

The US' Intellectual Property Policy Toward China and China's Response—After the Establishment of Sino-US Diplomatic Relations

HAN Qi, JIANG Nan, LIU Chang*

Tongji University, Shanghai, China

The evolution of the US' intellectual property policy toward China can be divided into four phases. This evolution has intensified with the rapid development of Chinese science and technology. The policy in question is characterized by a focus on global leadership, the pursuit of a global intellectual property protection strategy, and the combination of intellectual property protection and economic sanctions. In the near future, the US will likely pursue a more rigorous intellectual property policy toward China by elevating this policy to the level of national-security strategy, strengthening its global intellectual property deployment, and promoting intellectual property values with double standards. As a result, China will be exposed to risks concerning technological decoupling, international reputation, and international trade. At present, China faces problems and obstacles related to responding strategies that cannot be ignored. The country should take improvement measures. At the basic level, China should promote the construction of foreign and domestic legal systems and actively participate in global intellectual property governance. At the core level, it should prioritize the development of key technologies and build an institutional system that supports self-reliance in high-level science and technology. At the subject level, enterprises should implement protection strategies combined with patent risk assessment; they should also improve their ability to prevent intellectual property risks. At the safeguard level, China should strengthen the training and introduction of foreign intellectual property talents and support the transfer of such talents to the international market.

Keywords: intellectual property suppression, intellectual property risk, technology blockade, Sino-US trade war, intellectual property policy

Introduction

Nowadays, the control of the intellectual property of new technologies will determine the international standing and influence of countries. At present, the frontier of nations' power games is innovation competition, with intellectual property at its core. In this context, China has launched a series of science and technology development

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HAN Qi, Ph.D., Shanghai International College of Intellectual Property, Tongji University, Shanghai, China.

JIANG Nan, Ph.D., professor, Shanghai International College of Intellectual Property, Tongji University, Shanghai, China.

LIU Chang, Ph.D., assistant professor, Shanghai International College of Intellectual Property, Tongji University, Shanghai, China.

Correspondence: LIU Chang, chang.liu.0624@hotmail.com

strategies, such as Made in China 2025, Digital China, and Innovation-Driven Development. China is making use of the institutional advantage that comes with concentrating its resources on large projects and striving to seize opportunities in the major fields of the fourth scientific and technological revolution. Recent years have witnessed an information-technology revolution and the development of Sino-US trade friction. The US sees China's intellectual property infringements during its scientific and technological rise as major threats to its economic and national security. Therefore, it has repeatedly launched trade disputes, investigations, and inspections against China. There has been increasing competition in science and technology between China and the US, and the Biden administration has intensified the force and scope of suppressing and restricting China's science and technology. As a result, US intellectual property policies toward the country have been constantly evolving. The research question of this paper is: How should China respond to US's intellectual property policy now and in the future? To understand the US's intellectual property policy, we need to know its history, analyze its current characteristics, and forecast its future development. Before making suggestions on China's response, we must also examine the risks posed to China by the US's intellectual property policy and China's weaknesses in eliminating these risks.

The rest of this paper is presented as follows: The following section introduces the evolution of the US's intellectual property policy toward China. Then the characteristics and future trends of the US's intellectual property policy toward China are analyzed, followed by the risks faced by China. After that, the key issues and improved measures in China's response are presented, and the last section is conclusion.

The Evolution of the US' Intellectual Property Policy Toward China

The intellectual property policy of the US toward China has had four phases up to now. The two countries are constantly adjusting their relevant systems as they interact with each other.

