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CHINA AS AN EMERGING RULE-MAKER IN MULTILATERAL INTELLECTUAL PROPERTY COOPERATION

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Abstract. This article explores China's evolving role in multilateral cooperation on international intellectual property. It traces China's transformation from a rule-taker to a rule-maker, examining the historical developments, driving forces, practical actions, challenges, and future outlook. The international intellectual property system, a central element of global economic governance, is undergoing significant change. At the same time, China, now the world's second-largest economy, is redefining its position in ways that reflect its domestic development, advances in the rule of law, and broader shifts in international power structures towards multipolarity. Through historical analysis and case studies, the article assesses the impact of this evolution on global intellectual property governance and offers recommendations for future development.

Keywords: intellectual property cooperation; international intellectual property; multilateral cooperation; rule-making; global governance.

КИТАЙ КАК ФОРМИРУЮЩИЙСЯ СУБЪЕКТ НОРМОТВОРЧЕСТВА В МНОГОСТОРОННЕМ СОТРУДНИЧЕСТВЕ В СФЕРЕ ИНТЕЛЛЕКТУАЛЬНОЙ СОБСТВЕННОСТИ

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Аннотация. Рассматривается эволюция роли Китая в многостороннем сотрудничестве в области международной интеллектуальной собственности. Прослеживается трансформация позиции страны от пассивного восприятия международных норм к активному участию в их формировании. Анализируются исторические предпосылки, движущие силы, практические меры, существующие проблемы и перспективы развития в изучаемом вопросе. Международная система интеллектуальной собственности, как ключевой элемент глобального экономического регулирования, претерпевает существенные изменения. Китай, занимающий второе место в мире по объему экономики, переосмысливает свое положение с учетом внутреннего развития страны, совершенствования правовой системы и общих тенденций перехода международных отношений к многополярности. На основе историко-правового анализа и изучения конкретных примеров дается оценка влиянию указанных процессов на глобальное регулирование интеллектуальной собственности и формулируются рекомендации по его дальнейшему развитию.

Ключевые слова: сотрудничество в сфере интеллектуальной собственности; международная интеллектуальная собственность; многостороннее сотрудничество; нормотворчество; глобальное управление.

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Introduction

As the world's second-largest economy¹, China is undergoing a historic transformation within the international intellectual property (IP) system – from passive acceptance to active participation, from rule-follower to rule-shaper. This shift presents complex legal, political, and economic challenges, warranting comprehensive analysis from an international law perspective. This article uses case studies to analyse China's evolving participation in multilateral IP cooperation and to assess its influence on global IP governance.

The article aims to clarify China's long-term role in international IP cooperation. To achieve this, the article sets out the following objectives:

- 1) to outline the historical process through which China has moved from rule-taker to rule-maker in multilateral IP cooperation;
- 2) to identify the factors driving this transformation;
- 3) to examine China's specific contributions as a rule-maker within international organisations;
- 4) to assess the challenges and future prospects China faces as an emerging rule-maker.

Current scholarship has not fully addressed these issues. Earlier studies have largely concentrated on the development of China's intellectual property system and the structure of international IP law systems.

Among Chinese researchers, notable contributions include those by Feng Xiaoqing [1–3], Ma Fazhong [4], Gu Zuxue [5], Wu Fei [6], He Qisheng [7], Gao Xuefeng and Liu Yajun [8]. Their works typically integrate the global IP landscape with analyses of its implications for China's IP development, assessing future trends and the interaction between domestic and global systems.

Foreign researchers including K. Yu. Peter [9], J. A. Brander, V. Cui and I. Vertinsky [10], K. Muehlfeld and M. Wang [11], W. Cheng [12; 13], C. Devonshire-Ellis, A. Scott and S. Woolard [14] focus on China's IP progress, highlighting its direct effects on the international IP architecture.

Chinese authors such as Feng Xiaoqing generally affirm China's positive transformation from an endogenous perspective. In contrast, some Western scholars, notably K. Yu. Peter, adopt a more cautious view, drawing attention to discrepancies between commitments and compliance – particularly regarding enforcement consistency. Building on this discourse, the present study introduces the concept of a rule-shaper to offer a more nuanced evaluation of China's shifting role across various domains. Russian scholarship has mainly addressed bilateral IP cooperation between China and Russia [15; 16], with limited analysis of China's broader IP role.

