

Multidimensional Governance Path of Intellectual Property Protection for Chinese Overseas Enterprises under the CPTPP Framework

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Abstract: Under the framework of the Comprehensive and Progressive Trans-Pacific Partnership (CPTPP), Chinese companies face serious challenges in protecting their intellectual property rights (IPRs) overseas. Through legal text analysis, empirical cases and multi-source data integration, this study systematically analyses the fitness gap between CPTPP's high-standard rules and China's practice and reveals three core contradictions: mismatch of legal rules, structural imbalance of enterprise capacity, and fragmentation of international cooperation. Based on this, this paper proposes that at the legislative level, we need to accelerate the convergence of domestic laws and international rules and strengthen the professional enforcement mechanism; enterprises need to build a risk early warning system with the help of digital tools and form a collective action synergy through organisations such as industry associations; and at the international level, we should promote a multi-latitude mechanism of international co-operation and co-ordination. The results of the study emphasise the urgent need for China to build a 'proactive defence' IP strategy by improving the adaptation of Chinese law and global governance model based on balancing the CPTPP rules, so as to provide a practical reference for Chinese enterprises to cope with the high standard of international IP rules overseas.

Keywords: CPTPP; Intellectual Property Protection; Overseas Rights Defence; Legal Challenges; Corporate Capabilities

1. Introduction

With the deepening of economic globalization and China's active engagement in the Comprehensive and Progressive Trans-Pacific Partnership (CPTPP), Chinese enterprises face growing risks of IPR infringement and deficiencies in cross-border rights protection. This study examines China's overseas IPR protection under the CPTPP framework, focusing on the institutional gap between high-standard international rules and domestic practices, and identifying key challenges in legal adaptation, risk management, and international cooperation. Drawing on literature analysis, empirical cases, and multi-source data—including government statistics, enterprise case databases, and institutional reports—this study systematically explores the causes of these dilemmas. Beyond its theoretical value in improving the linkage between international IP rules and domestic legislation, the research highlights the practical significance of establishing a “government–enterprise cooperation + digital empowerment” system. Such a framework provides a reference path for Chinese enterprises to overcome barriers in transnational rights protection, strengthen China's institutional voice in global IPR governance, and meet the requirements of high-standard international agreements.

2. Comparison of IPR protection rules under the CPTPP framework with the current situation in China

2.1 Core requirements of CPTPP on IPR protection for enterprises going abroad

The IP chapter of the CPTPP has constructed a high-standard, comprehensive and effective intellectual property protection system, which provides a strong guarantee for the protection of IPRs of its member countries in foreign trade. From the perspective of IP protection for enterprises in international trade, its core rules are mainly manifested in high-standard IP protection rules, strict enforcement and compensation mechanisms, procedural fairness and timeliness. (Table1)

*Table 1: Core Rules and Content of Intellectual Property Protection under the CPTPP Framework.
(Compiled from CPTPP Chapter 18)*

Core Rules			Content
High standard of IP protection rules	Trademark	Expansion of protected objects	Allows for the registration of odour trademarks, breaking through the traditional restrictions on trademark registration.
		Trademark Registration Rules	Emphasise the standardisation and efficiency of trademark registration and protection procedures. Curbing malicious registration and infringement and protecting the rights and interests of brand owners.
		Geographical Indications and Well-known Trademarks	Strengthen the protection of GIs and well-known trademarks. Maintain the market competitiveness of products with regional characteristics and well-known brands.
	Patent		Extend the term of patent protection and establish strict patent examination standards. Exclusive protection for undisclosed experimental data. Set up a patent linking system.
	Copyright		Covering digital content protection and extending the term of copyright protection
Strict enforcement and compensation mechanisms	Punitive damages		Raise the cost of infringement and deter infringement.
	Border enforcement		Granting proactive law enforcement powers to administrative agencies and expanding the scope of law enforcement to prevent the circulation of counterfeit and pirated goods.
	Corporate Compliance Requirements		Enterprises are required to be familiar with and comply with local IP laws and regulations. When encountering infringement, they can quickly and effectively defend their rights and interests.
Procedural fairness and timeliness	Efficient Dispute Resolution Mechanism		Provides for a dispute resolution mechanism. Ensure the transparency and fairness of the process.
	Evidence Collection and Preservation		Enterprises are required to focus on the collection and preservation of evidence when defending their rights overseas.

