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The Injustice System in International Patent Litigation: Difficulties and China's Response

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Abstract. In the context of economic globalization and technological globalization, international patent parallel litigation is increasing day by day, and the injunction system has gradually become the focus of judicial games in various countries. However, China's relevant laws are still blank and urgently need systematic research. The injunction originated in the Anglo American legal system, aiming to regulate parallel litigation by restricting parties' litigation in foreign courts. However, its application has also led to issues such as jurisdictional expansion, conflicts of judicial sovereignty, and weakening of the principle of international courtesy. Therefore, starting from the practical experience of international patent litigation, this article analyzes the core controversies and practical difficulties faced by the injunction system in practice, including its impact on the principle of territoriality of patent rights, the intensification of judicial confrontation, and the failure of international coordination mechanisms. On this basis, this article proposes that China should build a systematic response system from three levels: defensive mechanism construction, cautious construction of local injunction system, and advocacy of multilateral dialogue and cooperation, in order to safeguard national judicial sovereignty and the legitimate rights and interests of enterprises, and contribute Chinese wisdom to the stability of the international intellectual property governance order.

Keywords: anti-suit injunction, international patent litigation, standard essential patents, jurisdictional conflict, international comity

1. Introduction

In the era of economic globalization and technological regionalization, disputes related to high-tech fields such as standard essential patents are increasingly crossing national borders, and international parallel litigation is surging. In this context, the injunction, which originated in the common law system of England and America and aimed to regulate parallel litigation by restricting parties from suing in other countries' courts, gradually evolved into the focus of international judicial competition. For a long time, common law countries have regarded it as a tool to maintain jurisdiction and prevent abuse of litigation, with judges enjoying broad discretion; On the other hand, civil law countries represented by Germany and France, due to their adherence to the principle of territorial sovereignty, have long held a cautious and even critical attitude towards injunctions, believing that they are a gross interference in the judicial sovereignty of other countries. However,

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with the intensification of the global patent war in fields such as communication, facing the dilemma of domestic companies facing bans overseas, some civil law countries have also begun to shift from criticism to research and explore such systems. On the other hand, in China, the current legal provisions on the system of injunctions are still blank, lacking clear norms and systematic procedures. Although Chinese courts have practiced in individual cases in recent years, the theoretical construction still lags behind and there is a lack of in-depth and systematic research.

However, the study of the injunction system in international patent litigation has significant theoretical value and practical urgency. From a theoretical perspective, the core value lies in balancing the regional nature of patent rights with the global demand for dispute resolution. Although patent rights have strict territoriality, the global implementation of technical standards has led to a series of disputes related to them crossing national borders. The injunction system is like a double-edged sword: when used reasonably, it can effectively curb the strategic behavior of patent owners using parallel litigation from multiple countries to pressure implementers, prevent their abuse of injunctions in a certain jurisdiction, and protect the interests of well intentioned implementers, thus maintaining the international market competition order; If abused, the injunction may become a tool for competing for international discourse power and be used by other countries to expand judicial jurisdiction. It not only tears apart the principle of international courtesy and damages the judicial sovereignty of other countries, but also harms the legitimate interests of Chinese enterprises as implementers or rights holders of standard essential patents, exacerbating the governance problem of international intellectual property rights. Therefore, it is urgent to conduct in-depth research on the injunction system and establish a response mechanism that is in line with China's judicial sovereignty and can effectively safeguard China's industrial interests. This is not only a theoretical need to improve China's international civil litigation system, but also a practical requirement to serve the construction of an intellectual property power and enhance China's discourse power in the field of international intellectual property governance. Based on this, this article attempts to explore the application logic and difficulties of injunctions in international patent litigation, in order to provide useful references for the construction and response of relevant systems in China.

2. The core controversy caused by injunctions in international patent litigation

The introduction reveals the dual nature and theoretical value of the injunction system in international patent litigation. However, the controversies it has sparked in practical application are not limited to value trade-offs, but more specifically manifest as core conflicts at the following levels.