This study also draws on reports and documents from the World Intellectual Property Organisation, the China National Intellectual Property Administration, and the Central Party History and Literature Research Institute of the Communist Party of China, as well as official speeches and government publications.

Crucially, no scholarly consensus exists on defining a term «rule-maker». This article proposes a practical analytical framework to support a clear and rigorous examination. It identifies four dimensions: agenda-setting capability, institutional creation capacity, norm diffusion capacity, and discourse-building capacity. Subsequent sections apply this framework to evaluate China's historical transformation in multilateral intellectual property cooperation through specific case studies.

China's role transformation from rule-taker to rule-maker: institutional foundations

Since the founding of the People's Republic of China in 1949, the country has developed an intellectual property framework through successive legislative efforts². In 1950, the Government Administration Council issued the Provisional regulations on the protection of invention rights and patent rights and the provisional regulations on trademark registration (with 23 articles and a commodity classification table)³. These instruments

provided explicit protection for inventions, patents, and exclusive trademark rights. In 1963, the State Council of the People's Republic of China replaced the earlier trademark rules with the Trademark management regulations⁴. However, under the planned economy, the reach and effectiveness of these measures remained limited. The provisional regulations on inventions and patents⁵ were repealed in 1963, and although the Trademark

¹Growth on divergent paths amid elevated policy uncertainty // International Monetary Fund : website. URL: <https://www.imf.org/en/Publications/WEO/Issues/2025/01/17/world-economic-outlook-update-january-2025> (date of access: 24.02.2025).

²Chronicle of the People's Republic of China (October 1949–September 2019) // The State Council of the People's Republic of China : website. URL: https://www.gov.cn/xinwen/2019-09/27/content_5434223.htm (date of access: 23.02.2025) (in Chin.).

³State Council's interpretation on several issues concerning the implementation of the Interim regulations on rewards for inventions, technical improvements and rationalisation proposals in production [Electronic resource] // Peking University law database. URL: <https://www.pkulaw.com/chl/e13579600c4d8874bdfb.html> (date of access: 23.02.2025) (in Chin.).

⁴Trademark management regulations [Electronic resource] // Ibid. URL: <https://www.pkulaw.com/chl/2908b29fa7eeb731bdfb.html> (date of access: 23.02.2025) (in Chin.).

⁵Civil Code: a guarantee of civil rights and a encyclopedia of social life // China national history network : website. URL: http://hprc.org.cn/gsyj/zs/shzyfz/202009/t20200904_5178966.html (date of access: 15.02.2025) (in Chin.).

management regulations continued into the early reform and opening-up period, their practical impact proved limited.

As China expanded its economic cooperation and foreign trade, and as IP protection gained increasing significance, China began enacting specialised intellectual property legislation. The Trademark law, promulgated in 1982, became the first such statute since reform and opening-up, with subsequent amendments⁶ in 1993, 2001, 2013 and 2019 progressively strengthening the regime. The Patent law followed in 1984, and the Copyright law followed in 1990.

Together, these three statutes established the foundational framework for intellectual property law in China. Their enactment marked a significant milestone.

When the Trademark law entered into force in 1982, China still operated as a rule-taker in the international IP system, largely following standards shaped by developed economies, including Europe and the United States. China's accession to the Paris convention and the Berne convention reflected its need to align with global economic practice, enhance cooperation, and support domestic legal and economic reform [9, p. 428].

However, after joining the WTO in 2001 and strengthening its overall national capacity, China began to shift from passive acceptance of international rules to active involvement in multilateral IP governance and shaping cooperation agendas. The country began integrating into international IP cooperation, learning to employ multilateral mechanisms – such as those under

the trade-related aspects of intellectual property rights (TRIPS) agreement – to defend its interests amid infringement disputes initiated by developed economies.

Within the WTO framework, China has grown increasingly assertive in implementing intellectual property rules and resolving disputes. Rapid advances in science, technology, and culture have accompanied continuous revisions to domestic legislation, including the Copyright law, Patent law, and Trademark law.

