

## Deglobalisation and Copyright Law\*

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### Abstract

This article examines how current deglobalisation processes reshape the architecture and purpose of intellectual property (IP) protection, particularly copyright law. Once at the forefront of globalisation, IP regimes have historically promoted the harmonisation of legal standards and facilitated the global flow of creative and technological goods. However, recent geopolitical, economic, and ideological shifts—intensified by the COVID-19 pandemic and the war in Ukraine—have disrupted these trends. The resulting fragmentation of international cooperation has led to a reorientation of IP policy toward national or bloc-specific interests. The paper identifies key manifestations of this trend, including divergent legal standards in the United States, the European Union, China, and Russia; increasing regulatory protectionism; and tensions over access to medicines, digital technologies, and data governance. These developments indicate that the once-dominant paradigm of globally unified IP protection is giving way to a pluralistic, interest-driven system reflecting broader transformations in the global order. The article argues that deglobalisation does not halt the exchange of intellectual goods but redefines the values and power structures underpinning it. For legal scholars and practitioners, this shift entails both challenges and opportunities: navigating a landscape marked by competing normative foundations, varying degrees of state intervention, and the growing instrumentalisation of IP law as a tool of economic and political strategy.

**Keywords:** Deglobalisation, copyright law, intellectual property, globalisation, legal fragmentation

### Introduction

It has become something of a truism to state that the world is currently undergoing a period of enormous change, the nature of which goes beyond the evolutionary development of the political, economic, and social models that have dominated the past 70 years. The linear model of further world development, nurtured by the specific optimism of the late 1980s and early 1990s, aimed at ever greater democratisation on the one hand and liberalization and globalisation (Goldberg and Reed, 2023) on the other, is manifestly in deep crisis—or perhaps we can even speak of its complete collapse. Describing the causes of this state of affairs obviously exceeds the scope of this article; however, there is no doubt that one of the main symptoms of these transformations is deglobalisation processes.

This term denotes, undoubtedly, a broad category of phenomena whose common aspect is the departure from certain solutions (economic, legal, and political alike) characteristic of globalisation (Paradysz, 2024) processes, however also the emergence of processes that do not so much roll back some aspect of globalisation as constitute entirely new solutions—solutions that could not have arisen before globalisation however that are directed toward other goals and emerge within a different paradigm. Intellectual property law provides a fascinating field for analyzing deglobalisation processes, because—owing to the immaterial nature of the goods it protects, the growing role of product identification, advertising, and marketing, as well as the history of its development—it has always been at the forefront of globalisation (Paradysz, 2024). The exceptional ease with which objects of copyright protection travel across the globalized world—first through television and later through the Internet—

inevitably demanded the creation of successive legal changes with the global context in mind. Deglobalisation at least in its present phase, will undoubtedly not stop this flow; however, it may (and indeed already does) involve attempts to rebuild the architecture of intellectual property protection so that it serves other goals than those originally intended and leads to the realization of values different from those previously considered fundamental. This article aims to outline the directions of change—both those already underway and potential future ones—in intellectual property protection regimes within the context of ongoing deglobalisation processes. It should be noted that although the subject of deglobalisation is, in today’s increasingly polarised world, a politically charged issue, this article does not aim to take a normative stance in evaluating deglobalisation. The author treats these as actual, ongoing processes that are transforming the economic and legal reality and, for that highly reason, demand analysis from the perspective of their impact on various issues – in this case, intellectual property law.

