Procedure," the main is to draw on the experience of Germany to transform the system of preservation of evidence, through the addition of the "determination of the current situation of the type of By adding the "status quo" type of evidence preservation, and adding provisions for the parties to reach an agreement during the evidence preservation process, the Taiwan Civil Procedure Act has basically realised the transformation of the traditional evidence preservation system into a legal tool that has an independent procedural status and combines the diversified functions of evidence discovery, evidence preservation and evidence collection<sup>[39]</sup>.

In terms of procedural subjectivity, the notary public in Taiwan has "with the consent of the other party" evidence preservation, recognition of the party's right to dispose of the right, without the need to have the conditions of urgency, etc., the model is conducive to the realization of evidence preservation of the prevention of litigation function. And mainland China only provides "urgent" evidence preservation system, the purpose of evidence preservation measures to fix the evidence, to ascertain the facts, to ensure the smooth progress of litigation procedures, mainland China notary public has not established "by the consent of the other party" evidence preservation, failed to

Evidence Preservation. *Journal of Henan University of Finance and Economics and Law* (01), 115-123.

[39] Cui, Qifan & Song, Yan (2021). Evidence preservation system of intellectual property litigation in Taiwan and its reference. *Straits Law Journal* (04), 3-9.

break through the traditional function of evidence preservation. The traditional function of evidence preservation.

Jingdezhen City, Jiangxi Province, ceramic craftsmen Wang Huimin for the evidence preservation notary services in Taiwan, China, the field of intellectual property rights to expand the function, such as evidence collection and evidence disclosure, the promotion of centralised hearings, contributing to the resolution of disputes outside the litigation on the proposal to learn the model of notary publics in Taiwan, to expand the notary public's ceramic intellectual property rights related to the function of the notary public to better guarantee the rights of the individual craftsmen to reduce the cost of litigation. Litigation costs. Jiangxi law shuozhi law firm practicing lawyers Chen Xiaoyu for the Taiwan region of China evidence preservation notary service intellectual property rights can contribute to the extra-litigation dispute resolution method that the present mainland China has a people's mediation mechanism, not only have the court mediation, it also has the people's mediation organisation, then also can give the notary public to form their own mediation of the corresponding legal protection, learning the notary public office in Taiwan model can reduce our this Legal disputes, but also reduce the pressure of the court. Foshan City, Guangdong Province, Chancheng District People's Procuratorate staff Yang Ying also believes that learning Taiwan's notary model can reduce the cost of litigation, but also to expand the preservation of evidence notary services in the field of intellectual property. It believes that the Chinese mainland legislation should improve the type of evidence preservation, and promote the reform of the expansion of the function of evidence preservation.

## 7 Improvement of Chinese ceramic evidence preservation notary evidence solutions

### 7.1 Improvement of the "anonymity" approach to the taking of evidence

In the preservation of evidence notary step, the most important step is to fix the infringing ceramics. In practice, intellectual property infringement case is the biggest feature of the evidence is difficult, there are many parties due to the failure of evidence, resulting in insufficient evidence and lost. Therefore, many notary public ceramic intellectual property infringement cases, choose "anonymous forensics" way to fix the evidence of infringing ceramics.

On 1 November 2020, promulgated by the supreme

[40] Ding, L. & Chen, H. C.. (2021). Typology of cases of difficult notarisation. *China Notary* (07), 18-23+49.

[41] Xu Yujia. (2023). Analysing Article 7 of the Provisions on

people's court "the supreme people's court on intellectual property civil litigation evidence of the provisions of article 7, the right to find or prove intellectual property infringement, on their own or entrusted to others in the name of the ordinary buyer to buy infringing goods from the infringer can be used as the infringing infringement of the infringing person sued for evidence<sup>[40]</sup>.