2.1. Expansion of jurisdiction and conflict of judicial sovereignty

Traditionally, the strict territorial jurisdiction of patent rights requires a country's jurisdiction to be limited to its own territory. However, in the context of globalization and the interconnection of the technology industry chain, this principle is being substantially challenged. For example, under the guidance of principles such as "long arm jurisdiction" and "actual control jurisdiction", British and American countries often advocate that their own courts have exclusive jurisdiction over global patent litigation disputes, and then issue injunctions with extraterritorial effects to prohibit one party from conducting or continuing parallel litigation in foreign courts [1]. This has forced civil law countries to participate in research and establish an injunction system in their own countries, competing for jurisdiction over international patent litigation to protect their judicial procedures,

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judicial sovereignty, and the legitimate rights and interests of the parties involved. The competitive expansion of jurisdiction has gradually evolved into a practical collision of judicial sovereignty among countries in the field of cross-border commercial legal disputes: one country's court attempts to regulate litigation that occurs within another country through injunctions, which directly touches upon the independent exercise of judicial power by other countries' courts and triggers strong legal confrontation. For example, in the parallel litigation of standard essential patents between Samsung and Ericsson, Chinese and American courts have successively issued injunctions and anti injunctions to the opposing parties, fully demonstrating the intense competition for jurisdiction in various countries. Over time, injunctions have gradually evolved from a judicial tool for resolving procedural disputes between parties, to a strategic tool for countries to safeguard their political and economic interests, maintain their judicial authority, and compete for international rule discourse in the global competition for intellectual property governance. The expansion of jurisdiction exacerbates the phenomenon of sovereignty conflicts, which profoundly reveals that in the absence of a unified international coordination mechanism, although the injunction system may serve the resolution of individual cases or national interests in the short term, it exacerbates the instability and uncertainty of the international judicial order in the long run.

2.2. The abuse of injunctions leads to judicial confrontation and an imbalance in international order

With the expansion of jurisdiction, the abuse of injunctions is evolving from conflicts in individual cases to institutional crises, and its most direct consequence is frequent and intense judicial confrontations, fundamentally undermining the stability and predictability of the international litigation order. When a court of a country issues an injunction beyond the necessary limits in order to gain control of a case, it not only constitutes an excessive restriction and infringement of the parties' right to sue, but is also seen as a public provocation to the judicial sovereignty of other countries. This will inevitably provoke countermeasures from the other party and may even escalate into a larger scale international conflict, disrupting international relations and order. Over time, this mode of mutual suppression, confrontation, and competition will not only leave multinational corporations in a legal dilemma, greatly increasing their litigation costs and risks, but also lead to the authority of courts in various countries being damaged in mutual confrontation. Judicial resources will be heavily consumed in procedural disputes rather than substantive dispute resolution, and at a deeper level, it will lead to an imbalance in the international civil and commercial order based on international courtesy and judicial cooperation. In the past, countries often followed the principle of international courtesy, self-restraint, and tried to remain humble in issuing injunctions to avoid potential conflicts and maintain the overall harmony of the international legal system. However, the abuse of injunctions essentially abandons this principle and replaces it with a logic of unilateral judicial hegemony, making it even more difficult for the international community to establish and maintain fragile coordination mechanisms in areas such as intellectual property. In the long run, international dispute resolution may degenerate into a pure game of national power, and the consistency of legal rules and the enforceability of effective judgments will face severe challenges, ultimately harming the healthy development of the global legal ecosystem and the legal security of cross-border economic and trade activities. Therefore, the abuse of injunctions is not a local technical issue, but a global risk related to the international judicial system and order.