As shown in Table 1, the trend towards high standards of IP protection represented by the CPTPP rules is increasingly becoming an important guide in international economic and trade activities. In terms of trademark protection, CPTPP provides more dimensions of protection through 'expanding the objects of protection' and 'trademark registration rules'. Allowing the registration of odour trademarks and provides enterprises with a new way to differentiate themselves from the competition. However, different jurisdictions do not have the same standards for examining the descriptiveness and distinctiveness of odour marks, which requires enterprises to conduct in-depth research on the markets of the target countries and respond flexibly when registering internationally. At the same time, the CPTPP emphasises the standardisation and efficiency of the trademark registration and protection process in order to curb malicious registration and infringement. In addition, CPTPP highlights the protection of GIs and well-known trademarks, which not only safeguards the market competitiveness of products with regional characteristics, but also lays a more solid legal foundation for the international brand layout of overseas enterprises. The case of French 'Champagne' (Beijing Higher People's Court, 2022) ^[1] successfully defending its rights in China shows that through mutual recognition agreements and a perfect trademark monitoring system, enterprises can better protect their interests at the transnational level and avoid the risk of brand infringement due to regional or cultural differences. (WANG Z, GUO J., 2020) ^[2]

Patents and copyrights are another key concern under the high-standard rules. The extension of the patent protection period and the establishment of strict patent examination standards, especially the special provisions for pharmaceutical patents, highlight the CPTPP's policy orientation of encouraging technological innovation. This is undoubtedly a major benefit for companies with high R&D investment, but for companies still relying on low-cost advantages, they may face more severe competitive pressure. Similarly, the further extension of the term of copyright protection for digital content has been accompanied by increased efforts to combat infringement. As copyright disputes in the digital era often

occur across regions and platforms, yet the standards for applying the ‘safe harbour principle’ vary in different country. Therefore, enterprises need to make use of blockchain and other technical means to solidify digital copyright evidence and respond to possible cross-border infringement in a timely manner.

At the IP enforcement level, the escalation of punitive damages and border enforcement demonstrates the strong deterrent effect of the CPTPP on infringement. However, the deterrence of infringement may also lead to the controversy of ‘over-enforcement’ or proliferation of litigation. For example, the detention of Canadian Solar and Sunova Solar’s PV modules by Chinese Customs for suspected IP infringement demonstrates (SHAW V. ,2024) ^[3] that exporters may face strict scrutiny for infringement before the goods are cleared through customs, and if they lack a comprehensive compliance and monitoring system, they are vulnerable to misclassification or being caught in a passive situation due to complaints from the other party. Therefore, how enterprises should avoid experiencing large-scale detention or embargoes due to proactive enforcement actions at the border will be a topic for deeper reflection.

Procedural fairness and timeliness are also among the core points advocated by CPTPP. For enterprises, specialised dispute resolution mechanisms allow cross-border disputes to be resolved through alternative dispute resolution methods such as arbitration and mediation. However, the prerequisite for all of this is that enterprises can provide sufficient, legal evidence that meets the legal standards of the target country. However, due to the complexity of cross-border operations and the increasingly stringent requirements for evidence collection and preservation in different countries, the acceptance of electronic evidence varies across member states. Therefore, improving the border compliance and evidence management system (DONG B, GUO Y, HU X. ,2022) ^[4] is an effective path to help enterprises win a head start in the international market. (ADAMS R. ,2023) ^[5]

Overall, the high standard of IP rules advocated by the CPTPP establishes a more forward-looking and rigorous system of rules for the international market.

2.2 Status of Overseas IP Protection for Chinese Enterprises

When observed within the framework of CPTPP, Chinese enterprises IP protection shows the following three characteristics.

Firstly, the global layout of IPRs of Chinese enterprises abroad remains insufficient. Despite China’s deep participation in global economic governance, the “going out” strategy faces structural contradictions in IPRs. By the end of 2023, China’s invention patents reached 4,991,000, yet overseas patents were limited and concentrated mainly in the USA and EU (CNIPA, 2024). Among Belt and Road countries, the top five destinations for Chinese patent applications were Indonesia, Singapore, Russia, South Africa, and Vietnam, with only Singapore and Vietnam overlapping with CPTPP members (CNIPA, 2024). ^[6] In 2023, Chinese enterprises filed over 56,000 overseas trademarks through the Madrid System (Administration, 2023) ^[7], but trademark squatting remained severe. For example, Luckin Coffee’s mark was seized by a Thai company, forcing the genuine enterprise to pay high compensation and enter a branding dispute (Stephanie, 2025) ^[8]. Such cases show that trademark protection aligned with international market rules is not only a legal requirement but also a strategic necessity (Ruse-Khan & Metzger, 2022) ^[9]. However, the current trademark layout lacks foresight: electronic products, kitchenware, and clothing account for nearly 40% of applications, while pharmaceuticals and cosmetics, though fast-growing, remain low in absolute numbers, making systematic protection difficult (OFFICE A C I L, 2025) ^[10]. This pattern of “emphasising traditional sectors while neglecting emerging ones” cannot meet the upgrading needs of the global industrial chain.