Article 7 provides detailed provisions on the issue of "secret depositions". Doctrine will be "anonymous evidence" is divided into "opportunity to provide" and "maliciously induced" two kinds of "opportunity to provide type". The "opportunity to provide type" refers to the right to obtain the infringer's evidence of infringement, by themselves or entrusted to others in the capacity of a general market entity to the infringer to buy infringing goods, reproducing the infringing behaviour. This kind of evidence collection method emphasises that the infringing malice of the accused infringer already exists before the right holder's evidence collection, the right holder's evidence collection only provides the accused infringer with the opportunity to infringe again, so that the right holder can face the infringing behaviour of the accused infringer, so as to obtain the evidence of infringement. "Maliciously induced" refers to the right to obtain the infringer's evidence of infringement, in order to obtain the infringer's infringing evidence, in order to induce the infringer to carry out the infringing behaviour of the general market entity, so that the infringing behaviour appears for the first time<sup>[41]</sup>.

In practice, evidence obtained in the former way is admissible. And on 2 December 2020, the Supreme People's Court issued Article 8 of the Interpretation of the Supreme People's Court on Several Issues Concerning the Application of Law to the Trial of Cases of Civil Disputes over Copyright (as amended in 2020), stating that the notarial certificate issued by a notary public who, without identifying himself to the party suspected of infringing the copyright, is truthful as to the evidence obtained by another party in accordance with the manner stipulated in the preceding paragraph and the process of obtaining the evidence shall be used as evidence, unless there is evidence to the contrary. Specified that the notary public in the absence of identity, the preservation of evidence notarial deposition is valid. However, the present due to the small number of notary public, and the law provides for notary public for the preservation of evidence notarisation requirements at the same time there are two notary public at the scene, due to the notary public often in and out of the local ceramic market for ceramic intellectual property rights of preservation of evidence notarisation, leading to some business notary public "familiar" phenomenon, resulting in the infringement of businessmen refused to Sell ceramics to

Intellectual Property Evidence. *Journal of Ningbo Open University* (01), 66-70.

the notary or in the notary is about to take evidence, the infringing ceramics will be hidden, the notary can not take evidence of the problem.

Therefore, to improve the "anonymous forensics" forensic method, to solve the problem of preservation of evidence notarisation difficult to obtain evidence, you can modify the "People's Republic of China notary rules of procedure", so that the notary ceramic infringement of notarisation of preservation of evidence does not require two notaries at the same time, "notary public + party" mode, the party mainly for the purchase of infringing ceramics, and notary public for the purchase process of evidence fixed, can solve the phenomenon of insufficient notaries and merchants on the notary familiar with the refusal to sell infringing ceramics problem.

## 7.2 Improve the record of the forensic process, data record the whole process of forensics

On 10 December 2005, China's Ministry of Justice issued the "Ministry of Justice on the implementation of the < People's Republic of China Notary Public Law > of a number of opinions" of the guidance, clearly indicated that we should regulate the notary procedures, notary public notary publics to guide the sound and perfect the notary public quality assurance mechanism, to ensure that the notary public quality continues to improve. Correct and complete infringement of ceramic preservation of evidence notarisation is the soul of the preservation of evidence, can make the notary issued by the notary public instrument has a strong legal effect, to avoid the notary public instrument for the preservation of evidence notarisation procedures are not proper, record the infringement of ceramics to buy the process of recording is not complete leading to defects in the notary public instrument of the phenomenon of the effectiveness of a big discount. Notarial evidence preservation should be legal, compliance with the infringement of ceramic preservation of evidence notarisation, which should be legal entities and legal form. Formal legality mainly includes two specific aspects, namely, subject legality and procedural legality. In the main legitimacy requirements in accordance with the law, the implementation of the main body of the notary process is a notary public, notarial procedures for the implementation of the process has the relevant laws, procedural rules and industry requirements for constraints<sup>[42]</sup>.

In the legality of the procedure requires notaries to comply with the relevant laws of notary public, ceramic preservation of evidence notarisation in accordance with the procedure. In the process of ceramic preservation evidence notarisation of detailed records of the notary site work

<sup>[42]</sup> Li Yong. (2020). Ruminating on the security of notarial evidence. *Law and Economy* (10), 86-87.