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2.3. There is tension between the principle of international courtesy and judicial intervention

Behind the jurisdictional disputes and judicial confrontations triggered by the injunction system, there is a more fundamental legal dilemma: there is an irreconcilable tension between the judicial restraint and cooperation advocated by the principle of international courtesy and the judicial intervention represented by the injunction. International courtesy, as one of the fundamental principles of private international law, lies at the core of a country's voluntary recognition and courtesy of the legislative, administrative, and judicial actions of other countries based on respect for sovereign equality and international harmony. In international litigation, it requires courts to carefully consider the connection between the case and foreign jurisdictions, foreign judicial sovereignty, and potential impact on international relations when conducting judicial activities, in order to exercise self-restraint [2]. However, the issuance of an injunction is essentially a unilateral judicial intervention. It restricts or prohibits the litigation activities of parties in other countries' courts solely through judicial rulings of one country, which objectively negates or interferes with the judicial procedures of other countries. This directly undermines the respect and restraint required by the principle of international courtesy, even for the legitimate purpose of preventing abuse of litigation or maintaining domestic jurisdiction. This tension is manifested in practice as a difficult balance for courts in individual cases: on the one hand, courts have the responsibility to protect the integrity of their own judicial sovereignty and prevent one party from engaging in strategic litigation or obtaining unfair judgments by choosing a court; On the other hand, excessive or inappropriate intervention can violate the spirit of international courtesy, damage international judicial cooperation, and even escalate international conflicts. This tension has led to the long-standing contradiction of the injunction system: it may become a tool to maintain judicial sovereignty and procedural fairness in specific jurisdictions, but it may also become a tool to undermine the foundation of sovereign equality and international cooperation.

3. The practical dilemma of the injunction system in practice

The core controversy of the injunction system in international patent litigation is not only at the theoretical level, but has evolved into a series of practical difficulties in practice. These difficulties not only exacerbate conflicts in international justice, but also pose challenges to the stability of the patent system and international cooperation.

3.1. The intensification of jurisdictional conflicts has resulted in a regional impact on patent rights

In theory, patent rights have strict territoriality, and patent protection granted by a country is only effective within its own territory. However, the application of the injunction system in practice is weakening the position of this fundamental principle, making it face unprecedented challenges. This impact is not limited to the theoretical level, but is more reflected in the jurisdictional disputes brought about by specific cases, which will gradually lead to uncertainty in the patent protection system. In the case of Wireless Planet v. Huawei, the UK Supreme Court made a landmark ruling: it ruled that UK courts not only have jurisdiction over the licensing rates of Wireless Planet's UK patents, but also have the authority to determine a global licensing rate that covers both parties' global patent portfolios in accordance with the FRAND principle. This means that the UK court is attempting to set a unified patent licensing fee for Huawei's business activities in the global market through a lawsuit conducted in the UK [3]. This approach itself poses a direct challenge to the

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principle of territoriality of patent rights, as the validity, infringement issues, and licensing conditions of Huawei's patent rights held in more than 170 countries and regions around the world, such as China, should be primarily governed by local laws. British courts do not have a direct basis for determining global FRAND licensing rates, even though they claim that their practice of determining global licensing rates does not conflict with foreign court rulings. A more crucial point is that the judgment pressure generated in this case is similar in effect to a "quasi injunction": if Huawei does not accept the global licensing fee determined by the UK court, its patents in the UK will be deemed infringing and face an injunction, which essentially greatly limits Huawei's right to seek different licensing conditions through litigation in other jurisdictions.

The dilemma of this approach is that British courts attempt to dominate intellectual property disputes that should be under the jurisdiction of other countries through their judgments. This not only puts patent protection in a tug of war over jurisdictional expansion, but also poses a dual dilemma for multinational corporations: they have to deal with the high cost of litigation and the risk of conflicting rulings in multiple countries, and may be forced to accept global solutions set by a single court. This situation may trigger countermeasures from various countries, intensify jurisdictional competition, thereby damaging the international patent protection system, further shaking the principle of territoriality of patent rights, and exacerbating the chaos of global intellectual property governance.