Phase 1: The Formal Establishment of Diplomatic Relations Between China and the US in 1979—Prior to the First Sino-US Negotiations on Intellectual Property in 1991

When China had just reformed and opened up its economy, the construction of the country's legal system was at the beginning, and intellectual property laws were absent. To develop the Chinese market, safeguard its interests in the country, and protect its intellectual property, the US conducted friendly negotiations with China on a series of bilateral agreements, such as the US-China Agreement on Scientific and Technological Cooperation, the US-China Agreement on Cultural Cooperation, and the US-China Agreement on Cooperation in High Energy Physics. The US signed several treaties to promote the establishment of intellectual property by China, and it demanded that the country comprehensively protect the copyrights, patents, and other intellectual property of US citizens and enterprises. In 1979, China began drafting the Copyright Law, the Trademark Law, and the Patent Law. In 1982 and 1984, it enacted the Trademark Law and the Patent Law, respectively. The Copyright Law was put on hold due to numerous disputes and was successfully enacted in 1990.

In the 1980s, the US believed that China's intellectual property legislation was far from satisfactory; therefore, in 1984 and 1988, it enacted the Trade and Tariff Act and the Omnibus Trade and Competition Act in an attempt to expand the scope of US enforcement of intellectual property. In the *Special 301 Reports* issued in 1989 and 1990, the US placed China on a key watch list, and it urged the country to continue improving its protection of intellectual property, especially trade secrets. In the *Special 301 Report* issued in 1991, the Office of the United States Trade Representative (USTR) accused China of deficiencies in its intellectual property laws,

enforcement, and policies; for the first time, China was elevated to the highest level of key countries to watch.

The general feature of the US' intellectual property policy toward China at this stage was one of gentle relaxation, with a focus on encouraging China to protect intellectual property through legislation. The main tools of this phase were bilateral negotiations, persuasion, and pressure (when necessary).

Phase 2: The First Sino-US Negotiations on Intellectual Property in 1991—Prior to China's Accession to the WTO in 2001

Following the first Sino-US negotiations on intellectual property, China and the US entered into an agreement in January 1992, called the Memorandum of Understanding on the Protection of Intellectual Property. This was the first bilateral agreement on intellectual property protection between the two countries. Afterward, China proceeded to promulgate or amend a series of laws and regulations about intellectual property. The next step saw the country accede to several international conventions on intellectual property. Overall, China's protection of intellectual property has made considerable progress, and its legislative standards have been basically brought into line with international standards.

In 1994, the US' intellectual property policy toward China began undergoing a significant change, shifting from a focus on promoting legislation to an emphasis on enforcement. At the time, China actively applied to join the WTO, thus providing the US with new options for changing its intellectual property policy toward China. This shift can be observed in the prioritization of China's intellectual property issues within the framework of the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS). Furthermore, the US realized its policy objective of establishing an effective intellectual property system in China by promoting the country's accession to the WTO. Concurrently, the US adopted a strategy of positive and flexible engagement, employing the *Special 301 Report* provisions and other instruments to influence rather than coerce in the pursuit of its policy objectives.

In essence, the second phase of the evolution of the US' intellectual property policy toward China saw a shift from a relatively lenient approach to a more stringent one. This is evidenced by the growing intolerance for deficiencies in China's intellectual property protection legislation and law enforcement. Although some of the US' requirements exceeded China's development conditions at the time, the overall attitude of the US was one of encouragement toward China to establish an intellectual property protection system as soon as possible.

Phase 3: China's Accession to the WTO in 2001—Prior to the 2018 US-China Trade War

The third stage commenced with the establishment of the WTO and China's active pursuit of membership of the organization. During this period, China and the US maintained amicable intellectual property relations. In the first three years after China's accession to the WTO, the US adopted a wait-and-see approach, intending to gauge China's ability to fulfill its WTO commitments. From 2002 to 2004, some committees of the US Congress that monitored China's compliance with the TRIPS Agreement, such as the Congressional Economic and Security Assessment Commission and the Congressional-Executive Committee on China's Compliance with the TRIPS Agreement, determined that the primary challenges in China's intellectual property protection system lay in the area of enforcement.