In terms of patents, although China’s PCT applications have been the world’s largest for four consecutive years (WIPO, 2024), ^[11] the monopoly effect of head enterprises is obvious, while a large number of small and medium-sized enterprises (SMEs) have less than 100 PCT applications (IPRDAILY, 2023). ^[12] Moreover, the value of international authorisations is also on the low side. (BOEING P, MUELLER E. ,2019) ^[13] Taking the biopharmaceutical industry as an example, although the number of foreign technology licences granted by Chinese companies exceeded the number of imported technologies for the first time in 2023 (YU A Z., 2024) ^[14] the core patents are mostly focused on production processes rather than compound structures (DING L A C, Z., 2018). ^[15] This ‘quantity-over-quality’ layout strategy has actually weakened the actual competitiveness of patents.

Secondly, infringement disputes are frequent, mainly in patents and trademarks. The field of standard essential patents (SEPs) has become a key battleground. The 2016 Huawei v. Samsung case is representative: Huawei sued Samsung for patent infringement in China, and the Shenzhen Intermediate

Court ruled in Huawei's favor in 2018, holding that Huawei complied with the FRAND principle while Samsung was at fault. However, Samsung then applied to the U.S. District Court for the Northern District of California to block enforcement, and the U.S. court supported this request in April 2018 (PURCHER J., 2016).^[16] This highlights conflicting jurisdictions and cross-border litigation challenges. Another major issue arises in cross-border e-commerce, where trademark-infringing goods account for over 99% of all infringing products (PRC G A O C O., 2024).^[17]

Thirdly, the response mechanism is imperfect. When dealing with overseas IP disputes, Chinese enterprises often lack professional legal teams and systematic response strategies, resulting in an unfavourable position in litigation. Public service platforms and legal aid mechanisms at the government level have not yet perfect, making it difficult to provide timely and effective support for enterprises. According to the China Patent Survey 2024, 51.4% of corporate patent owners expressed the need for overseas IP rights defence (CNIPA, 2025).^[18] Among them, the need for overseas IPR risk analysis and early warning, expanding IPR dispute resolution channels such as mediation and arbitration, as well as seeking overseas infringement insurance services are the most demanded. (Figure1)