3.2. The instrumentalization of injunctions damages judicial neutrality and international coordination mechanisms

The harm caused by the instrumentalization of the injunction is most deeply reflected when it evolves into a "weapon" for judicial confrontation between countries. This is vividly demonstrated in the case of Xiaomi v. Interactive Digital (IDC). This case clearly reveals how injunctions have transformed from procedural tools for resolving individual disputes to strategic weapons for competing for international judicial discourse: after negotiations between the two parties broke down, Xiaomi was the first to file a lawsuit in the Wuhan Intermediate People's Court in June 2020, requesting a ruling on global FRAND licensing rates. In response to Xiaomi's dispute for dominance in the case, IDC immediately sued Xiaomi for infringement and sought injunction protection in the Delhi High Court of India in July of the same year. As a counterattack, Xiaomi applied for an injunction with the Wuhan Intermediate People's Court in August and received support, requesting IDC to withdraw or suspend its lawsuit in India. However, the conflict did not subside, and IDC subsequently applied to the Indian court for an anti suit injunction in September, prohibiting Xiaomi from enforcing the injunction of the Wuhan Intermediate People's Court [4].

The cycle of confrontation between the series of "injunction orders" and "anti injunction orders" clearly indicates that injunction orders have evolved from a tool for resolving procedural disputes to a weapon for both parties to engage in judicial games and compete for case dominance. The court's ruling is no longer solely based on traditional considerations of preventing abuse of litigation or ensuring procedural fairness, but rather serves more strategic purposes of protecting the country's core key enterprises and competing for the position of an international intellectual property dispute resolution center. When judicial power becomes a direct tool for inter state games, its neutrality and impartiality are completely lost. Meanwhile, this unilateral confrontational behavior completely bypasses the possibility of coordination through multilateral dialogue or international organizations such as WIPO, making the establishment of a stable and predictable international intellectual property dispute resolution mechanism even more unattainable. In the end, the venue for resolving disputes has shifted from the pursuit of fair courts to the battlefield of competing for judicial

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deterrence, which not only does not help to settle disputes, but also greatly exacerbates the confrontational and uncertain nature of the international intellectual property governance system.

3.3. The principle of international courtesy is weakened

The principle of international courtesy requires a country's courts to exercise judicial restraint and respect the judicial sovereignty of other countries when exercising jurisdiction, in order to maintain the harmony of the international judicial order. However, in recent years' standard essential patent litigation, especially under the intense game of injunctions, this principle has been significantly weakened in practice, and even openly avoided, leading to serious damage to the foundation of international judicial cooperation.

This weakening itself also stems from the ambiguity of the principle itself and its subordinate position in judicial discretion. This principle is not a mandatory binding rule of international law, nor is it purely a diplomatic etiquette, but rather a flexible norm based on mutual respect between countries. This feature gives courts in various countries extensive discretion, allowing them to primarily consider their own judicial policies or national interests when deciding whether to issue injunctions. The judicial practice of the US courts provides clear evidence for this, with two different judicial tendencies that have long existed internally: one tends to ignore considerations of courtesy and issue injunctions mainly based on reasons such as preventing litigation troubles and improving domestic judicial efficiency; Another approach is relatively cautious, only placing national interests above international courtesy when foreign litigation seriously threatens the core policies of the country [5]. Regardless of the inclination, in practical operation, there is a tendency to prioritize international courtesy over domestic interests for weighing, which makes it difficult for this principle to effectively constrain the unilateral actions of the court in patent disputes involving significant economic and technological interests. The most direct consequence of the weakening of international courtesy is the triggering of a "tit for tat" judicial confrontation cycle. When a court of a country issues a restraining order for the purpose of protecting the interests of its own parties, this unilateral act is easily seen as a challenge to judicial sovereignty by the other party, thereby triggering corresponding countermeasures. This pattern of mutual confrontation not only undermines judicial mutual trust between countries, but also puts multinational corporations in more complex legal dilemmas, ultimately damaging the predictability and stability of the international legal order.

4. Building a response system for China's ban on prosecution

Faced with the challenges of jurisdiction expansion, intensified judicial confrontation, and weakened international courtesy caused by the injunction in international patent litigation, China can no longer just stay at the level of individual case response or theoretical exploration, but needs to build a systematic response system based on national conditions, both defensive and constructive, from a national strategic perspective. This system aims to effectively safeguard China's judicial sovereignty and the legitimate rights and interests of enterprises, and is committed to promoting the stability and fairness of the international intellectual property governance order.

