

China's intellectual Property protection from the perspective of international trade

Proteção da propriedade intelectual da China na perspectiva do comércio internacional

Ruiyi Hou¹

ABSTRACT

With the continuous deepening of economic globalization and trade liberalization, the concept of the knowledge economy emerged, and intellectual property rights have become one of the important characteristics of international trade. In the era of globalization, intellectual property rights and international trade complement each other. As an inherent demand for intellectual property rights, trade liberalization is closely related to intellectual property rights, and the utilization and protection of intellectual property rights have gradually become a matter. The rights concept of intellectual property rights provides legal functions such as guidance and evaluation for the development of trade liberalization, which is conducive to the sound and healthy development of the globalization and liberalization of international trade. Rationally view the relationship and interaction between the globalization of international trade and the protection of intellectual property rights. Integrating the two within the system is an appropriate choice at the present stage. Combining protection measures with changes in international rules is an effective measure to balance trade liberalization and intellectual property rights. As a protective measure for intellectual property rights, the combination of measures for changes in the international track is justified within the framework of international trade law.

Keywords: Intellectual Property Rights; Globalization; Protection Measures; International trade

RESUMO

Com o florescente desenvolvimento da globalização econômica e a expansão do comércio internacional, a utilização de Incoterms ganhou ampla aceitação e aplicação. Surge uma questão pertinente: Os contratos CIF (Custo, Seguro e Carga) devem ser interpretados principalmente como transações documentais, de acordo com o princípio da autonomia documental, ou como transações contratuais? Fundamentalmente, esta pesquisa procura argumentar que, a partir de uma revisão de vários estudos de caso e da aplicação prática da CIF em cenários reais, as transações CIF são caracterizadas predominantemente como transações documentais. Mas os contratos CIF não são transações puramente documentais, eles ainda são transações contratuais (transações de bens) na essência. Este estudo aprofunda as ramificações legais da interpretação dos contratos CIF como transações contratuais ou transações documentais, empregando perspectivas tanto do direito comum quanto da Convenção das Nações Unidas sobre Contratos de Venda Internacional de Mercadorias (CISG). Ao fazê-lo, oferece uma posição normativa mais lúcida sobre a evolução futura das regras CIF. Além disso, a pesquisa examina o papel da documentação digital, especificamente do conhecimento de embarque eletrônico, e propõe uma série de mecanismos práticos de resolução de disputas.

Palavras-chave: Intellectual Property Rights; Globalização; Medidas de proteção; Comércio internacional

¹ Juris Master in the School of Law - Lanzhou University (Lanzhou, China). E-mail: 1546161485@qq.com

SUMMARY:

1.THE RELATIONSHIP BETWEEN INTELLECTUAL PROPERTY PROTECTION AND INTERNATIONAL TRADE; 2.CASE ANALYSIS OF CHINESE ENTERPRISES' RESPONSES TO INTERNATIONAL INTELLECTUAL PROPERTY TRADE; 2.1CASE ONE: DOMESTIC BRAND TRADEMARK SQUATTING CASE.; 3.EVOLUTION TRENDS OF INTERNATIONAL INTELLECTUAL PROPERTY RULES; 4.THE CHALLENGES BROUGHT ABOUT BY THE EVOLUTION OF INTERNATIONAL INTELLECTUAL PROPERTY RULES; 5.THE PROBLEMS CURRENTLY FACED BY INTELLECTUAL PROPERTY PROTECTION IN CHINA'S INTERNATIONAL TRADE;5.1THE AWARENESS OF INTELLECTUAL PROPERTY PROTECTION AMONG ENTERPRISES IS RELATIVELY WEAK.; 5.2THERE IS A SHORTAGE OF INTELLECTUAL PROPERTY TALENTS IN ENTERPRISES; 5.3LAWS RELATED TO INTELLECTUAL PROPERTY PROTECTION ARE IN URGENT NEED OF IMPROVEMENT; 6.CHINA'S COUNTERMEASURES FOR STRENGTHENING INTELLECTUAL PROPERTY PROTECTION IN INTERNATIONAL TRADE; 6.1IMPLEMENT THE INTELLECTUAL PROPERTY PROTECTION STRATEGY AT THE NATIONALLEVEL; 6.1.1.LEGALASPECT; 6.1.2.INDUSTRYALLIANCE; 6.1.3.IMPLEMENT THE ENTERPRISE'S INTELLECTUAL PROPERTY PROTECTION STRATEGY; 7. CONCLUSION;8. REFERENCES