For example, the 2020 fourth amendment to China's Patent law drew on aspects of the US Hatch – Waxman act to establish a pharmaceutical patent linkage system and a patent term compensation scheme⁷. Under the new Art. 42, the maximum term compensation is five years, and the total effective patent term after marketing approval must not exceed 14 years⁸. These changes recalibrate the balance between incentivising pioneering drug innovation and accelerating the availability of generics – an adaptation suited to China's dual role as both a major pharmaceutical market and a growing innovator. China did not simply replicate foreign models; it adapted them to domestic needs. This shift at the legislative level marks a move from rule transplantation to independent institutional innovation.

China's transformation from rule-taker to rule-maker in intellectual property reflects a broader trajectory: from economic-driven development, through institutional building, to strategic engagement. This historic shift aligns with global trends in governance and innovation.

Analysis of the internal and external drivers of China's role transformation

As China upgraded its industrial structure and improved its capacity for technological innovation, applications for patents, trademarks, and copyright increased rapidly. China has become a major producer of intellectual property, not merely a user. This shift has strengthened its position in global governance. Two principal forces have driven China's role transformation: domestic and international.

Domestically, policy has steadily shifted towards strengthening legal guarantees for technology transfer, indigenous innovation, and enterprise competitiveness, while cultivating greater awareness of intellectual property rights. Since initiating its IP framework, China has introduced several key strategic initiatives, including the Action plan for deepening the implementation of the National intellectual property strategy (2014–2020), the State Council's opinions on accelerating the construction of an intellectual property powerhouse, the

13th five-year plan for national intellectual property protection and utilisation, and the Outline for building an intellectual property powerhouse (2021–2035). Institutional reforms accompanied these policies. The State Administration for Market Regulation was created, the State intellectual property office was restructured, and specialised IP courts were established in Beijing, Shanghai, and Guangzhou. The Supreme People's Court also set up an IP tribunal with nationwide jurisdiction over appeals in technical cases, creating a more coherent and professional adjudication system.

Judicial institutions actively aligned with national strategy. Tao Kaiyuan, Vice-President of the Supreme People's Court, stated that strengthening IP protection constitutes «an inherent requirement and important guarantee for the development of new quality productive forces», and that courts should uphold strict protection to better serve innovation-led growth⁹. This

⁶Laws and regulations: trademarks // National Intellectual Property Administration : website. URL: <https://www.cnipa.gov.cn/col/col95/index.html> (date of access: 05.02.2025) (in Chin.).

⁷Patent law of the People's Republic of China (2020 amendment) // Ibid. URL: https://www.cnipa.gov.cn/art/2020/11/23/art_97_155167.html (date of access: 22.11.2025) (in Chin.).

⁸Ibid.

⁹Providing strong intellectual property judicial protection for the development of new productive forces // Central Party History and Literature Research Institute : website. URL: <https://www.dswxyjy.org.cn/n1/2024/0327/c422511-40204317.html> (date of access: 05.01.2025) (in Chin.).

statement reflects the strong connection between judicial initiatives and economic strategy. During this period, the government introduced numerous policies supporting the innovation economy and strengthening the creation, application, and protection of intellectual property. Such measures mark China's transformation from passive recipient to strategic advocate in international intellectual property protection.

Since the TRIPS agreement entered into force in 1995, global IP governance has gradually moved away from developed-country dominance towards a more multipolar system. By acceding to the TRIPS framework and engaging actively in bodies such as the WIPO, China has familiarised itself with established rules, accumulated governance experience, and identified opportunities for institutional development, leading to growing demands for rule adaptation [12, p. 152].

The technological competition between China and the United States, coupled with growing divisions over IP interests within European and American systems, has created opportunities for China to move beyond

earlier constraints. In an era of globalisation, conflicting national interests often call for a strong developing country to coordinate. Thus, geopolitical rivalry has further encouraged China to transition towards a rule-maker role.