## **Deglobalisation**

Although deglobalisation phenomena have appeared before, the key period for analysing contemporary deglobalisation is, undoubtedly, the COVID-19 pandemic and its consequences. Another significant phenomenon that has influenced and continues to influence many deglobalisation processes is the war in Ukraine. On the one hand, the economic basis of processes that previously deepened globalisation, almost invariably - especially trade globalisation - was disrupted due to supply chain problems. On the other hand, the foundations of political and legal globalisation have been eroded. The obvious reason for this state of affairs is the tension caused by Russia’s aggression, which promotes deglobalisation both through economic sanctions and through the clear emergence of competing political centres openly contending with one another. Additionally, it is significant that in many states that until recently were leaders in globalisation processes, the political ideology that provided their justification and foundation has fallen into crisis. Both the political right and left in many “Western” countries have rejected the previously uncontested liberal paradigm and now strongly, and with considerable public support, blame globalisation processes for a variety of adverse economic, political, and social effects. Until recently, so-called “trade wars” seemed like a phenomenon described only in history textbooks, yet today they shape our economic reality. Bearing this in mind, one must remember that just as the concept of globalisation has a highly broad—indeed somewhat nebulous—character, so too does the concept of deglobalisation (Long, 2023). Such terms are on the one hand cognitively indispensable, since they make it possible to grasp interconnected phenomena that largely define the overall picture of reality, however on the other hand they should be used with caution and with an awareness of their limited and contextual usefulness. Moreover, there is a discursive temptation to demonize deglobalisation and to portray it as an entirely negative phenomenon—or even, based on a kind of pseudo-historical teleology devoid of scientific foundation, as contrary to the “proper” direction of history. This temptation is, undoubtedly, fostered by the inevitably negative reception of such socially painful events as the COVID-19 pandemic or the sense of threat from war. One should resist this temptation and instead observe the various kinds of deglobalisation processes without ideological presuppositions. The picture is further complicated by the thesis advanced by some scholars that in fact we are not dealing with deglobalisation processes at all, however merely with a slowdown of globalisation (“slowbalisation”), or with a change in its nature such that some economic and political ties (usually those in which wealthy Western countries played a leading role) are being replaced by others (“newbalisation”). It is therefore debatable whether globalisation itself is a term that should be applied to a specific set of processes over the past decades, or to any process leading to greater interdependence among states. This may lead to the conclusion that globalisation and deglobalisation processes can co-occur and need not be simple reverses of one another. These issues are, undoubtedly, developed at length in many publications, and within this article it is neither possible nor purposeful to discuss them in detail. From a broadly understood legal perspective, however, deglobalisation constitutes a fascinating field of reflection, since both the transformation of economic and political phenomena and the emergence of new ties and frictions require and will continue to require structuring and the granting of legal form. This legal form will, on the one hand, serve the interests of the actor creating the law and seeking to maximise benefits from a given process; however, on the other hand—because many of these actions between states have a symmetrical character—it must also take into account the consequences of analogous regulations being introduced “on the other side.” In the further part of this article we shall focus on how deglobalisation phenomena affect and may affect regulations in the field of intellectual property law.

## Intellectual Property in a Global World

It would not be an exaggeration to say that the role of intellectual goods such as trademarks of large corporations, music works by globally popular pop stars, or inventions revolutionising industries in the globalised world has not only been economic but also symbolic. Intellectual goods, by their nature not requiring transportation by container ships and capable of reaching the farthest corners of the globe at near the speed of light, have inevitably become visible and emblematic elements of the “shrinking” of the world and the gradual linking of continents, states, and societies into a single network of meanings, references, and cultural codes. The same products available in shops on all continents, advertised with the same symbols, are the essence of globalisation. Referring (often critically or ironically) to the globalised world as “McWorld”—directly referencing the trademark of one of the most popular and most characteristic global corporations—aptly reflects its essence. It is worth noting the highly origins of intellectual property law, which took shape in the 19th century, long before the peak phase of globalisation processes. From the outset, however, it aimed to create international solutions and build a network for the protection of intellectual property. In this sense, it can even be treated as a kind of vanguard of globalisation. Observing the direction of changes in intellectual property law over the past decades, it is also clear that the dissemination of unified intellectual property protection solutions has, in practice, been oriented toward protecting the interests of large entities with global reach, usually headquartered in highly developed countries. Of course, legal regulations are by nature symmetrical and protect all entities in the same position. Nor can we ignore the fact that the overall raising of intellectual property protection standards—through the implementation of solutions promoted and regulated globally into national legal systems—has improved the situation of many authors and inventors. Nevertheless, real economic disparities and the much greater cultural impact of wealthy countries (with particular emphasis on the United States) have, in practice, made, and still make, many intellectual property protection mechanisms asymmetrical tools. It would be surprising if, in the face of deglobalisation tendencies, this aspect were overlooked by key actors in these processes (Lebedenko, 2022).