1. THE RELATIONSHIP BETWEEN INTELLECTUAL PROPERTY PROTECTION AND INTERNATIONAL TRADE

Intellectual property rights refer to the exclusive rights that individuals or organizations enjoy in their knowledge services. These intellectual achievements include inventions, literary and artistic works, designs, trademarks, trade secrets, etc. Intellectual property protection is of great significance in international trade. It is not only a driving force for promoting scientific and technological innovation and cultural creativity, but also can influence competition and benefit distribution in international trade. However, in cross-border trade, differences in legal systems, cultural backgrounds and business practices have brought many challenges to the protection of intellectual property rights. How to effectively protect the intellectual property rights of enterprises in international trade is not only crucial for enterprises to safeguard their legitimate rights and interests, but also has profound significance for promoting the fair and healthy development of international trade. (Zhou Bei, 2023) Without a sound intellectual property rights system and protection mechanism, innovators will find it difficult to obtain reasonable returns, and the market position and international competitiveness of enterprises will also be affected. Among them, one of the main focuses of international trade frictions is the issue of intellectual property rights. Therefore, it is even more necessary to correctly understand and handle the position and role of intellectual property rights in international trade, neither exaggerating nor undervaluing.²

² In <https://www.tandfonline.com/toc/rjel20/current> . Last access: April 26, 2025.

2. CASE ANALYSIS OF CHINESE ENTERPRISES' RESPONSES TO INTERNATIONAL INTELLECTUAL PROPERTY TRADE.

2.1 Case One: Domestic Brand Trademark Squatting Case.

Many Chinese brands are facing the predicament of being preemptively registered overseas. In 2001, lenovo embarked on its globalization journey, only to be shocked to find that its English name, Legend, had been registered by over 100 companies worldwide in various industries such as entertainment and automobiles. Helplessly, in 2003, it spent a huge amount of money to change its name to Lenovo. In 2006, when Wang Zhihe Group was preparing to register trademarks in multiple countries, it discovered that three types of "Wang Zhihe" trademarks had been preemptively registered by the German company Oukai in Germany. This company had also preemptively registered many well-known trademarks such as "Baijia", "Qiaqia", and "Lao Gan Ma". It took Wang Zhihe two years and three months of litigation to win the lawsuit and regain the trademarks. In 2022, Weilong discovered that its core trademark had been preemulated in Peru. After three years of rights protection, in 2025, with the assistance of the National Overseas Intellectual Property Dispute Response Guidance Center, the preemulated trademark was declared invalid. The 50R Group of Thailand registered the "Luckin" trademark and opened counterfeit stores. It once demanded that Luckin pay 2 billion yuan in compensation. In 2025, Luckin won the international lawsuit, but it took three years and the cost of rights protection was high. Due to the fact that some countries adopt the "prior use" principle (such as the United States), which conflicts with China's "prior application" principle, it intensifies the difficulty of rights protection. These cases serve as a warning to Chinese enterprises that when exploring overseas markets, they must make thorough preparations for trademark layout and protection in advance.

3. EVOLUTION TRENDS OF INTERNATIONAL INTELLECTUAL PROPERTY RULES

The World Intellectual Property Organization (WIPO) of the United Nations and the World Trade Organization (WTO) are the two traditional institutions for global intellectual property

governance. The relevant conventions under the WIPO framework and the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) under the WTO framework are the main carriers of the intellectual property rules of the two institutions.³ However, this model has been unable to meet the new requirements for intellectual property protection worldwide as the reform processes of the two major institutions have been hindered. Various regional economic and trade agreements (Rtas) have gradually become new platforms for the construction of intellectual property rules. The relevant rules and provisions in economic and trade agreements such as the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP) and the Regional Comprehensive Economic Partnership (RCEP), which have come into effect and been implemented successively in recent years, represent the current development direction of international intellectual property rules.

