

ALERT

Trump Administration Launches Broad Investigation of China's Violations of U.S. Intellectual Property, Innovation, and Technology

August 21, 2017

On Friday, August 18, the United States Trade Representative (USTR) initiated a broad investigation of whether acts, policies, and practices by the Government of China related to technology transfer, intellectual property, and innovation, among others, are unreasonable or discriminatory and burden or restrict U.S. commerce.

This investigation is pursuant to Section 301 of the Trade Act of 1974 (Section 301), and is the result of the President's August 14 memorandum. This is an important opportunity for any company that is doing business or investing in China, or that is negatively impacted by such actions by China, particularly companies in the technology, communications, and digital trade sectors.

While USTR's investigation will focus on technology transfer requirements, it will also examine other actions by China that harm U.S. innovation or technology, such as cyber-enabled intellectual property theft, digital trade restrictions, investment barriers, and acquisition of U.S. companies and assets that have cutting-edge technologies. An affirmative determination could result in USTR taking a number of actions against China, ranging from consultations on withdrawal of the harmful practices to imposition of duties and other restrictions on Chinese goods and services.

USTR is soliciting written comments and will hold a public hearing on October 10, 2017. Comments and requests to appear at the hearing are due on September 28, 2017.

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Practice Areas

Digital Trade
Intellectual Property
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This is an important opportunity for U.S. companies and other stakeholders to provide input to USTR on these barriers to technology and innovation. Although current commercial relationships and investments may create complications in providing information, Wiley Rein has the expertise and positioning to effectively convey input to USTR and key policymakers, while mitigating such concerns. This would include submitting public comments on behalf of the firm or a broad coalition, and engaging USTR, the White House, and other agencies through less formal means.