At the 3rd Belt and road high-level intellectual property conference, Vice-Premier Ding Xuexiang called for «[injecting] greater intellectual property strength into the high-quality construction of the Belt and road initiative»¹⁰. His remarks signal China's intention to deploy intellectual property cooperation as a major policy instrument – leveraging institutional frameworks and exporting governance experience to strengthen economic and technological ties within the Belt and road initiative.

By combining domestic policy with international rule adaptation, China has cultivated a dual identity: a developing state and a global coordinator of rules. This positioning underscores its active role in promoting multipolarity and inclusive reform within global governance.

China's initial emergence as a rule-maker

As the pre-eminent international organisation for intellectual property cooperation, WIPO provides a crucial platform for China's entry into core governance mechanisms. In this rule-maker phase, China's presence within WIPO has become increasingly prominent, demonstrated by its deep involvement in senior governance and leadership in concluding key international treaties.

China actively cultivates specialised talent proficient in international rule operation and negotiation skills. This foundation strengthens its capacity to compete for normative influence globally. In 2008 and 2014, Wang Binying was elected deputy director-general of WIPO, and in 2020 she ran for the post of director-general¹¹. This marked the first time China held a senior managerial position within WIPO's leadership. Hosting the 2012 Diplomatic conference proved particularly significant. China resolved WIPO's 20-year deadlock on audiovisual performers' rights, achieving consensus among diverse stakeholders. The Beijing treaty on audiovisual performances¹² was adopted on 24 June 2012 and entered into force on 28 April 2020. That the treaty bears the name

of China's capital demonstrates the country's role not only in participating but also in shaping substantive international law.

Even before this treaty entered into force, Chinese domestic legislation had established a robust protective framework. Article 38 of the Copyright law (2010 revision) afforded performers of both sound recordings and audiovisual works unified protection covering moral rights, economic rights, and remuneration entitlements comparable to the treaty's standards. To align fully with the Beijing treaty, the 2020 revision introduced a right for performers to receive remuneration from subsequent uses of audiovisual works (Art. 41–42)¹³. This amendment significantly strengthened performer protection by guaranteeing them a share of economic benefits derived from their performances.

Moreover, China advances developing nations' IP development through South – South cooperation and Belt and road initiatives [8, p. 130]. In response to developing countries' needs, China supported expanding access to IP materials for persons with disabilities via the Marrakesh treaty¹⁴. Such engagement has helped low- and

¹⁰Ding Xuexiang attends and delivers remarks at the 3rd Belt and road high-level intellectual property conference // Central Party History and Literature Research Institute : website. URL: <https://www.dswxyjy.org.cn/n1/2024/0912/c423712-40318396.html> (date of access: 21.11.2025) (in Chin.).

¹¹Appointment of deputy directors general and assistant directors general // World Intellectual Property Organization Coordination Committee : website. URL: https://www.wipo.int/edocs/mdocs/govbody/en/wo_cc_79/wo_cc_79_2.pdf (date of access: 11.02.2025).

¹²The Beijing treaty // Ibid. URL: <https://www.wipo.int/en/web/beijing-treaty/index> (date of access: 15.11.2025).

¹³Copyright law of the People's Republic of China // Central People's Government of the People's Republic of China : website. URL: https://www.gov.cn/guoqing/2021-10/29/content_5647633.htm (date of access: 25.11.2025) (in Chin.).

¹⁴Marrakesh treaty to facilitate access to published works for persons who are blind, visually impaired or otherwise print disabled // Ibid. URL: [https://www.WorldIntellectualPropertyOrganization\(WIPO\).int/edocs/mdocs/govbody/en/mvt_a_5/mvt_a_5_2.pdf](https://www.WorldIntellectualPropertyOrganization(WIPO).int/edocs/mdocs/govbody/en/mvt_a_5/mvt_a_5_2.pdf) (date of access: 15.02.2025).

middle-income countries address practical regulatory demands while reinforcing China's normative and institutional standing within WIPO.

To meet its obligations under the Marrakesh treaty, the amended Copyright law introduced a fair-use exception allowing works to be provided to persons with print disabilities (Art. 24(1) and Art. 54)¹⁵. This reform demonstrates how international commitments can strengthen domestic legal frameworks.