Compared with traditional multilateral intellectual property agreements such as TRIPS, international intellectual property rules show new development trends in terms of protection scope, protection intensity, law enforcement measures, rule carriers, and rule demands. The first is the expansion of the protection scope. For instance, the CPTPP has abolished the "visually perceptible" requirement in TRIPS trademark registration, encouraged the inclusion of non-traditional trademark types such as sounds and odors, added protection for objects such as domain names, country names, and undisclosed experimental data of agricultural chemicals, and extended the protection of unregistered well-known trademarks from class protection to cross-class protection, etc. The RCEP intellectual property Rules expand the scope of trademark registration to intangible marks such as sounds, strengthen the protection of geographical indications and well-known trademarks, and include new plant varieties, network domain name databases, satellite broadcasting, network transmission, technical measures, etc. as protected objects. Compared with the CPTPP, the advanced nature of the RCEP is also reflected in the inclusion of genetic resources, traditional knowledge and folk literature and art within the scope of protection.⁴ The second is the upgrading of protection intensity. (Yu Peng and Liao Xianglin, 2021) Compared with TRIPS, the CPTPP extends the initial and renewal validity period of trademarks from 7 years to 10 years and the copyright protection period from 50 years to 70 years. The third is the strictness of law enforcement measures. The CPTPP has added additional compensation provisions on the basis of the statutory damages stipulated in TRIPS, extending border measures from the goods import stage covered by TRIPS to the export and re-export

³ In <https://www.cambridge.org/core/journals/world-trade-review>. Last access: April 26, 2025.

⁴ In <https://www.sciencedirect.com/journal/world-economy-x>. Last access: April 26, 2025.

trade stages. At the same time, the threshold for criminal penalties has been lowered, the standards for civil damages for copyright and trademark rights have been raised, more infringement acts have been included in criminal procedures and the scope of penalties, copyright crimes do not require subjective elements, and illegal filming and recording in cinemas have been criminalized.(He hua,2020) On the basis of the TRIPS provision of "reaching commercial scale", the standard of "substantial damage" has been added.⁵The fourth is the regionalization of the rule system. WIPO and TRIPS represent the intellectual property rule system under the global multilateral framework, while in recent years, the regional intellectual property protection rules based on RTA have been promoted, and the rule system is gradually shifting towards regionalization. The fifth point is the differentiation of rule demands. The demands of developed and developing countries for intellectual property protection are significantly different. The former hopes to slow down the diffusion of technology through stricter intellectual property protection rules to maintain the first-mover advantage, while the latter hopes to achieve a balance between technology protection and technology diffusion, demonstrating more inclusiveness, flexibility and development.

4. THE CHALLENGES BROUGHT ABOUT BY THE EVOLUTION OF INTERNATIONAL INTELLECTUAL PROPERTY RULES

The evolution of international intellectual property rules poses new challenges to our country. The protection intensity of China's provisions in international intellectual property rule cooperation is significantly lower than that of European and American countries, resulting in a relatively passive position in the negotiations of high-level international economic and trade agreements.

Focus on the comparison of trademark protection rules. The CPTPP has further expanded the scope of trademark protection, officially including domain names, scent trademarks and sound trademarks within the scope of protection. However, the current Trademark Law of our country has gaps with the requirements of the CPTPP in aspects such as the definition of trademarks, the scope of protection, the registration procedures, and infringement remedies. For instance, the protection of odor trademarks and sound trademarks in our country is still in the exploratory stage.

⁵ In <https://www.tandfonline.com/toc/rjte20/current> . Last access: April 26, 2025.

Focus on the comparison of copyright protection rules. The CPTPP provides a broader scope and stronger protection for copyright. For instance, it offers more detailed regulations on rights such as reproduction, distribution, and information network dissemination within copyright. However, the current "Copyright Law" of our country has gaps with the requirements of the CPTPP in terms of the scope of protection, protection period and liability for infringement of copyright. For instance, the protection of the right of information network dissemination in our country still needs to be further strengthened.⁶

Focus on the comparison of patent protection rules. The CPTPP provides a broader scope and stronger protection for patents, such as imposing stricter regulations on the novelty, inventiveness, and practicality of patents. However, the current Patent Law of our country has gaps with the requirements of the CPTPP in terms of the scope of patent protection, protection period and infringement relief. For instance, the protection of drug patents in our country still needs to be further strengthened.