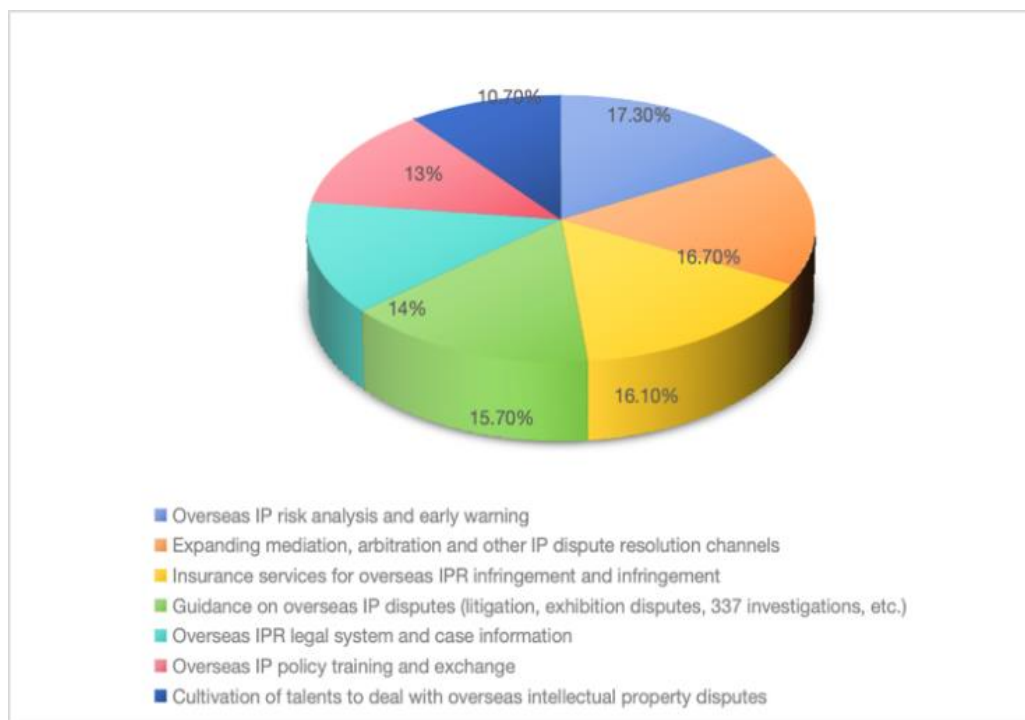


Figure 1: Specific Needs of Enterprises for Overseas Intellectual Property Rights Protection Assistance Services (CNIPA, 2025)^[18].

3. Core Challenges of Chinese Enterprises' Overseas Intellectual Property Rights Defence under the CPTPP Framework

3.1 Challenges at the Legal and Institutional Level

Under the CPTPP framework, China's core challenge in defending its overseas IPRs stems from the structural gap between its domestic legal system and the CPTPP's TRIPs-plus standards, particularly in cutting-edge areas such as pharmaceutical patents and digital property rights. According to Table 2, at the regulatory level, the patent linkage system promoted by the CPTPP significantly conflicts with China's current incremental reform approach, increasing overseas compliance risks and institutional adaptation costs for pharmaceutical companies. At the implementation level, the stringent enforcement mechanisms generally implemented by member countries, such as the expansion of border measures and high punitive damages, further highlight China's shortcomings in cross-border regulatory and judicial coordination, placing small and medium-sized enterprises at a disadvantage in international disputes. Overall, this dual gap between "rules and enforcement" not only increases the compliance burden on companies but also hinders the institutional competitiveness of Chinese companies in global competition. (Table 2)

Table 2: Comparison of IPR Rules and Enforcement Differences between CPTPP and China.

Comparative Dimension	CPTPP Rules	Chinese Laws	Typical Cases and Impact
Copyright protection period	Copyright protection period 70 years after the author's death. (Article 18.63)	50 years after the author's death.	When Qidian International, a Chinese online fiction platform, promoted its novels in Japan, it charged prices 10 times higher than in China due to longer copyright periods and higher compliance costs (YOUQUAN O. Forms, 2022). ^[19]
Patent Linkage System	Patent disputes must be resolved before generic drugs can be marketed. (Article 18.53)	Patent law introduces a patent linkage system for medicines, but it is not functioning smoothly. (Article 76)	The case of Chugai Pharmaceutical Co. v. Wenzhou Haihe Pharmaceutical Co (Chugai Pharmaceutical Co., Ltd. v. Wenzhou Haihe Pharmaceutical Co., Ltd., 2022). ^[20] revealed deficiencies in China's patent linkage system, including weak supervision of pharmaceutical patent registration, inefficiencies in the generic listing process, and imbalances in waiting periods.
Scope of border enforcement	Customs may initiate seizure of goods in transit (Article 18.76)	Import and export only	A drone enterprise in Shenzhen had its products administratively detained by Singapore Customs under the CPTPP rules due to a problem with the declaration of origin when the products were transhipped through Singapore (CUSTOMS S., 2018). ^[21]
Criteria for punitive damages	Clarification that punitive damages are to have the effect of deterring future infringements (art. 18.74)	Maximum 5 times damages, but low actual award rate	In judicial practice, Chinese courts often apply 2–3 times punitive damages based on intent and severity. For example, Opal v. Huasheng Company Trademark Infringement (COURT G H P S, 2022). ^[22]
Criminal threshold	Criminalisation of infringement not based on commercial gain, as long as the scale of infringement reaches a certain standard	For the purpose of obtaining commercial benefits, the criterion of 'aggravating circumstances' must be met.	No typical case

3.2 Challenges at the level of corporate capacity and awareness

Challenges at the level of enterprise capacity and awareness are another key factor for Chinese enterprises to defend their intellectual property rights overseas. According to the newly released '2024 Survey on Overseas IPR Disputes of Chinese Enterprises', '2024 Patent Survey Report' and combined with the latest policy developments in Shanghai and Guiyang in 2025, the assessment of Chinese enterprises' overseas IPR protection capability and awareness can be developed from the following five

latitudes. (Table 3)

Table 3: Survey on Chinese Enterprises' Overseas IPR Layout, Protection and awareness (CNIPA, 2024)^[23]