Under the Belt and road initiative, China promotes regional cooperation to strengthen intellectual property capabilities among participating states. It launched the South – South intellectual property cooperation and technology transfer mechanism, creating a platform for development and exchange among these nations¹⁶.

Through bilateral cooperation agreements, China has also shared its governance model more systematically. For example, the Memorandum of understanding between China's National Intellectual Property Administration and Cambodia's Ministry of Indust-

ry and Handicraft commits China's National Intellectual Property Administration to provide services such as patent search and evaluation for Cambodian applications¹⁷.

China has further gained experience as a rule-maker by engaging in WTO IP discussions and influencing how the TRIPS agreement is implemented worldwide. In the field of green technology transfer, it has argued – within the framework of the Paris agreement – for stronger incentives for cross-border transfer of environmentally sound technologies, and has worked with other developing states to advocate for a more flexible sharing mechanism [4, p. 22].

China's evolving role in international IP governance shows its deeper integration into the multilateral system. At the same time, its rising influence in areas such as green technology transfer and artificial intelligence reflects growing national interests that may test the balance and diversity of the current international IP framework.

Challenges and prospects for China as a rule-maker

In recent years, China's intellectual property protection system has improved substantially. Nevertheless, significant challenges persist despite its growing influence in multilateral IP cooperation.

The international community, particularly developed nations, questions China's commitment to IP enforcement. The US Special 301 report illustrates this tension. The 2022 edition again placed China on the priority watch list, citing weak enforcement¹⁸. Although the report identifies some real issues, it is also widely viewed as a tool of US trade policy. Its assessments therefore need to be read critically, with attention to underlying political and economic motivations.

China has strengthened judicial expertise through specialised IP courts and the IP Tribunal of the Supreme People's Court¹⁹. Nonetheless, structural weaknesses persist. Geographic size, regional economic disparities, local protectionism, and uneven enforcement resources cause inconsistent IP enforcement and standards across provinces. This inconsistency creates uncertainty

for rights holders and undermines China's credibility as an emerging rule-maker [17, p. 74–75].

Moreover, the core frameworks of the TRIPS agreement and key WIPO treaties have long reflected the interests of developed countries. This distribution of benefits continues to disadvantage many developing states. At the same time, the growing politicisation of IP places China under considerable pressure as it seeks to shape global rules. Within the traditional system, dislodging entrenched influence from Europe and the United States remains difficult.

Confronting these obstacles, China must emphasise the global inclusiveness of the rules it advocates and promote deeper cooperation to achieve mutual benefit. Deepening cooperation with other states will be essential. Beyond Belt and road partners, China can expand regional coordination with groups such as the BRICS and the African Union within the WIPO framework. Such coalition-building would broaden the support base for its proposed norms.

¹⁵Copyright law of the People's Republic of China // Central People's Government of the People's Republic of China : website. URL: https://www.gov.cn/guoqing/2021-10/29/content_5647633.htm (date of access: 25.11.2025) (in Chin.).

¹⁶Belt and road technology transfer workshop and South – South cooperation seminar held in Beijing // Ministry of Science and Technology of the People's Republic of China : website. URL: https://www.most.gov.cn/kjbgz/202009/t20200918_158826.html (date of access: 11.02.2025) (in Chin.).

¹⁷Announcement on the entry into force of Chinese patents registered in Cambodia (No. 265) // China National Intellectual Property Administration : website. URL: https://www.cnipa.gov.cn/art/2018/5/10/art_74_28083.html (date of access: 16.11.2025) (in Chin.).

¹⁸2022 Special 301 report // Office of the United States Trade Representative : website. URL: <https://ustr.gov/sites/default/files/IssueAreas/IP/2022%20Special%20301%20Report.pdf> (date of access: 05.02.2025).

¹⁹Intellectual property protection by Chinese courts in 2024 // People's Court Press : website. URL: <https://www.chinaiplawupdate.com/wp-content/uploads/2025/04/%E4%B8%AD%E5%9B%BD%E6%B3%95%E9%99%A2%E7%9F%A5%E8%AF%86%E4%BA%A7%E6%9D%83%E5%8F%B8%E6%B3%95%E4%BF%9D%E6%8A%A4%E7%8A%B6%E5%86%B5%E7%BC%882024%E4%BC%89.pdf> (date of access: 20.11.2025) (in Chin.).

