

# Patent-based Disputes in the US Import Trade with China: With Special References to the Parallel Development of MIC 2025 & AMP 2.0 and ITA2

Yang Yu\* & Lei Zhang\*\*

*The current scale of the import trade of the US with China is significant and has the potential to be more in near future. However, patent-based disputes, especially in terms of Section 337 investigation, have also been increased in recent years. In the context of parallel development of national innovation strategies of China's "Made in China 2025 Plan" and the American "Advanced Manufacturing Partnership," along with the latest expanded "Information Technology Agreement" in the WTO trading system, the implications for optimally resolving patent-based disputes in the US import trade with China is highly significant for two countries. These disputes may even impact the world trade, since bilateral trade between China and the US accounts for a considerable proportion. Thus, both China and the US should take precautions and appropriate measures to guard against such potential frictions in*

\* Associate Professor at School of WTO Research and Education of Shanghai University of International Business and Economics (SUIBE); Research Fellow in Shanghai Center for Global Trade and Economic Governance. Ph.D. (Fudan). ORCID: <http://orcid.org/0000-0001-5467-6397>. This paper is supported by Shanghai Center for Global Trade and Economic Governance (SC-GTEG) and the WTO Chairs Program. Much gratitude is extended to Professor Chin Leng Lim (The Chinese University of Hong Kong) for his insightful advice. The author may be contacted at: [wtoyuyang@suibe.edu.cn](mailto:wtoyuyang@suibe.edu.cn)/Address: School of WTO Research & Education, SUIBE No. 620, Gubei Road, ChangNing District Shanghai, P.R. China 200336.

\*\* Dean and Professor at School of WTO Research and Education of Shanghai University of International Business and Economics; Director of Shanghai Center for Global Trade and Economic Governance; WTO Chair holder in China. ORCID: <http://orcid.org/0000-0002-1019-8642>. Ph.D. (Shanghai Univ. of Finance & Economics). The author may be contacted at: [wtochair@163.com](mailto:wtochair@163.com)/Address: School of WTO Research & Education, SUIBE No. 620, Gubei Road, ChangNing District Shanghai, P.R. China 200336.

*order to attain mutually beneficial outcomes in resolving such disputes.*

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## I. INTRODUCTION

Today, technological innovation has evolved to be one of the most significant strategic tools for enhancing industrial productivity and competitive capacity in many countries. For China, especially after the adoption of “Made in China 2025 Plan” (“MIC 2025”)<sup>1</sup> in May 2015, the future development blueprint of innovative strategy, especially in advanced manufacturing technology, has become much clearer. Meanwhile, as the US is one of the most innovative countries in the world,<sup>2</sup> its innovation strategies are certainly noteworthy in this regard. Furthermore, the US has recently been attaching much greater importance to advanced manufacturing technology. Since the enforcement of its re-industrialization strategy in 2009 and the subsequent policy measures, the US has been continually strengthening its advanced manufacturing and the related innovation capacity. Along with the parallel implementation of the innovation strategies in manufacturing in China and the US, and the subsequent enforcement of the expanded Information Technology Agreement (“ITA2”)<sup>3</sup> from 2016 in the WTO system, more patent-based disputes may possibly be emerged in the US import trade with China. Accordingly, this article aims to delineate and analyze the noteworthy implications for optimally resolving such kind of disputes by contextualizing the research into the latest parallel development of MIC 2025 & AMP 2.0 and the ITA2 in the global trading system of the WTO.

This paper is composed of six parts including a short Introduction and Conclusion. Part two will outline the current status of patent-based disputes in the US import trade with China. Part three will briefly examine the future innovation strategies in manufacturing contained in MIC 2025. Part four will outline the innovation strategies in manufacturing, including the latest AMP 2.0, which is contained in the overall reindustrialization strategy. Part five will analyze the implications of exploring feasible and mutually effective beneficial measures for optimally resolving patent-based disputes in the US import trade with China in the