Focus on the comparison of rights protection rules. From the perspective of the scope of protection, the CPTPP requires contracting parties to join the 1991 version of the International Convention for the Protection of New Varieties of Plants, while China joined the 1978 version. The 1991 version has a higher level of protection, but it may increase the risks to China's seed industry. The CPTPP also specifically stipulates the relevant rules and provisions for network service providers, setting up safe havens for online network services. However, there is still a lack of relevant laws and regulations in China. In terms of protection period, agreements such as the CPTPP stipulate that the copyright protection period is 70 years, the protection period for agricultural chemicals that have not disclosed experimental data is 10 years, and the grace period for judging the novelty of a patent is 12 months. However, Chinese law stipulates that these periods are 50 years, 6 years, and 6 months respectively.(Liu Xiaoning,2025)

Focus on the differences in relief measures. Rights relief measures mainly include civil measures, temporary measures, border measures, criminal penalties, etc. Compared with agreements such as the CPTPP, the current differences between China's intellectual property rules and international intellectual property rules mainly lie in border measures and criminal penalties. From the perspective of border measures, the CPTPP stipulates that the scope of applicable border measures

⁶In <https://www.techdirt.com/2010/06/18/india-and-china-claim-that-acta-violates-earlier-ip-agreements>. Last access: April 26, 2025.

includes goods imported, intended for export and in transit that may contain counterfeit or pirated goods, in order to intensify the global crackdown on counterfeit or pirated goods. The border measures stipulated in China's "Regulations on the Customs Protection of Intellectual Property Rights" only cover imported and exported goods and have not yet covered transit goods. From the perspective of criminal penalties, the CPTPP stipulates that any act with commercial purposes or that causes significant adverse effects on the right holder constitutes "having commercial scale" and can be recognized as a criminal act, but it does not clearly define "significant adverse effects". However, there is no expression of "having a commercial scale" in relevant Chinese laws. The crime of copyright infringement stipulated in the Criminal Law takes "profit-making purpose" as the constituent element and requires meeting the condition of "a relatively large amount of illegal gains", emphasizing conviction based on quantity, which is different from the concept of the CPTPP.

Based on the above comparison, there are certain differences between the development of domestic intellectual property laws and regulations in China and international high-standard rules, which restricts China's deeper participation in the formulation of global economic and trade rules. Although China has established a relatively complete intellectual property protection system, there are differences in aspects such as goal orientation, key targets, and law enforcement concepts compared with the development direction of international rules led by developed countries, which further increases the difficulty of aligning domestic and foreign institutional systems.

5. THE PROBLEMS CURRENTLY FACED BY INTELLECTUAL PROPERTY PROTECTION IN CHINA'S INTERNATIONAL TRADE

China is the largest developing country in the world. With the world entering the era of economic globalization and after China's accession to the World Trade Organization, the Chinese government has established and formulated relevant legal systems in the field of intellectual property protection, achieving achievements recognized by countries around the world. However, in international trade, there are still some urgent problems to be solved in the protection of intellectual property rights in our country.

5.1 THE AWARENESS OF INTELLECTUAL PROPERTY PROTECTION AMONG ENTERPRISES IS RELATIVELY WEAK.

Enterprises have a weak awareness of intellectual property protection. Every year, Chinese enterprises achieve tens of thousands of major scientific and technological achievements at or above the provincial and ministerial level, but the number of patent applications is less than 10%. Enterprises pay more attention to the protection of tangible assets but neglect their protection as intangible assets, which leads to a large number of intellectual property rights being "preempted" in China every year. Therefore, enhancing the awareness of intellectual property protection has become a consensus among entrepreneurs, and the legal protection of enterprises' intellectual property rights has also become the "driving force" and "watershed" for the development of enterprises. At present, China lacks a strategic enterprise intellectual property protection mechanism. Intellectual property protection involves many aspects, including legal, political, economic, cultural and other fields. Such as the occurrence of the trade secret leakage incident of Shanxi aged vinegar; The leakage of ethnic specialties such as cloisonne and Xuan paper has led to a large number of well-known domestic trademarks being preempted abroad.

5.2 THERE IS A SHORTAGE OF INTELLECTUAL PROPERTY TALENTS IN ENTERPRISES.

Most domestic enterprises have not yet established intellectual property management departments and do not have professional intellectual property staff. There are not many talents who truly understand and know intellectual property. If an enterprise gets involved in intellectual property disputes, it will either be in an extremely passive position or have to pay high fees to hire external personnel to defend itself in the lawsuit. Highly specialized intellectual property work within enterprises, such as patent application, trademark registration, property rights negotiation and analysis, is left unattended due to the shortage of professional talents.