4.1. Improve defensive mechanisms

In order to resist the impact of extraterritorial courts expanding jurisdiction through injunctions on China's judicial sovereignty, as well as the challenge to the principle of territoriality of patent rights

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in international patent litigation, China urgently needs to improve its defensive mechanism centered on judicial response and administrative blockade, in order to maintain the independence of the country's judicial sovereignty and intellectual property protection system.

Firstly, fully utilize and improve the system of behavior preservation, and form effective countermeasures at the judicial level [6]. The behavior preservation system stipulated in China's Civil Procedure Law has the potential to respond to extraterritorial injunctions in terms of functionality. When a standard essential patent case accepted by a Chinese court encounters a party maliciously seeking an injunction in a foreign court with the intention of obstructing or interfering with the judicial process in our country, after careful examination, a corresponding ruling can be made based on the behavior preservation system, ordering the party to suspend or withdraw the application for an extraterritorial injunction, thereby maintaining the order of the Chinese court's trial of cases under legitimate jurisdiction, effectively preventing the party from abusing the court by choosing a court, and resisting the excessive expansion of foreign jurisdiction. At the same time, when applying, Chinese courts should also pay attention to maintaining judicial restraint, focusing on the following factors to balance the interests of all parties: whether foreign litigation constitutes substantial interference with China's judicial sovereignty, and whether it violates the jurisdiction or arbitration agreement between the parties; Will not taking action preservation measures lead to serious obstruction of China's judicial process or irreparable damage to the rights and interests of the parties involved. Secondly, make good use of and improve the blocking mechanism at the administrative level to provide public power support for national interests and corporate rights. The Measures for Blocking the Improper Extraterritorial Application of Foreign Laws and Measures (hereinafter referred to as the "Blocking Measures") issued by the Ministry of Commerce provide a legal basis for responding to foreign judicial measures that harm China's sovereignty, security, and development interests. When the injunction issued by a foreign court constitutes improper interference with China's judicial sovereignty and the litigation rights of the parties, the relevant competent authorities may initiate an evaluation procedure based on this method. After the evaluation confirms that it is an improper extraterritorial application, an injunction may be issued to prohibit Chinese parties from recognizing, enforcing or complying with the foreign injunction, and to support legal claims for their losses [6]. In addition, in order to further enhance its defense effectiveness, in the future, based on the experience of implementing the "Blocking Measures", we can promote the establishment of more targeted special legislative protection, extend its scope of application, and establish and improve more specific mandatory safeguard measures and recovery systems to provide relief for Chinese parties who suffer losses due to non-compliance with foreign injunctions [1]. Thirdly, strengthen the risk prevention and response capabilities of enterprises. In the increasingly complex context of international patent litigation, it is particularly important for enterprises to enhance their own response capabilities. Specific measures include: firstly, encouraging enterprises to reasonably set jurisdiction clauses and dispute resolution methods when signing cross-border patent licensing agreements, in order to prevent the risk of disputes related to judicial jurisdiction from the source; Secondly, relevant departments such as the Ministry of Commerce and the Ministry of Public Information and Communications Technology can jointly carry out professional training to help enterprises cultivate professionals familiar with international intellectual property rules and enhance their ability to respond to relevant disputes. Thirdly, establish an information sharing mechanism to promote experience exchange and risk warning circulation among enterprises. Especially for technology innovation oriented enterprises, they should strengthen their risk prevention awareness and help them establish a sound risk response system. In summary, the key to improving the defensive mechanism of injunctions lies in the coordination and

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cooperation of judicial measures, administrative means, and enterprise management. By fully utilizing the legal system of behavior preservation to carry out judicial countermeasures for individual cases, and with the support of government departments and supplementary support from various enterprises, an effective defense line is constructed to cope with the expansion of extraterritorial jurisdiction and maintain the principle of territorial patent rights, in order to strive for initiative for China in the complex international intellectual property governance pattern.

