

Questions for the Record from Representative Darrell Issa for Dr. John Villasenor  
Protecting Our Edge: Trade Secrets and the Global AI Arms Race  
May 7, 2025

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1. Why is trade secret protection important to AI development compared to other types of IP protection, particularly in the context of U.S.-China competition? Is the ability to reach extraterritorial conduct under the DTSA an important tool? Does the inability to assert U.S. patents extraterritorially, including in China, limit the usefulness of patents in the AI competition? Is there a targeted way to balance the equities with respect to competing IPR that does not compromise American innovation?
2. Would weakening trade secret protection help or hurt the ability to advance a policy goal of preventing adversarial nations from getting access to the most advanced AI technology? Why is relying on the patent system a less effective way to prevent an adversarial nation getting access to the most advanced AI technology?