5.3 LAWS RELATED TO INTELLECTUAL PROPERTY PROTECTION ARE IN URGENT NEED OF IMPROVEMENT.

There are still many differences and even many gaps between some laws in our country and those related to TRIPS. The CPTPP still has significant differences in the protection of intellectual property rights compared to China's intellectual property rules. Although joining the CPTPP means

that China can obtain technological elements more easily, Chinese enterprises also need to enhance their knowledge management capabilities to adapt to the influence of foreign enterprises' intellectual property strategies, and at the same time strengthen their technological transformation capabilities and scientific and technological innovation capabilities. To obtain the benefits brought by intellectual property rights. Intellectual property rights are a kind of legal monopoly granted by law.(Yi Jiming and Chu meng,2020)Some multinational companies attempt to achieve their monopolistic positions by taking advantage of the illegal restrictions and exclusion of competition in intellectual property rights. In response to the illegal monopolistic behaviors of abusing intellectual property rights, many developed countries have formulated anti-monopoly laws to restrict them. However, China has not yet issued an anti-monopoly law, and there are no operational anti-monopoly provisions in the intellectual property protection laws. In this way, when Chinese enterprises encounter intellectual property disputes, they may be in an unfavorable passive state, and thus be controlled by strict anti-monopoly laws in the international trade market, putting themselves in an awkward situation.

6. CHINA'S COUNTERMEASURES FOR STRENGTHENING INTELLECTUAL PROPERTY PROTECTION IN INTERNATIONAL TRADE

In the process of international trade, all countries attach great importance to the protection of intellectual property rights and have formulated effective legal protection systems to safeguard their own economic interests. For China, the protection of intellectual property rights is a systematic project with a wide range of coverage. Although the Chinese government has also formulated relevant legal systems in this regard, it still takes a process for the issue of intellectual property rights to be truly valued from the perspective of national consciousness. As of now, the following aspects of work should be done well.

6.1 IMPLEMENT THE INTELLECTUAL PROPERTY PROTECTION STRATEGY AT THE NATIONAL LEVEL

6.1.1. Legal aspect

1) Strengthen legislation and improve laws. The improvement of intellectual property rule of law in our country should take the CPTPP agreement as a benchmark. [Zhu Siqiao; Lin Zhigang. From RCEP to CPTPP: Comparative Analysis and Integration of Intellectual Property Rules.

International Trade. 2024 (11) The formulation of intellectual property laws and regulations should aim at encouraging innovation and optimizing the environment, and further form an intellectual property laws and regulations system with Chinese characteristics that is both in line with international standards and in line with China's national conditions. (Zhu Siqiao and Lin Zhigang, 2024) Improve the legislation on the copyright protection measures for folk literary and artistic works, the protection of genetic resources, traditional knowledge, etc., to make institutional preparations for China's accession to the CPTPP. Strengthening the existing intellectual property border measures in our country to better integrate into the international economic and trade rule system will play a positive promoting role.⁷

2) Strengthen the judiciary. First of all, establish an intellectual property court. At present, intellectual property courts have only been established in the three major cities of Shanghai, Beijing and Guangzhou in China, and a number of specialized intellectual property courts have been set up within the intermediate people's courts of some cities. However, with the development of intellectual property rights and the improvement of the public's awareness of intellectual property protection, more and more intellectual property cases remain to be resolved. At present, the number and scale of intellectual property courts are still insufficient. China should set up more independent intellectual property courts in large and medium-sized cities across the country and intellectual property tribunals in smaller cities. Providing more convenient and professional trials for intellectual property rights protection is conducive to creating a favorable business environment that encourages and protects innovation. Secondly, establish a judicial trial system for intellectual property rights. In China, where the number of various intellectual property cases is constantly increasing, a mechanism of distinguishing between complex and simple cases should be implemented for the trial of such cases. (Zhan Ying, 2020) According to the different circumstances of the cases, the procedures and forms of the trial should be improved to achieve a separation of severity and speed for cases of different natures and complexities. Only in this way can the trial cycle of intellectual property cases be accelerated and the trial cost be reduced. This is to establish a judicial trial system for intellectual property cases belonging to China.