In response to the demands of the US business community, in its 2005 *Special 301 Report*, the USTR elevated China to the status of "country of focus" for the first time since 1996; it also maintained China's status

as a “Section 306 watch country”. The *Report on China's Compliance With WTO Obligations* of the same year indicated that the US government was prepared to take all necessary and appropriate measures to ensure that China developed and implemented an effective intellectual property enforcement system. On April 10, 2007, before the release of the *Special 301 Report*, the US requested consultations with China due to the latter's inadequate enforcement of intellectual property at the WTO's multilateral Dispute Settlement Body (DSB). In contrast to the past, this time, the US did not pursue bilateral negotiations to resolve the intellectual property dispute; instead, it resorted to the DSB. This indicates that at the time, US-China intellectual property disputes entered the WTO's process of rule-oriented dispute settlement. The US practice of intellectual property policy toward China has demonstrated a more flexible and changeable policy orientation.

Phase 4: The 2018 US-China Trade War—Present

Trump believed that China's inadequate protection of intellectual property was the primary factor contributing to the imbalances in the US' trade structure. The significant advancement in China's technological capabilities can be attributed to the long-standing tolerance by the US government of China's low-level protection of intellectual property. Consequently, the US' intellectual property policy toward China has become more comprehensive and stringent.

The US has implemented mandatory restrictions on the scope and intensity of investment in Chinese technology and intellectual property. It has strictly controlled the transfer of patented technology to China that involves key technological areas, national security, and core intellectual property. For example, the recent China Technology Transfer Control Act requires the president to regulate the export to China of any technology or intellectual property involving national interests. The Foreign Investment Risk Assessment Modernization Act, which was passed in 2018 to strengthen the investment-review process related to intellectual property, severely restricts foreign companies from using investment mergers and acquisitions to transfer core US intellectual property. The American Space Leadership Act of 2019 prevents China from misappropriating US intellectual property and engaging in unacceptable technology transfer, particularly in high-technology areas. The Chip and Science Act of 2022 explicitly prohibits companies that have received federal funding from significantly increasing the production of advanced chips in China.

The signing of the *US-China Phase One Trade Deal* on January 15, 2020 contributed to a reduction in tensions between the two countries. The overall nature of US-China relations has undergone a degree of change with the advent of the Biden administration. However, although the US has adopted a more coordinated diplomatic approach, it has continued to exert pressure on China, particularly in the area of technological innovation. At present, with the new round of information technology development, the US is concerned about more diversified and comprehensive intellectual property issues, in addition to long-standing traditional ones.

The Characteristics and Future Trends of the US' Intellectual Property Policy Toward China

The Characteristics of the US' Intellectual Property Policy Toward China

First, the US is committed to maintaining its global leadership in science and technology. The intellectual property policies of the last three administrations have exhibited both similarities and differences. Protecting domestic intellectual property and technological advantages is the common goal of the US intellectual property

policy toward China, but the path to achieving it is different. The Obama administration implemented a pragmatic approach, emphasized alliances, constructed the Trans-Pacific Partnership, took the lead in establishing a robust intellectual property system, and actively promoted the creation of an operational intellectual property protection system in developing countries. In contrast, the Trump administration adopted a more protectionist stance on trade. It espoused a Cold War approach, and it regarded intellectual property as a powerful means to safeguard its dominant position. It also continuously strengthened intellectual property protection standards. The Biden administration has declared that the US seeks a relationship with China in which competition and cooperation coexist. It has actively promoted selective multilateralism, and it has paid more attention to enhancing the US' competitive advantages. Furthermore, it has employed its intellectual property strategy to impede the growth of China's high-tech industry, thus maintaining the US' global leadership. The US is dedicated to the advancement of multilateralism and the implementation of pressure tactics on China through the utilization of international treaties and agreements.

Second, the US is committed to promoting a higher standard of global intellectual property protection. The country has consistently advocated for the advancement of robust intellectual property protection standards, the global enforcement of intellectual property protection, the establishment of a global enforcement alliance, the formulation of a comprehensive system of intellectual property-related rules, and the enhancement of international collaboration to combat transnational intellectual property infringement. The US has built new multilateral technology alliances, such as the Alliance of Nine and the Forum of Twelve, and it has actively promoted cooperation with allies in the fields of artificial intelligence, quantum computing, biomedical technology, and other emerging technologies. Based on the 2020 US-Mexico-Canada Agreement, the Indo-Pacific Economic Framework, and the US government's National Standards Strategy for Critical and Emerging Technologies, it can be said that the objective of the US is to enhance intellectual property protection, sustain the advancement of the US' innovation sector, and reinforce the country's position as a leader in key technology domains.