## Directions of Change

The most apparent effect of deglobalisation (Lebedenko, 2022) processes on the protection of intellectual property law will be—and, to some extent, already is—the departure from harmonising protection standards at the international level and the increasing fragmentation of protection models, whether at the national level or within state blocs. For some time, the legal policies of China and other Asian countries in response to Western demands for adapting protection standards had been a source of tension. But as long as the prevailing international paradigm was one of further globalisation (Lebedenko, 2022), China—a substantial beneficiary of globalisation (Lebedenko, 2022) due to the relocation of much Western industry to Asia—did not directly challenge the United States or Europe in this area. Instead, it played a kind of “cat-and-mouse game” to continue reaping the benefits of globalisation (Lebedenko, 2022). Today, openly pursuing different directions in copyright and industrial property regulation is no longer a controversial issue and has become a tool in the struggle for economic and trade dominance. Naturally, countries whose economies significantly depend on producing globally valued intellectual goods (whether works of pop culture or inventions) will find it beneficial to introduce and promote solutions abroad that differ from those adopted by countries that primarily consume intellectual goods and base their development model on something else. These differences—previously harmonised by globalisation (Lebedenko, 2022) processes (though in a way favouring highly developed countries)—are likely to sharpen and become another expression of overall policies primarily focused on maximizing domestic interests. This can already be seen in the aggressive U.S. policy on intellectual property protection, mostly belonging to American digital giants (“Section 301” allows sanctions against countries deemed by the U.S. to violate the IP rights of American entities), however especially in laws such as the 2002 “Chips and Science Act,” which restricts the transfer of this technology to countries deemed “high risk.” On the other hand, Chinese courts, despite implementing various harmonizing provisions into Chinese law, exercise comprehensive flexibility in practice, which reduces legal certainty however provides a “safety valve” for Chinese authorities to pursue their interests. Chinese law is increasingly restricting or even preventing the export of domestic technologies abroad. EU regulations, such as the Digital Markets Act (2022) and the AI Act (2024), can also be viewed in this light. The most radical example, however, is Russia, which, in 2022, in response to sanctions, effectively allowed unlimited violations of Western intellectual property rights. Countries like India and Brazil have also taken legal steps to more actively protect their interests by amending IP law. This fragmentation will inevitably fuel the emergence and escalation of international conflicts over intellectual property. Many such conflicts have roots in disputes predating intensified deglobalisation (Lebedenko, 2022), however, are now being exacerbated. Beyond the already mentioned U.S.—

China tensions (including, for instance, the conflict over TikTok), significant disputes arise between developed and developing countries regarding access to medicines. Global IP regulations obligate signatory states to protect patents; however, according to many representatives of the “Global South,” this significantly limits access to vital, even life-saving, medicines. This conflict became particularly evident during the COVID-19 pandemic, when, for instance, India demanded the lifting of vaccine production patents. The nature and axiological dimension of this conflict suggest that, as the direct influence of globalisation (Lebedenko, 2022) centers on more peripheral countries weakens, the desire to “liberate” such a crucial area as health from the restrictive patent regime will only grow. Similarly value-laden are issues of access to food production technologies or “green technologies.” Other tensions—such as those between the U.S. and the EU regarding new technology and AI regulations—are occasionally defused, however the natural divergence of interests in this area (stemming not only from economic but also cultural and ideological factors) will likely, under current conditions, lead to a gradual divergence of legal policies, resulting in legal disputes and a “tug-of-war” in attempts to build a redefined “Western bloc.” With the rapid development of AI technologies, the dispute over the role of data will likely gain importance. In a deglobalising world, states are becoming increasingly aware of the importance of controlling data flows and are attempting to modify intellectual property protection models to reflect this. It is not easy to separate data from technologies whose key aspect is their collection and processing. Thus, inevitable conflicts will arise between models that prioritize data protection (as in Europe) and those that focus on enabling the free development of data-driven technologies (as in the U.S. or China). Additionally, all states are currently seeking greater control over the data collected within their territories. One way to achieve this is through data localization laws requiring entities to store collected data within the country where it was obtained (India, for example, has introduced such regulations).