Dimension	Large Enterprises	Medium Enterprises	Small Enterprises
IP layout ratio (patents)	The proportion of products exported abroad (40.7%) is 1.7 times higher than the proportion of patent applications filed abroad (24.5%).	The proportion of products exported abroad (36%) is 2.8 times higher than the proportion of patent applications filed abroad (12.7%).	The proportion of products exported abroad (27.7%) is 5.3 times higher than the proportion of patent applications filed abroad (5.2%).
Proportion experiencing overseas IP disputes	7.5%	3.1%	0.9%
Employee IP knowledge training system	Systems are well established, especially in the technology development, legal and marketing departments. In terms of data security and compliance, large corporations will work with to ensure that their employees are aware of data security and IP compliance by partnering with foreign IP protection programmes	More than half of the medium-sized enterprises are covered by IP training, focusing on cross-border e-commerce, market development and legal departments.	Fragmented implementation, concentrated in management and core positions. Relies heavily on external IP services for implementation.
Responsiveness of rights defence	Corresponding to the speed of rapid , especially for trademark infringement, copyright infringement cases.	The period of defending rights is long.	Slow response or no response, in the U.S. trademark litigation defendants due to absence to respond to the lawsuit and was awarded a loss of more than 60%.
Government support initiatives	1) The State has established an overseas intellectual property dispute response mechanism. 2) Shanghai launched the country's first overseas operation insurance for intellectual property rights to jointly serve enterprises' overseas strategies (AREA P S G O P N. ,2025). ^[24] 3) Guiyang cross-departmental collaboration to provide 'one case, one policy' guidance, to recover the loss of trademark layout(WANG Q.,2024) ^[25] 4) Establishment of special fund (TRADE C C F T P O I,2021). ^[26]		

As shown in Table 3, in the context of economic globalization, the importance of overseas IP protection for Chinese companies is becoming increasingly prominent. From the perspective of enterprise size, significant differences exist in overseas IP development, risk management, and internal capacity building among companies of different sizes, reflecting a mismatch between resource endowments and strategic awareness.

Large enterprises generally have well-established employee training systems and prioritize compliance management in international collaboration, enabling them to rapidly respond to infringement disputes with their professional legal teams. In contrast, while small and medium-sized enterprises (SMEs) may have some training coverage, it's often focused on core positions and they rely heavily on external services, resulting in a lack of sensitivity to infringement risks in key roles. This weak internal

capacity further impacts the initiative and efficiency of their rights protection efforts. For example, the high rate of default judgments in US trademark litigation for SMEs highlights their lack of motivation to defend their rights amidst limited resources.

Data shows that the proportion of overseas product exports by companies is generally higher than the proportion of overseas patent applications, with the disparity being particularly pronounced among SMEs. This reflects a widespread strategic imbalance: prioritizing market development over IP development. This lagging development exposes companies to higher legal risks overseas. While large enterprises can partially mitigate these risks through systematic capabilities, SMEs often face the dual dilemma of "lack of development, prone to infringement, and lack of capacity to enforce rights" due to resource constraints.

At the policy level, although the government has introduced support measures such as dispute resolution mechanisms and overseas operations insurance, there remains a gap between their effectiveness and the real needs of SMEs. Existing policies tend to favor leading enterprises or those with high-value patent portfolios, making it difficult for SMEs to obtain substantial support due to factors such as information asymmetry and high application barriers. Furthermore, some companies fail to proactively disclose disputes due to insufficient legal protection capabilities, which leads to an underestimation of the actual risks.

In summary, the core issue facing Chinese companies going global lies in the structural disconnect between awareness of IP planning and their ability to implement it. Future policies should focus on building a tiered and categorized support system to encourage companies to incorporate IP planning into their global expansion strategies, thereby systematically enhancing their IP adaptability and resilience under high-standard international agreements like the CPTPP.

3.3 Challenges of international cooperation and information-sharing

The CPTPP's IP rules represent a high standard for global IP governance. While strengthening traditional protection mechanisms, they also impose stricter requirements on the scope of protection, regulatory framework, and enforcement procedures. However, these high standards differ significantly from the existing legal systems of member countries, leading to numerous inconsistencies in the definition of IP assets, the scope of protection, and the standards for determining infringement.