Third, the US has imposed both intellectual property measures and economic sanctions on China. In 2021, the US Senate Foreign Relations Committee passed the Strategic Competitiveness Act, which further expanded the president's ability to impose economic sanctions. The act established a special law against China's development, called for the speedy reduction of China's foreign influence, created a new interdepartmental agency (the China Review Department), and increased the strength and scope of US sanctions against certain intellectual property-related behaviors. In addition, the Stop China's Intellectual Property Theft Act, the Control China's Technology Transformation Act, the Protecting US Intellectual Property Act, and the Preventing Foreign Attempts to Embezzle Health Care Innovation Act were introduced with the intention of imposing further restrictions on China. President Biden has also signed the Protecting America's Intellectual Property Act of 2022, which empowers the executive branch to impose sanctions against entities and individuals identified by the president as having committed significant trade-secret theft. This legislation introduces new avenues for sanctioning US entities and individuals involved in the theft of trade secrets.

The Future Trends of the US' Intellectual Property Policy Toward China

In the absence of fundamental changes in the international environment, in order to ensure the core technology blockade against China, the US will strictly review the export of cutting-edge technology and

equipment to China, and will certainly push for the implementation of stricter and stronger intellectual property enforcement policies in the current and future period.

First, the US will elevate its intellectual property policy toward China to the level of national-security strategy. As international competition intensifies, the US will intensify its efforts to regulate and scrutinize China's sensitive technologies in specific areas, such as semiconductors, microelectronics, artificial intelligence, and quantum computing. It is highly likely that the US will continue to make internet counterfeiting a focus of its attacks on China's lack of intellectual property protection and expand the scope of its enforcement through the introduction of intellectual property protection policies in this area.

Second, the US will further strengthen global intellectual property deployment. It will continue to strengthen technological exchanges and cooperation with Japan and South Korea in the emerging high-tech field, especially in the direction of artificial intelligence, microchips, and gene editing. This is particularly relevant in light of the strategic idea of global-patent deployment. Furthermore, the US will create alliances with countries located in China's periphery to jointly counter its development. The US will also subject staff with access to core technologies and equipment to strict scrutiny, and it will implement further detailed regulations on its export procedures to reduce the possibility that China accesses its core technologies. The global technology market, the concentration of advanced technology in specific countries and regions, and the presence of researchers in these areas have led to the regionalized distribution of technology. In this context, the US is paying greater attention to systematic and large-scale patent deployment, which is being combined with its technology planning. This is being done to build a system of blocking-patent deployment against China. The goal of this strategy is to avoid future infringements and accelerate the commercial exploitation of research results.

Third, the US will promote intellectual property values with double standards. On the one hand, the country has a multitude of shared interests in its intellectual property interactions with China. The US aims to continue selling its intellectual property products in China to develop the Chinese market. To achieve this, it must improve the country's intellectual property system to obtain better protection for its products. On the other hand, the US is gradually realizing that China's rapid economic and technological development and the evolution of its intellectual property system are threatening its dominant position in the world. The US does not want China to be able to master and improve the rules of intellectual property, which would allow it to further develop; hence, it tries to block China's technology through intellectual property protection. This has led to a double standard in the US' evaluation of China's intellectual property policy. In order to protect its own interests and solidify its leading position, the US will exert greater pressure on China in terms of intellectual property protection by expanding the territory of said protection from traditional industries to various emerging fields and putting forward harsh requirements for China. The goal of these actions is to maintain its monopoly in the field of high and new technology.