<sup>[43]</sup> Li, Jinghai. (2018). Analysis of the relevant contents of notarial

record, record the detailed infringing ceramic purchase location, time, shop and so on. In order to increase the objectivity of the notary, authenticity, effectiveness, norms should also be carried out the whole process of photography, video for the purchase of infringing ceramics fixed trace. Photographs, audio, video should also synchronise the dynamic display of time, place, etc., to ensure that the photographs, audio, video of the real<sup>[43]</sup>.

Purchase of infringing ceramics process records, should also be for infringing ceramics sealing evidence, should fill in the seal on the sealing date, notary signature and notarised encapsulation should also be marked infringing ceramics to buy time, evidence location, to avoid confusion because of the different locations, different parties, different sources of multiple exhibits. After the completion of encapsulation, encapsulation of the outer packaging for photography, video, data record of the whole process of encapsulation.

## 7.3 Formation of intellectual property notaries to optimise the fixing of evidence

On 24 April 2023, the Information Office of the Guangdong Provincial Government held a press conference on the white paper "The Status of Intellectual Property Protection in Guangdong Province in 2022", in which Wu Xiaohong, head of the Guangdong Provincial Department of Justice, introduced that in 2022, notary publics across the province handled more than 40,000 notarisations on intellectual property rights. This shows that the role of notary in the protection of intellectual property rights in the development of more and more important, so it is urgent to improve the construction of notary institutions, the establishment of intellectual property rights notary legal services specialised departments, the formation of intellectual property rights related knowledge of high-quality service team.

Notaries with other relevant professional backgrounds in the composition of the legal services department of intellectual property notaries facilitate the promotion of notary's intellectual property practice and can provide more professional advice and suggestions to intellectual property right holders. Therefore, notary publics should provide notaries with training in intellectual property rights. Even the notary office and the law school or relevant departments of universities to establish talent training programmes, not only organise notaries to carry out the corresponding training, but also can introduce the talents of the university to the notary institution for learning and exchange, so as to improve the service capacity of the notary in the intellectual property rights notary business<sup>[44]</sup>.

evidence. *China Notary* (09), 55-59.

<sup>[44]</sup> Wu, Xiaofei. (2024). Measures to improve the service capacity of notary public in the field of intellectual property protection.

Specialised intellectual property notary department, should be supported by intellectual property-related hardware facilities, to promote evidence collection intelligent 3D data, optimize the way to fix the evidence. Ceramic craftsmen Wang Huimin pointed out some like aromatherapy ceramics, ceramic appearance pattern complex, ceramic traits irregular. Some of the details of the formation of a plane photo is difficult to show the original ceramic three-dimensional traits, so in the ceramic preservation of evidence issued by the notary public certificate attached to the infringing ceramics of the photographs are difficult to let the judge know what infringement of the similarities, resulting in the notarial instruments in the litigation is not very useful. Therefore, the notary office is necessary to introduce advanced 3D scanning machine, the formation of more three-dimensional ceramic evidence of infringement, to facilitate the judge to carry out simple ceramic similarity analysis.

Article 94 of the Several Provisions of the Supreme People's Court on Evidence in Civil Litigation (also known as the New Rules on Evidence) also provides that: "Depending on the circumstances of the case, the people's court may require a party submitting blockchain technology for storing electronic data to provide evidence to prove the authenticity of the data prior to uploading the data for storage and to combine this with the specific source, generation mechanism, and storage process of the data prior to uploading the data for storage, notarization by a notary public, witnessing by a third party, and associated corroborative data to make a comprehensive judgement"[45]. The notary public and the court on intellectual property rights notary evidence preservation cooperation, outlawing the infringer for notarial documents attached to the photo of infringing ceramic appearance is not clear requirements sealed infringing ceramics on display in court, by scanning the formation of infringing ceramics of the 3D electronic data instead of the parties to solve the infringing ceramics due to the bulky nature of the infringing ceramics fragile fragile, transport inconvenience of the dilemma of displaying in court.