4.2. Prudential construction of China's injunction system

In the face of the practical dilemma of the instrumentalization of injunctions in international patent litigation, which damages judicial neutrality and intensifies judicial confrontation, China must take "prudent restraint" as the core concept when constructing its own injunction system. The fundamental purpose of issuing injunctions in our country is to resist improper judicial intervention by other countries, rather than actively participating in or escalating international judicial conflicts. To achieve this goal, first of all, strict issuance principles and conditions must be established at the legislative level to effectively constrain the discretion of judges. The issuance of a restraining order should be considered as a last resort and an unconventional weapon. Its application must strictly follow the principle of necessity, that is, it can only be used when foreign litigation constitutes a clear abuse of rights or malicious litigation, and seriously hinders the progress of the litigation procedures in Chinese courts and the legitimate rights and interests of the parties involved. Moreover, in the review process, "international courtesy" must be a crucial balancing factor, requiring courts to carefully evaluate the potential impact of issuing injunctions on the judicial sovereignty of other countries and avoid unnecessary international judicial friction [7]. In addition, it is necessary to clarify the scope and effectiveness boundaries of the injunction, that is, the injunction should only target the parties rather than foreign courts, and its content should be specific and clear to avoid excessive interference in foreign judicial proceedings. Secondly, further improve the procedural design of China's injunction system. From the perspective of comparative law, China can learn from the experience of the United States in building a system of injunctions, establish a hierarchical system of injunctions, and differentiate procedural rules for different levels of urgency and trial stages within the existing framework of behavior preservation. For example, it is possible to explore the establishment of preliminary temporary injunctions based on unilateral applications in emergency situations, strictly limiting their effectiveness to a very short period of time (such as 14 days), and immediately transferring them to bilateral procedures for review and confirmation, in order to balance litigation efficiency and procedural fairness. At the same time, in order to safeguard the rights of the parties and the fairness of the ruling, it is necessary to clearly stipulate the review and appeal procedures for the injunction ruling in terms of procedural safeguards, and the relief procedure should be heard by the higher court that made the ruling, rather than the original court itself, in order to comply with the basic spirit and requirements of procedural justice. In addition, it is necessary to fully draw on the principles of equity such as "estoppel" and "waiver of rights", and set reasonable defense reasons for the respondent in the system to ensure the substantive balance of the litigation rights of both parties and protect their defense rights in litigation [8]. Finally, it is necessary to establish a punishment deterrence mechanism to ensure the effective implementation of the injunction, and to ensure the fairness and predictability of the system operation through clear procedural norms. This is an important guarantee to prevent the abuse of the injunction. China's judicial practice has made beneficial explorations in this regard. For example, in the case of "Huawei v. Vincent and the Grenadines", the Supreme People's Court creatively clarified the daily fine system, which imposes a daily cumulative fine on the party who violates the preservation

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ruling. This provides an important reference for the deterrence guarantee of the enforcement of the injunction in the future [4]. Furthermore, China can also learn from foreign experiences. For example, in the case of Nokia v. Daimler, a German court issued a counter injunction against Daimler's supplier Continental in response to an injunction application from a US court, ordering it to immediately withdraw its application in the United States. This effective countermeasure upheld the country's judicial sovereignty. From this, it can be seen that when constructing the system of injunction in China, it can be clearly stipulated that if a party refuses to fulfill the obligations determined by the injunction or anti injunction ruling, the court has the right to impose compulsory measures such as fines and detention according to the severity of the circumstances in accordance with the law [9]. By establishing such strict and clear penalties, ensuring the authority of court rulings, preventing the system from becoming a mere piece of paper due to weak enforcement, and truly playing a defensive role in maintaining the normal conduct of civil litigation procedures and protecting China's judicial sovereignty.

To sum up, the core value of prudently constructing China's injunction system lies in shaping it into a defense of judicial sovereignty and procedural fairness through strict substantive conditions, rigorous procedural norms, and judicial restraint based on international courtesy, a 'shield' rather than a 'spear' for judicial expansion. This is not only a practical need to address the current difficulties in international intellectual property governance, but also a long-term consideration for China, as a responsible major country, to maintain the stability and predictability of the international judicial order.