The Risks to China Arising From the US' Intellectual Property Policy

The Risk of Technological Decoupling

In the international market, the US employs its first-mover advantage to carry out patent deployment, and it blocks the channels through which China could obtain advanced intellectual property by restricting the country's technology investment, exports, and mergers and acquisitions. The US also hinders the technological innovation

of Chinese enterprises in order to lock them in the middle and low end of the industrial chain for a long time, which makes it difficult for them to compete with the world's advanced firms. The US has also adopted a more radical strategy based on close industrial alliances to systematically marginalize China, weaken its participation in and influence on the global scientific and technological innovation system, and try to cut off all possible ways to obtain high tech. Given the current trade frictions, if the US builds its intellectual property license supply chain for smart chips, smart sensors, integrated-circuit chips, and other key technological products, there will be a significant negative impact on China's key-product acquisition, core-technology application, and overall development of high-tech fields. From the perspective of international relations and diplomacy, the US is trying to reshape the pattern of global economic and technological cooperation by blocking China's patents and technology decoupling and excluding the country from international cooperation. This will weaken China's friendly relations with other countries, and it will make the country face more challenges in dealing with international intellectual property affairs and participating in the global governance of intellectual property.

International-Reputation Risk

The US has used strategic propaganda to criticize China's intellectual property situation, investigate issues, and publish reports claiming that the country uses illegal means to acquire foreign intellectual property and technology to achieve its industrial-policy goals. In short, the US regards China as a perpetrator of harming the world economy. This has intensified the international community's misunderstanding and misgivings about China's intellectual property protection work. Furthermore, it has negatively affected the country's international reputation and political and economic cooperation. It has also weakened China's stability and influence on the global stage. According to a CNBC poll, one in five American companies believe that China has stolen their intellectual property in the past year, and one in three American companies believe that this has happened in the past decade. This evidence shows that the abovementioned measures of the US have damaged China's international image and influenced international public opinion.

International-Trade Risk

US export controls on China have had a significant impact on bilateral trade relations; they have also introduced additional chaos and uncertainty into the global supply-chain and trading system. In particular, the US has added a number of Chinese companies and research institutions to its export-control entity list on the grounds that they act against the national-security and foreign-policy interests of the country. Given the characteristics of China's international-trade structure, which has long relied on the export of goods, this action exacerbates the challenges facing the country's foreign trade. In addition, by raising trade barriers, the US has indirectly increased the risks and costs for Chinese enterprises wishing to participate in international trade. This affects the international economic order, and it impedes the process of globalization and international cooperation. The US' *National Trade Assessment Report on Foreign Trade Barriers* of 2023 states that the Chinese government provides substantial financial support, regulatory relief, and other preferences to Chinese companies in an attempt to disadvantage foreign competitors. The report outlines significant trade barriers in many areas, including import policy, technical trade, intellectual property protection, digital trade, and e-commerce. All of these affect China's key industries, which are booming and gradually building a global competitive advantage. The US' repression and sanctions against these industries will greatly increase their development costs.

Key Issues in China's Response to the US' Intellectual Property Policy

This paper builds a relatively complete analysis framework based on the systematic cognition of intellectual property protection and innovation development. Fundamentally, intellectual property protection involves multiple levels such as the legal system, technological innovation, innovation subjects, and talent cultivation. In particular, a sound legal system is the foundation of intellectual property protection; mastering key core technology is the confidence of the country to participate in international competition; improving the enterprise's risk prevention and countermeasures ability is the key to realizing the proactive response; training professional foreign-related legal talents is an important guarantee for safeguarding national interests. These four levels are interlinked and indispensable, reflecting the logical relationship from the macro to microlayers. All levels support and promote each other. Only by making comprehensive efforts from various aspects, including institutions, technology, subjects, and talents, can China lay a solid foundation for intellectual property protection and better respond to the US intellectual property policy. However, there are shortcomings in China's response to US intellectual property policies.