3) Strict border law enforcement. In recent years, China's progress in intellectual property protection has been recognized by the international community. However, China should further

⁷ In <https://www.tandfonline.com/toc/rjic20/current>. Last access: April 26, 2025.

strengthen the law enforcement of intellectual property protection to deal with the frequent occurrence of intellectual property infringement. First, strengthen border law enforcement efforts. China should enhance cooperation with other countries and carry out border law enforcement cooperation to reduce the quantity of counterfeit and pirated goods, including border exports or transshipments. Inspect, seize, seal up, administratively confiscate and exercise other customs law enforcement powers on counterfeit and pirated goods for export or transshipment to prevent the circulation of counterfeit and pirated goods in domestic and foreign markets. Second, cultivate professional intellectual property law enforcement talents. In the future, China needs to increase the number of trained law enforcement officers, enhance the training of relevant customs law enforcement officers, and significantly increase the number of law enforcement operations. Moreover, efforts should be made to cultivate a group of high-quality and high-level professional intellectual property law enforcement talents and send them to intellectual property law enforcement agencies to address the current shortage of professional intellectual property law enforcement talents in China. Meanwhile, further improve the administrative law enforcement procedures and resolve intellectual property disputes in a fair, impartial and efficient manner in accordance with the law. Actively give full play to the role of cross-departmental law enforcement collaboration mechanisms and regional collaborative law enforcement mechanisms to combat and prevent group infringement and repeated infringement behaviors.⁸ Consolidate the joint supervision system for major intellectual property cases and the communication and dialogue mechanisms with foreign governments and international organizations.

6.1.2. Industry alliance

Industry associations usually form a joint force to respond to lawsuits, play the organizational and coordinating role of enterprises, raise funds for enterprises and even share litigation costs. Sharing evidence materials and litigation experience during the defense process can enhance the confidence of the sued enterprise and increase its chances of winning. For instance, in the 337 investigation cases initiated by the United States against Chinese steel enterprises, the China

⁸ In <https://www.tandfonline.com/toc/rjel20/current>. Last access: April 26, 2025.

Iron and Steel Association assisted the enterprises in actively responding to the challenges of the 337 investigation and safeguarding the legitimate rights and interests of China's steel industry.

1) The role of the government.

When enterprises go out to deal with international challenges, they must make reasonable use of the supporting role of government departments and request the assistance of government departments in presenting relevant certificates, documents and materials. When the products or cases themselves involve political issues, foreign trade enterprises should not act rashly and use the foreign policies and discourse power of government departments to solve the problems. China has always attached great importance to the protection of intellectual property rights, requiring enterprises to strictly abide by the relevant laws and regulations of China and the host countries where they "go global", respect and safeguard intellectual property rights, and not infringe upon or damage intellectual property rights. Meanwhile, the government also requires Chinese enterprises to actively employ legal means to effectively safeguard their own legitimate rights and interests.

2) Give full play to the role of pilot platforms such as free trade zones and take the lead in piloting the intellectual property rules and provisions of the CPTPP.

The CPTPP is the highest standard for intellectual property protection rules among the currently effective agreements worldwide. China has officially applied to join the CPTPP. The initial alignment of its intellectual property rules is an inevitable path for China to achieve its goal of joining the CPTPP. Free trade pilot zones (ports), comprehensive pilot zones (demonstration zones) for expanding the opening up of the service sector and other open platforms are the best carriers for pioneering and piloting high-standard intellectual property rules. The Shanghai Pilot Free Trade Zone has taken the lead in the country in introducing the "Overall Plan for Fully Aligning with International High-Standard Economic and Trade Rules and Promoting High-level Institutional Opening-up of the China (Shanghai) Pilot Free Trade Zone", and has carried out pioneering trials in strengthening the protection of trademarks and geographical indications, improving the patent protection system, and enhancing administrative supervision and judicial protection. These pilot platforms should continue to be supported to carry out differentiated explorations in aligning with intellectual property rules in light of their respective characteristics and advantages.

6.1.3. Implement the enterprise's intellectual property protection strategy

1) Establish brand awareness.