4.3. Advocate for multilateral dialogue and cooperation

Pure domestic institutional construction cannot resist the systemic conflicts caused by injunctions. When courts of various countries compete to issue injunctions to contest jurisdiction, its essence is the expansion of unilateral judicial power, which seriously weakens the principle of "international courtesy" aimed at coordinating sovereignty relations, and even turns it into a mere formality. Therefore, using a mindset that goes beyond individual case countermeasures and domestic legislation, actively advocating and participating in multilateral dialogue and international rule coordination, is the fundamental solution to alleviate current difficulties and rebuild a healthy international judicial order. However, due to the shortcomings of the existing TRIPS agreement on this issue, the international community urgently needs new rules. Therefore, in the specific path, China can first establish communication mechanisms with major trading partners through forms such as judicial cooperation memorandums of understanding. For example, establishing regular communication channels between courts in countries such as Germany and the United Kingdom, and conducting prior communication on major cases to avoid judicial conflicts. Secondly, more importantly, China should actively lead or participate in relevant international negotiations, and promote the conclusion of bilateral, regional, or multilateral agreements aimed at restricting and regulating the application of injunctions. China can join forces with countries with similar positions to advocate for the establishment of "respect for patent territoriality" and "prudent issuance of injunctions" as basic international legal principles under frameworks such as the World Trade Organization, the World Intellectual Property Organization, or the Hague Conference on Private International Law, and promote the determination of the jurisdictional order for parallel patent litigation across countries. For example, the rule of "priority jurisdiction by the court of the patent granting country" can be agreed upon, or the appropriate court can be determined based on the most closely related factors such as patent market share and profit center, in order to provide a relatively objective standard for jurisdiction attribution and reduce the arbitrariness of court competition. In

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addition, China should also strive to improve the principle of "first court of appeal", take advantage of the priority position of the first court of appeal, effectively avoid parallel litigation, and reduce the motivation for issuing injunctions from the source. To avoid this principle being confined to rigidity, China still needs to explore and promote the establishment of applicable rules for its exceptions, providing a stable framework for coordinating jurisdictional conflicts. For example, the appropriate introduction of the "inconvenient forum principle" (exercised by the second appellate court), as well as considerations of exclusive jurisdiction and the recognition of judgments, can increase the flexibility and fairness of the system [1]. This refined design of "principle+exception" can provide clear international legal guidance for courts in various countries to exercise jurisdiction while respecting the free expression of the parties' will and the discretion of each country's courts, thereby constraining unilateral judicial impulses, building a stable and harmonious international patent litigation judicial order, and repairing the weakened and damaged spirit of international courtesy.

In short, advocating multilateral dialogue and cooperation aims to seek the greatest consensus from the perspective of international rules, and to shift the courts of various countries from the "battlefield" of jurisdictional disputes to the "negotiation table" of rule coordination. This is not only a practical need to alleviate the current ban on prosecution war, but also a profound consideration for China, as a responsible major country, to maintain international legal stability and promote the construction of a more fair and reasonable international intellectual property protection order.

5. Conclusion

The injunction system, as an important procedural tool in international patent litigation, not only helps prevent parties from abusing litigation and maintain judicial efficiency, but also may exacerbate international judicial conflicts due to abuse. At present, China is still in the exploratory stage in terms of the injunction system, lacking clear legal basis and facing challenges from the expansion of extraterritorial judiciary. In this context, China's response strategy should not be simple confrontation or imitation, but should be based on the national conditions, adhere to the idea of balancing defense and construction, improve judicial countermeasures such as behavior preservation, carefully construct a local injunction system, and actively participate in international rule coordination, gradually forming a response system with Chinese characteristics. More importantly, as a responsible member of the international community, in the future, China should uphold the spirit of international courtesy while protecting the legitimate rights and interests of its own enterprises, actively advocate and participate in dialogue and coordination of international rules, promote the formation of a more fair and orderly international intellectual property litigation order, and seek and contribute Chinese solutions to resolve conflicts and contradictions for global governance.

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