Basic Level: The Imperfection of the Foreign-Related Intellectual Property Legal System

China's foreign-related legal system is weak, and some key foreign-related matters lack systematic, complete legal norms. The existing foreign-related legal norms are general and fragmented. For example, China's assistance system and review mechanism for the protection of overseas rights, as well as other support systems, are still incomplete. The basis on which domestic law is applied extraterritorially is not yet perfect, and the level of extraterritorial application is low. There is a lack of systematic and clear provisions on the status and effect of international law norms, such as international treaties, on domestic law. China's countermeasures against long-arm jurisdiction are relatively passive and principled, and they lack guidance on enforceability. At present, the US has jurisdiction over a large number of China-related intellectual property cases under its expansive long-arm jurisdiction system, but the number of US-related cases under the jurisdiction of Chinese courts is far smaller. There is asymmetric dependence at the jurisdictional level, which means that the influence of the US on China is far greater than that of China on the US.

Core Level: Insufficient Capacity for Independent Innovation in Key Core Technologies

Although China's R&D investment is growing rapidly and the quantity of R&D output has increased significantly, the quality of innovation is worrying. There are structural imbalances between R&D investment and innovation output, including insufficient R&D personnel and R&D funding and the structural imbalance of R&D investment. Staff and funds for basic and applied research are insufficient. The amount of scientific and technological papers is large, but the quality is not high. The number of patent outputs is growing rapidly, but most of them are utility-model and design patents, with low scientific and technological content. According to the *Global Innovation Index 2022* report, although China's overall innovation index is high, ranking 11th in the world, it still ranks low in the institutional subindex. The political, regulatory, and business environment indicators in the institutional subindex are also low. The imperfect innovation ecosystem will, to a large extent, hinder the improvement of China's independent innovation capability.

Subject Level: Inadequate Enterprise Risk-Prevention and Countermeasure Capabilities

Due to the lack of foreign-related intellectual property dispute-response guidance, it is difficult for Chinese enterprises to carry out effective evidence collection and defense. Many enterprises do not even carry out

investigations, which may lead to the presumption of infringement and severe sanctions; this can affect the entire industry exporting the same products. Specifically, the difficulties faced by enterprises in responding to lawsuits pertain to the following three aspects. (1) There is a lack of effective response strategies, and the assessment of the probability of success is ignored. Firms give up on negotiating with the plaintiff and other possible measures without having a clear understanding of the laws of the export destination. (2) It is difficult to control the cost of responding to lawsuits. Due to the particularity of intellectual property disputes, the litigation and investigation phases take considerable time. It is also difficult to provide evidence, and the judicial procedure is complicated, which explains the high cost of lawsuits. However, many enterprises do not know how to make full use of the provisional preliminary ruling system to shorten the case cycle; they also fail to reduce costs by responding to lawsuits remotely and seeking the help of public services. (3) There is no basic foreign-related intellectual property response mechanism and a lack of prelaw suit warning and planning; this puts enterprises in passive positions during the short investigation cycles.

Safeguard Level: Shortage of High-End Foreign-Related Intellectual Property Talents

The role of Chinese foreign intellectual property talents in the global governance of intellectual property is weak. Many aspects of the Sino-US trade frictions have shown that China lacks the talents who can formulate and guide the rules, which means that the country can only passively accept the economic norms formulated by western countries. At present, China's foreign-related intellectual property staff training has many deficiencies. This training system has not been fully aligned with the national intellectual property strategy, and there are many shortcomings in system construction and curriculum. The large shortage of high-end foreign-related intellectual property personnel makes it impossible to meet the needs of China's high-quality development and expansion.

Improvements in China's Response

In view of the above limitations, this paper puts forward the measures that China should take and improve when facing the challenges and pressures of the US's intellectual property policy towards China.