Emerging technologies, particularly in artificial intelligence, blockchain, and cloud computing, challenge traditional intellectual property frameworks and drive the need to innovate governance rules. By drawing on its strengths in several of these sectors, China has shown an ability to influence emerging norms, especially in strategic patenting and standard-setting. WIPO data indicate that between 2014 and 2023, China produced more than 38 000 GenAI inventions, six times the volume of the United States, which ranked second²⁰.

China has strategically deployed legal instruments permissible under international frameworks, with compulsory patent licensing serving as a key example. Articles 51–57 of the Patent law (2020 amendment) specify the conditions for such licensing. Of particular importance is Art. 55, which permits a compulsory licence not only for public interest purposes but also when a later patent shows significant economic and major technical progress yet relies on an earlier patent²¹. In sectors where China faces technological blockades, such as semiconductors, this mechanism provides a robust legal tool and enhances its bargaining position. It reflects a deliberate effort to convert international flexibilities into instruments that support national technological objectives.

China has also taken an active legislative role in regional frameworks. It helped steer the intellectual property chapter of the Regional Comprehensive Economic Partnership, advancing harmonised protection across the region. The Regional Comprehensive Economic Partnership's IP provisions extend beyond patents, trademarks, and copyrights to address emerging issues in e-commerce and the digital economy²². Domestically, the Outline for building a strong intellectual property nation (2021–2035) calls for faster legislative development in new technological domains, including big data, artificial intelligence, and gene technology²³.

China advances legal frameworks in areas lacking clear international rules through proactive domestic legislation. This approach gives it a first-mover advan-

tage in future global norm-setting and positions its domestic standards as potential models for international adoption. Professor Yang Xiongwen argues that Chinese lawmakers must thoroughly study foreign legal systems alongside domestic realities to develop a coherent, detailed legal framework that aligns with the expressive conventions of the Chinese language [17, p. 78].

He further notes that clearer enforcement standards and greater judicial transparency are essential for building a more systematic IP framework. In the landmark «Kabo» case (Zui Gao Fa Zhi Min Zhong No. 732 of 2019), the Supreme People's Court, citing the defendant's evident malicious intent, applied the statutory maximum of quintuple punitive damages for the first time. This decision illustrates China's determination to construct a high-level protection system and strengthen the domestic rule-of-law foundation needed for meaningful participation in international rule-making²⁴.

In emerging technology fields, China should remain at the technological frontier, advocate standardisation, and develop new cooperation mechanisms to enhance its rule-shaping capacity. At the same time, it should support more cost-effective and shared models of IP use. One example is China's proposal – and partial implementation – of a global green technology patent pool designed to facilitate open transfer of new-energy and low-carbon technologies. China has already contributed over 9000 green technology patents to the global database²⁵.

The patent pool operates through a hybrid model that combines state leadership with market-oriented practices. A management committee jointly established by the National Intellectual Property Administration and the Ministry of Science and Technology of the People's Republic of China oversees the initiative. Under the Special action plan for patent transformation and application, the committee has created a tiered licensing system, including free licences for least developed countries²⁶. Unlike the WIPO GREEN platform, which focuses solely on information-matching, the strength

²⁰China-based inventors filing most GenAI patents, World Intellectual Property Organization data shows // World Intellectual Property Organization : website. URL: https://www.wipo.int/pressroom/en/articles/2024/article_0009.html (date of access: 05.02.2025).

²¹Patent law of the People's Republic of China (2020 amendment) // China National Intellectual Property Administration : website. URL: https://www.cnipa.gov.cn/art/2020/11/23/art_97_155167.html (date of access: 22.11.2025) (in Chin.).

²²Chapter 11 of the Regional comprehensive economic partnership agreement: intellectual property // China Intellectual Property Protection Network : website. URL: <http://ipr.mofcom.gov.cn/zhuant/fta/RCEP/RCEP.html> (date of access: 23.02.2025) (in Chin.).