#### **7.4 Expanding the effectiveness of notarial fieldwork documentation and expanding notarial intellectual property business**

The value of notarisation of preserved evidence from the court's point of view is that through the notarisation of preserved evidence, evidence that may be lost or difficult to obtain is fixed in a timely manner, which can maximise the reproduction of the original state of the facts to be proved in the litigation, and reflect the real situation of the case.

Notary institutions should take the initiative to promote

the judicial recognition of notarisation, and strengthen the communication between notary institutions and courts. However, due to the notary for ceramic intellectual property rights preservation of evidence notarisation process records are not perfect, notarial documents have defects, resulting in notarial evidence preservation of evidence of low effectiveness. Therefore, to urge the notary to fill in the notary site work record, reflecting the notary notary ceramic evidence preservation of the fact that the objective record. No field work of evidence preservation notarisation may not be complete, notarial file filed within the field work of the record also has a certain degree of evidence, once the notary certificate for various reasons to lose effectiveness, the field work of the record may still be admissible as evidence. Therefore, the notary field work record has the role of corroborating, correcting, supplementing, making up and perfecting the notarial documents.

However, in China, the present notary public field work record is not fully equivalent to the notarial instrument, notarial instrument defects, most of the time, from the new issued a new notarial instrument to make up for the old notarial instrument, resulting in the notarial business more busy. Taiwan, China, according to the Civil Procedure Law, Article 375 of the provisions of the preservation of evidence pointed out that the implementation of the investigation of evidence due to the preservation of evidence needs to be formed into an evidence record. Derived from the notary public site notarial record and notarial documents have the same effect, this is "notary public site work record and the investigation of evidence in this litigation has the same effect" the correct way to understand. The formal evidential power of the evidence has been confirmed by the preservation procedure, and the evidence investigation record has a direct presumption of authenticity on the formal evidential power of this kind.

Therefore, in comparison, the preservation of notarial evidence is the same as the preservation of evidence in litigation. The formal evidentiary power of evidence preserved in a notarial document is presumed to be true because of the preservation process, and therefore notarial fieldwork records in Taiwan, China, have the same effect as notarial documents.

Modern evidence preservation system should have diversified functions, notary public evidence preservation in addition to fixing the evidence should also have other functions to expand the notary public intellectual property rights business, such as evidence collection and evidence disclosure, the promotion of centralised hearings, and contribute to the settlement of disputes outside the litigation.

Article 11(2) of the Provisions of the Supreme People's Court on Several Issues Concerning the Trial of Cases by

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*Legal Expo* (05), 106-108.

[45] Hu, M. . (2022). The application of blockchain judicial deposit

and its regulation. *Modern Law* (04), 158-170.

Internet Courts provides that "[w]hen the electronic data submitted by the parties can be proven to be authentic by means of technical means of evidence collection, fixation, and tamper-proofing, such as e-signature, trusted time-stamping, hash checking, and blockchain, or by authentication through the platform of e-discovery and deposit of evidence, the Internet court shall confirm. Article 16 of the People's Court Online Litigation Rules issued by the Supreme People's Court provides that "if the electronic data submitted by the parties as evidence is stored through blockchain technology and is technically verified to be consistent, the people's court may determine that the electronic data has not been tampered with since it was uploaded to the chain, unless there is evidence to the contrary sufficient to overturn it." Provides rules for the effectiveness and review of electronic litigation materials, for the review of the authenticity of the form of electronic materials and the determination of the authenticity of the content. For example, the notary public can develop electronic data access certificate, for ceramic backup data, video or picture information, such as online deposit function, and combined with the hash value of the identification of confirmation, to achieve the purpose of preservation of evidence and protection of rights.

## 8 Conclusion

In summary, this paper believes that in order to play the credibility of notarial evidence, we must standardise the notary preservation of evidence notary deposition, expand the notary for ceramic intellectual property protection function. However, the present due to the notary ceramic evidence is difficult, notary public evidence procedures are not standardised, ceramic evidence notarial documents are not detailed and a series of problems, resulting in notary public for ceramic intellectual property protection is insufficient. Therefore, mainland China can learn from China Taiwan notary public for intellectual property rights model, to regulate the notary forensics as a means; improve the notary public site work record, expand the notary public for intellectual property rights protection function for the purpose. Improve the Notary Law of the People's Republic of China, notary institutions and the court joint collaboration, recognised notary field work records and notarial documents have the same effect; expand the notary intellectual property rights business, to carry out ceramic evidence collection and evidence disclosure, the promotion of centralised trial, and contribute to the settlement of disputes outside the litigation. Forming a notarial mechanism for notarising preservation of evidence with Chinese characteristics and socialism, and bringing into play the effectiveness of the king of notarial evidence.