Differences in legal terminology and business culture further exacerbate gaps in understanding and collaboration. For example, subtle but crucial differences exist between the concepts of "fair use" in US law and in China's Copyright Law, leading to misunderstandings in numerous cross-border copyright disputes. Similarly, the varying standards for protecting "trade secrets" across jurisdictions often expose Chinese companies to compliance risks when investing in CPTPP member countries, such as Japan, due to unfamiliarity with local protection standards (Tatarinova, 2024).^[27]

Furthermore, there are obstacles to the international sharing and circulation of intellectual property-related information, making it difficult to transmit key information such as infringement cases and technological innovations across borders in a timely and accurate manner. This not only increases the cost of overseas rights protection for companies but also easily delays opportunities for such protection. Research (Figure 1) shows that information access and risk warning are the primary challenges facing Chinese companies expanding overseas. The frequent occurrence of disputes such as patent litigation and trademark squatting demonstrates that information opacity can easily put companies on the defensive in disputes (China Intellectual Property Research Association, 2022).^[28]

In addition to this, the complex international political and economic environment also creates uncertainty for international IP cooperation. Factors such as trade protectionism and geopolitics may disrupt normal cross-border IP collaboration. The "337 Investigations" launched by the United States against Chinese companies over the years are a classic example of how IP issues are being instrumentalized and linked to trade policy.

4. The Solution Path of China's Overseas IPRs Protection under the Framework of CPTPP

Given the challenges Chinese companies face within the CPTPP framework, including mismatched legal regulations, uneven capacity structures, and fragmented international cooperation, a comprehensive governance framework combining enterprise self-regulation, government guidance, and digital empowerment is needed. Table 4 summarizes the core challenges and corresponding responses in a concise and structured manner.

Table 4: Solution Pathways for China's Overseas IPR Protection under the CPTPP Framework.

Core Challenge	Main Strategy	Key Measures
Mismatch of legal rules	Accelerate legal convergence and institutional improvement	Align domestic laws with TRIPS-plus standards; improve patent linkage, border enforcement, and digital copyright protection
Enterprise capacity imbalance	Build tiered capacities and collective action mechanisms	Large enterprises strengthen compliance systems; SMEs rely on external services and industry associations to share cases and resources
Fragmentation of international cooperation	Establish cross-border cooperation and information-sharing mechanisms	Promote evidence recognition, infringement clue sharing, and cross-border arbitration centres
Weak compliance awareness	Enhance training and policy support	Joint government–university–enterprise programmes to cultivate global IP professionals; establish special support funds for SMEs
Insufficient risk early-warning	Empower with digital and intelligent tools	Use big data, AI, and blockchain for global monitoring, evidence preservation, and cross-border compliance management

As shown in Table 4, the solution pathways form a multi-dimensional structure. Enterprises should prioritise proactive risk prevention and differentiated capacity-building; the government should accelerate rule convergence, strengthen enforcement, and provide targeted support; and digital tools should serve as a crucial enabler for global monitoring and evidence management. Taken together, these strategies aim to help Chinese enterprises shift from a passive response model to an active governance approach, thereby enhancing their adaptability and resilience in the high-standard international IPR regime under the CPTPP.

5. Conclusion

Under the CPTPP framework, Chinese enterprises are facing multiple difficulties in defending their IPRs overseas due to the poor connection of legal rules, imbalance in the capacity structure of enterprises, and fragmentation of international cooperation mechanisms. Firstly, there is a systemic gap between the high standard IP rules of the CPTPP and China's existing legal system in key areas such as patent linkage system and border enforcement measures, resulting in additional costs and uncertainties for enterprises in cross-border compliance. Secondly, there is a clear division of competence at the enterprise level: large enterprises have resource advantages, but they generally have the concept of 'focusing on market expansion but not on rights and interests protection', while SMEs are often caught in the predicament of passive response to disputes due to the lagging layout of IPRs and their weak ability to defend their rights. Moreover, the mechanism of cross-border rights protection and collaboration is not yet sound, and the complexity of cross-border disputes is exacerbated by information-sharing barriers and institutional differences, making it difficult to form an effective international collaborative protection network.

To address this challenge, it is necessary to build a three-dimensional solution in which the government and enterprises work together. The government should accelerate the convergence of domestic laws with the CPTPP rules and lower the threshold for SMEs to defend their rights by strengthening law enforcement collaboration and setting up a special support fund. In the future, only by building a universal support system for SMEs and combining digital tools and technologies to support the defence of rights, it will be possible to transform China's enterprises from passive defence to active governance in the global competition of intellectual property rights, and to build a solid barrier of intellectual property protection for the international development of China's intelligent manufacturing.

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