²³Outline for building a strong intellectual property nation (2021–2035) // Central Party History and Literature Research Institute : website. URL: <https://www.dswxyjy.org.cn/n1/2021/0923/c423712-32233865.html> (date of access: 24.02.2025) (in Chin.).

²⁴Supreme People's Court Intellectual Property Tribunal releases 10 representative technology-related intellectual property cases of 2020 // The Intellectual Property Tribunal of the Supreme People's Court of China : website. URL: <https://ipc.court.gov.cn/zh-cn/news/view-1065.html> (date of access: 20.11.2025) (in Chin.).

²⁵WIPO China: intellectual property fuels global green innovation // World Intellectual Property Organization : website. URL: <https://www.wipo.int/en/web/office-china/w/news/2024/wipo-china-intellectual-property-fuels-global-green-innovation> (date of access: 23.02.2025).

²⁶Special action plan for patent commercialisation and application (2023–2025) // China National Intellectual Property Administration : website. URL: https://www.cnipa.gov.cn/art/2024/6/18/art_3398_193173.html (date of access: 20.11.2025) (in Chin.).

of the Chinese model lies in the technological assurance backed by government endorsement.

As China moves from receiving intellectual property rules to shaping them, it faces several pressures, including politicisation, constraints within traditional governance structures, and the need to reconcile the interests of developing and least-developed states. Yet its performance in emerging technologies shows considerable rule-shaping potential, supported by technological strength and policy innovations.

China's shift from a passive rule-taker to an active rule-maker has progressed through three stages. From the 1980s to 2000, it largely adapted to an international IP system dominated by the United States and Europe. Between 2000 and the late 2010s, it entered multilateral processes, joined the WTO and the TRIPS agreement, and began to participate more assertively in global IP governance. Since the 2010s, China has used its economic weight and innovation capacity to assume a more influential position. This evolution reflects the weakening of the post-Cold War unipolar order and the rise of contested multilateralism. China's dual status as both a developing state advocating reform and a technology leader promoting its own regulatory models has further blurred the traditional North – South divide.

Although China has often been subject to unilateral actions, including US Section 301 investigations, it has also used the WTO dispute settlement system to defend its interests as a complainant²⁷. In case DS543, for example, China challenged US tariff measures and obtained a favourable panel ruling that found the tariffs incompatible with US WTO obligations²⁸.

Several factors have driven this transformation: strengthened domestic policy support, industrial upgrading, enhanced innovation capacity, the trend towards multipolarity, and developing countries' demand for more inclusive rules. The transition also brings significant challenges, among them persistent doubts

about the strength of China's IP protection, the entrenched power of developed states in traditional IP domains, and intensifying competition over standards for new technologies.

China's future international intellectual property policy should concentrate on four areas. First, it should prioritise multilateral coordination and innovation, broaden the scope of inclusive cooperation, and deepen engagement with other developing economies through mechanisms such as the Belt and road initiative, BRICS, and the RCEP agreement. Second, it should make full use of opportunities created by emerging technologies. When advancing global standards in these fields, China needs to balance national interests with wider responsibilities and support greater openness and technology sharing. Third, it should strengthen its soft power and build recognition of its regulatory authority through South – South cooperation, multilateral initiatives, and institutional innovation. Fourth, it should continue to refine its IP legislation, improve consistency with leading international rules, and ensure stronger protection in technology-intensive sectors.

China's evolving role on the international intellectual property agenda reflects the systematic character of these measures to strengthen the normative and organisational framework of international public law. The implementation of global standards within Chinese legislation confirms the comprehensiveness of this trend. This trajectory highlights shifts in China's political economy and international position, while also exposing the complex distribution of interests and power within global IP governance. China is progressing towards becoming a significant rule-maker in this domain. Its success will influence both its own engagement in global cooperation and the prospects for its model of inclusive innovation to move beyond zero-sum thinking and support stable and broadly accepted rules for the digital age.

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²⁸United States – tariff measures on certain goods from China // Ibid. URL: https://www.wto.org/english/tratop_e/dispu_e/cases_e/ds543_e.htm (date of access: 26.11.2025).

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