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## Conflict of Interest

The authors declare that the research was conducted in the absence of any commercial or financial relationships that could be construed as a potential conflict of interest.

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## References

- [1] Cui, Qifan & Song, Yan (2021). Evidence preservation system of intellectual property litigation in Taiwan and

- its reference. *Straits Law Journal* (04), 3-9.
- [2] Ding, L. & Chen, H. C.. (2021). Typology of cases of difficult notarisation. *China Notary* (07), 18-23+49.
- [3] Duan, W. X.. (2020). Insufficiency and Improvement of Preservation Evidence Notary Service in Intellectual Property Protection. *Law and society* (27), 35-36.
- [4] Hu, M. . (2022). The application of blockchain judicial deposit and its regulation. *Modern Law* (04), 158-170.
- [5] Li Yong. (2020). Ruminating on the security of notarial evidence. *Law and Economy* (10), 86-87.
- [6] Li, Jinghai. (2018). Analysis of the relevant contents of notarial evidence. *China Notary* (09), 55-59.
- [7] Li, Yuan Yuan. (2024). Combining judicial data to analyse the patent pre-litigation evidence preservation procedure. *Legal Expo* (03), 79-81.
- [8] Lin, Yang. (2018). On the Formal Evidential Power of Notarial Evidence Preservation. *Journal of Henan University of Finance and Economics and Law* (01), 115-123.
- [9] URL source: Web page of Nanfang Notary Office, Guangzhou City, Guangdong Province, 17 March 2024, 11:35:32, <http://www.nfgzc.org.cn/ArticleDetail.aspx?NavID=10&FID=2&id=116>
- [10] Wang Qin hao. (2020). Application trends and development of blockchain + rule of law. *People's Forum-Academic Frontier* (20), 120-123.
- [11] Wu, Jianhua. (2022). The importance of evidence preservation notarisation and its development proposal. *Legal Expo* (24), 98-100.
- [12] Wu, Xiaofei. (2024). Measures to improve the service capacity of notary public in the field of intellectual property protection. *Legal Expo* (05), 106-108.
- [13] Xia, Xianhua. (2020). Theoretical review of notary's participation in the reform of judicial auxiliary affairs under multi-dimensional theory. *Journal of Harbin Institute of Technology (Social Science Edition)* (04), 32-38.
- [14] Xu Yujia. (2023). Analysing Article 7 of the Provisions on Intellectual Property Evidence. *Journal of Ningbo Open University* (01), 66-70.
- [15] Yu, Jinlan. (2022). Exploring the way of shopping preservation notarisation--an analysis based on judicial big data. *China Notary* (03), 26-29.
- [16] Zhang Wen. (2021). Discussion on deepening the role of notary public in the field of intellectual property protection. *Legal Expo* (17), 112-113.
- [17] Zhang Xi. (2023). Development of intellectual property notary services in the context of the new provisions of the Civil Code. *China Notary* (07), 44-46.
- [18] Zhang, J. F.. (2023). Research on the Dilemma and Countermeasures for the Development of Ceramic Intellectual Property Service Industry in Jingdezhen under the Background of National Pilot Area. *Journal of Jingdezhen College* (02), 122-125.
- [19] Zhou, Xiangjun. (2023). Research on the proof effect of notarisation of preservation evidence--and notarisation of preservation electronic data. *Journal of Gansu University of Political Science and Law* (04), 130-145.
- [20] Zou, Lidan & Pan YiShan. (2023). Regulation and development of notarial business of preservation of evidence. *China Notary* (03), 49-51.