Foundational Level: Simultaneous Promotion of the Rule of Law at the Foreign and National Levels

Based on the formulation or revision of the existing legal system, China should promote the improvement of intellectual property transfer, fair competition, and an antimonopoly system. Given its institutional weakness in the economic relationship with the US, China must improve its countermeasures system, including the aspects that pertain to antimonopoly and anti-suit injunctions. It must explore and improve the relevant provisions of anti-suit injunctions and other legal countermeasures. Furthermore, it must implement a strict antimonopoly review of intellectual property mergers and acquisitions involving matters of national security to provide institutional guarantees for intellectual property security. To effectively deal with cross-border online patent disputes and indirectly participate in international intellectual property legislation, China should change its traditional jurisdictional thinking, appropriately expand the scope of application of the Patent Law based on the territorial principle (supplemented by the principle of effect), and gradually establish a legal system for the extraterritorial application of intellectual property law in line with its national interests.

Core Level: Building a System to Support High-Level Scientific and Technological Self-Reliance and Self-Improvement

Given the US' extreme pressure on China regarding intellectual property, the latter must improve its strength to obtain key core technologies and thus eliminate the US' patent blockade. In the short term, it is impossible for China to achieve a world-leading position in all main technological fields. However, the country must possess some "killer" technologies, improve the dependence of relevant international industrial chains on itself, implement checks and balances with the US, update its export-control list in a timely manner, and increase its bargaining power with the US. In light of its national conditions and development needs, China should focus on the latest edition of the *Critical and Emerging Technologies List*, which was released by the White House Office of Science and Technology Policy on February 12, 2024, and it should use it as an important reference for formulating science and technology policies and innovation strategies. The list should also be employed to formulate research and development plans, investment strategies, and policy measures for critical and emerging technologies, as well as study and promote the innovation and deployment of patents in these fields.

Subject Level: Improvement of the Intellectual Property Risk-Prevention Capabilities of Enterprises

Firms should combine the importance of technology, technology substitutability, technology creativity, patent stability, talent risk, and other factors to carry out risk assessments and classifications of patented technologies. Doing so would also allow them to systematically analyze the advantages and disadvantages of China's patent field and quickly understand the market-competition situation and the risks faced by patented products. In turn, this would allow them to manage and monitor the projects or patented products with greater risks. Different management policies should be implemented according to the different risk types of patented technologies, and risks should be classified and assessed as low, medium, or high. Comprehensive intellectual property strategies should be formulated to systematically manage risks and improve management efficiency, maximize the value of patents, and enhance China's scientific and technological competitiveness.

Safeguard Level: The Establishment of a Sound Intellectual Property Policy System

China should pay attention to the cultivation and introduction of intellectual property talents; it should also export its talents and views to other countries and World Intellectual Property Organization (WIPO) through diplomatic channels. In particular, it should actively deploy intellectual property specialists to key trading-partner countries. China should select compound talents who are proficient in law, technology, economy, and intellectual property competition strategy and who practice as specialists, strengthen communication and coordination with the countries or regions where they are located, understand and master local intellectual property laws and regulations, assist in solving intellectual property disputes and problems, and effectively publicize its intellectual property protection work. It should also enhance the international image and influence of its intellectual property. The government should guide export-oriented enterprises and intellectual property and legal-service institutions to strengthen the training of staff working on overseas intellectual property and build the reserve of such staff. It should also establish an overseas intellectual property special-agent system to help firms expand their human resources dedicated to the protection of intellectual property abroad.

Conclusion

This paper analyzes the evolution and characteristics of the US' intellectual property strategy toward China, and it describes the limitations of China's response to this policy. The paper also proposes countermeasures and reflections concerning the response to the US' intellectual property policy, which will help China better cope with threats to its intellectual property security in the context of trade friction with the US. For China, it is necessary to be prepared for confrontation, but it would be better if China prepared both soft and hard measures, while turning the path of confrontation into one of spiraling cooperation. China is the world's primary developing country, and the US is the leading developed country; therefore, global technological innovation and economic development need China-US cooperation, especially given the chaotic international situation. The two nations must have open-minded approaches and behave like great powers. China must also build an intellectual property system that supports high-level scientific and technological self-reliance and high-quality open innovation under the auspices of the concept of the common human destiny. Furthermore, it must develop a novel type of major-country relationship with the US based on the new needs of the international intellectual property landscape.

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