Once an enterprise has its own brand, it should establish a brand protection awareness even more. Gain insight into the brand strategies employed by multinational groups in our country and drive intellectual property strategies through the internationalization of brands. (Wu Tong, 2024) Not only should domestic resource conditions and markets be utilized, but also foreign resources and markets should be fully utilized to conduct cross-border operations and develop the brand into a global one. Some enterprises in our country had no awareness of trademark protection in the early years, and a large number of well-known domestic trademarks were preemptively registered abroad. As a brilliant treasure passed down in our country, it enjoys a high reputation on the international stage. However, there are still phenomena of tea brands being preemptive or abused. For instance, brands like "Tong Ren Tang" and "Tsingtao Beer" have encountered numerous obstacles in their development abroad. (Gao Hongyan, 2024) Therefore, we should learn from these lessons and always pay attention to the protection of our well-known trademarks. Otherwise, it would be no different from strangling the path of free development in international trade for these enterprises. Enterprises can take measures such as early registration and defensive layout: for instance, ByteDance's "Douyin" has completed trademark registration in 120 countries, and Xiaomi has registered similar trademarks such as "Purple Mi" and "Blue Mi".

2) Enhance awareness of property rights and reduce the risk of litigation.

To break trade protectionism, it is necessary to increase investment in scientific research, enhance the independent innovation ability of enterprises, promote the development strategy of intellectual property rights, and firmly grasp one's own intellectual property rights. The survival of export enterprises cannot do without innovation. Only by continuously increasing investment in innovation can Chinese foreign trade enterprises take the initiative, easily deal with investigations, and even actively file counterclaims. In conclusion, enterprises should enhance their legal awareness, strengthen their awareness of intellectual property protection, improve the intellectual property protection system, and while pursuing independent innovation, pay attention to applying for patent protection in other countries.

3) Conduct intellectual property due diligence and avoidance design.

Among the numerous export-oriented enterprises in our country, there is a considerable proportion of small-scale small and medium-sized processing enterprises, which do not master core technologies. Even if these enterprises do not pose a significant threat to the production of foreign

enterprises in the market competition, once they are affected by, for example, the 337 investigation initiated by the United States, the result is often fatal.⁹ Therefore, regardless of whether they are large, medium or small enterprises, they must conduct intellectual property due diligence in advance to prevent intellectual property infringement. Establishing a dedicated intellectual property institution, setting up a patent information center to collect information, building an intellectual property protection network, classifying and managing patents related to the enterprise's products through the patent information center, and constantly updating the patent database are all measures that enterprises can take to avoid intellectual property risks. In addition to conducting necessary patent searches for the export products of Chinese enterprises, it is also necessary to pay attention to reviewing the qualifications of foreign trade export partners to see if they have certification documents for products such as trademarks and patents.

7.CONCLUSION

In the new era of knowledge economy, China should plan the construction of "imported" and "going out" international trade intellectual property rules, docking international intellectual property rules, should scientifically grasp the pace of China's intellectual property protection level, to achieve an effective balance between intellectual property protection and technology dissemination and development. Actively build a system of IPR protection rules that reflects China's position and is in line with international standards.

8. REFERENCES

- Zhou, Bei. (2023). Research on Intellectual Property Legal Protection from the Perspective of Economic Law—A Review of "The Economic Structure of Intellectual Property Law (Chinese Translation, 2nd Edition)". Journal of Finance and Economics, (8), 149.
- Yu, Peng, Liao, Xianglin, Du, Guochen(2021), "Comparative Study and Policy Recommendations on RCEP and CPTPP," International Trade, no.8:27-36.

He, Hua(2020), "The Functional Crisis and Innovative Reform of the Global Intellectual Property Governance System—An Examination Based on the International Intellectual Property Rules System," Law and Politics Forum 38,no.3:66-79.

Liu, Xiaoning(2025),"The Development of International Intellectual Property Rules and China's Response—Based on the Comparison of CPTPP, USMCA, EJEPA and RCEP," Asia-Pacific Economic Journal, no.1: 27-43.

Yi, Jiming, and Chumeng(2020),"New Developments in International Intellectual Property Protection in the Post-TRIPS Era and China's Response,"Intellectual Property 2020,no.2:3-16.

Zhu, Siqiao, Lin, Zhigang(2024), "From RCEP to CPTPP: A Comparative Analysis and Integration of Intellectual Property Rules," International Trade 2024,no.11.

Zhan, Ying(2020), "On New Ideas for China's Intellectual Property Strategy Planning under the New Situation," China Soft Science 2020,no.8:1-9.

Wu, Tong(2024), "Research on Intellectual Property Protection in International Trade," Vitality 42,no.20.

Gao, Hongyan(2024), "Intellectual Property Protection of Tea Brands and International Trade Law Strategies from an Intellectual Property Perspective," Fujian Tea 46,no.10.