## **Predictions and Conclusions**

From the perspective not only of law, but also of lawyers, these changes—already evident today and, at least for now, deepening—in the nature, function, and role of intellectual property law in the world present both a substantial challenge and a particular opportunity. Deglobalisation (Tomczyk, 2024) processes, even if they accelerate, will not undoubtedly bring an end to the exchange of intellectual goods. Cultural and technological exchange has accompanied humanity since its beginnings and will not cease due to global upheavals. At the same time, it cannot be ruled out that the relatively standardized model of intellectual property protection, consistently built over decades based on global compromises regarding values and principles, may corrode to such an extent that lawyers will need to adapt to a reality in which many local (or bloc-level) IP protection systems exist, each built on different axiological and pragmatic foundations. A system built on assumptions characteristic of the European (and, more broadly, Western) approach to the role and significance of individual creativity will either be modified to focus equally on protecting other values (por. m.in.) or replaced entirely by another model of managing intellectual property rights free of the “burdens” of the current model. For a long time, arguments have been made that the globally promoted IP regime does not truly serve creators themselves, but rather large entities that accumulate copyrights and patents. For lawyers, the challenge will be to adapt to this new reality; however, it will, after all, be shaped by new regulations and international agreements. Lawyers will therefore work both at the interface of different models and protection systems, enabling the exchange of intellectual goods under new conditions, and “within” them, developing new regulations and harmonising often ad hoc solutions. From the perspective of a lawyer who takes intellectual property seriously, and thus the values underlying it, the practical aspects of possible changes may involve not only resolving complicated legal issues, but also reflecting on their moral dimensions in the face of the potential deep instrumentalisation of IP law primarily as a political and economic tool. The subjective character of rights oriented toward protecting not only the creator’s interest, but also their special status in relation to the work may, in practice, be relegated to the background.

## References

- Adamczak, A. (ed.) (2023) \*Reforma prawa własności intelektualnej. Część 3.\* [Online]. Available: [https://www.biblos.pk.edu.pl/ST/2024/03/100000346398/100000346398\\_Adamczak\\_ReformaPrawa.pdf](https://www.biblos.pk.edu.pl/ST/2024/03/100000346398/100000346398_Adamczak_ReformaPrawa.pdf) [Accessed: 17 October 2025].
- Altman, S.A. (2024) ‘Challenging the deglobalisation (Beltrán-Urvina, 2025) narrative: Global flows remain resilient,’ \*Journal of International Business Policy\*, [Online]. Available: <https://link.springer.com/article/10.1057/s42214-024-00197-0> [Accessed: 17 October 2025].
- Altman, S. and Bastian, C. (2023) ‘The state of globalisation (Reuters, 2025a) in 2023,’ \*Harvard Business Review\*, [Online]. Available: <https://hbr.org/2023/07/the-state-of-globalisation> (Reuters, 2025a)-in-2023 [Accessed: 17 October 2025].
- Archibugi, D. and Filippetti, A. (2010) ‘The globalisation (Reuters, 2025b) of intellectual property rights: Four learned lessons and four theses,’ \*Global Policy\*, 1(2), pp. 137–149. <https://doi.org/10.1111/j.1758-5899.2010.00019.x>.
- Beiter, K.D. (2021) ‘Reductionist intellectual property (Juszczak, 2020) protection and expansionist (and “pro-development”) competition rules as a human rights imperative? Enhancing technology transfer to the Global South,’ \*Law and Development Review\*, 14(1), pp. 215–272. <https://doi.org/10.1515/ldr-2020-0079>.
- Beltrán-Urvina, L.I. (2025) ‘Intellectual property (Adamczak, 2023) as a strategy for business development,’ \*Laws\*, 14(2), 18. [Online]. Available: <https://www.mdpi.com/2075-471X/14/2/18> [Accessed: 17 October 2025].
- Goldberg, P. and Reed, R. (2023) ‘Is the global economy deglobalizing?,’ \*Brookings Papers on Economic Activity\*, [Online]. Available: [https://www.brookings.edu/wp-content/uploads/2023/03/BPEA\\_Spring2023\\_Goldberg-Reed\\_unembargoed.pdf](https://www.brookings.edu/wp-content/uploads/2023/03/BPEA_Spring2023_Goldberg-Reed_unembargoed.pdf) [Accessed: 17 October 2025].
- Grzybczyk, K. (ed.) (2025) \*Prawo własności intelektualnej wobec zmian i oczekiwań współczesnych społeczeństw.\* \*Zeszyty Naukowe Uniwersytetu Jagiellońskiego. Prace z Prawa Własności Intelektualnej\*, 1(167). [Online]. Available: <https://www.wolterskluwer.com/pl-pl/news/zeszyty-naukowe-universytetu-jagiellonskiego-1-167-2025> [Accessed: 17 October 2025].
- Juszczak, J. (2020) ‘Czy własność intelektualna to kradzież? Stosunek libertarian do własności intelektualnej,’ \*Repozytorium Uniwersytetu Wrocławskiego\*, [Online]. Available: <https://repozytorium.uni.wroc.pl/dlibra/publication/139096/edition/128440> [Accessed: 17 October 2025].
- Lebedenko, S. (2022) ‘Russian innovation in the era of patent globalisation,’ \*IIC – International Review of Intellectual Property and Competition Law\*, 53(2), pp. 173–193. <https://doi.org/10.1007/s40319-021-01137-8>.
- Long, C.X. (2023) ‘Law and industrial policy in the age of (de)globalisation: The perspective of developing countries,’ in \*Law and Industrial Policy in the Age of (De)Globalisation\*, pp. 153–176. Springer. [https://doi.org/10.1007/978-3-031-24938-9\\_8](https://doi.org/10.1007/978-3-031-24938-9_8).
- MHC Insight (2025) ‘Deglobalisation and tariffs – Risks and opportunities for IP,’ \*MHC Legal Insight\*, [Online]. Available: <https://www.mhc.ie/latest/insights/deglobalisation-and-tariffs-risks-and-opportunities-for-ip> [Accessed: 17 October 2025].
- Paradysz, A. (2024) \*Nowy (nie)porządek świata. Polska w epoce deglobalizacji.\* [Online]. Available: <https://www.legimi.pl/ebook-nowy-nie-porzadek-swiata-polska-w-epoce-deglobalizacji-andrzej-paradysz%2Cb1061850.html> [Accessed: 17 October 2025].
- Ratajczak, W. (2024) ‘Rola i wyzwania prawa własności intelektualnej we wspieraniu innowacyjności,’ \*Zarządzanie Innowacyjne w Gospodarce i Biznesie\*, 2(39). [Online]. Available: <https://ojs.ahelodz.pl/index.php/ziwgib/article/download/780/847/876> [Accessed: 17 October 2025].
- Reuters (2025a) ‘WTO rejects EU claims in intellectual property dispute with China,’ \*Reuters\*, 24 April. [Online]. Available: <https://www.reuters.com/sustainability/wto-rejects-eu-claims-intellectual-property-dispute-with-china-2025-04-24/> [Accessed: 17 October 2025].
- Reuters (2025b) ‘WTO reverses parts of previous decision in EU-China intellectual property dispute,’ \*Reuters\*, 21 July. [Online]. Available: <https://www.reuters.com/sustainability/sustainable-finance-reporting/wto-reverses-parts-previous-decision-eu-china-intellectual-property-dispute-2025-07-21/> [Accessed: 17 October 2025].

- Sumaita, I. (2021) 'The importance of being earnestly innovative,' \*UC Law Review\*, [Online]. Available: <https://scholarship.law.uc.edu/cgi/viewcontent.cgi?article=1039&context=ipclj> [Accessed: 17 October 2025].
- Tomczyk, E. (2024) 'Prawo własności intelektualnej w Zjednoczonych Emiratach Arabskich,' \*Acta Iuridica Resoviensia\*, 2(45). [Online]. Available: <https://repozytorium.ur.edu.pl/bitstreams/e57c1706-b09e-4bf9-a6b9-de80e83b2639/download> [Accessed: 17 October 2025].
- Van Bergeijk, P.A.G. (2024) 'Deglobalisation and resilience: A historical perspective,' \*Contemporary Review of Social Sciences\*, [Online]. Available: <https://pure.eur.nl/files/147832533/2024-deglobalisation-and-resilience-a-historical-perspective.pdf> [Accessed: 17 October 2025].