

Research on TikTok's Negotiation Strategies to Respond to the U.S. Ban and Its Experience Enlightenment

Sujie Wei*

School of Economics, Guangxi University, Nanning 530004, Guangxi, China

**Author to whom correspondence should be addressed.*

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Abstract: By conducting an in-depth analysis of TikTok's negotiation strategies under the pressure of the U.S. ban, this paper explores how ByteDance successfully broke through the U.S. political siege through various strategies such as multi-party negotiations, legal challenges, flexible plan design, public opinion control, and international cooperation. Through the research on this case, the key experiences and strategic enlightenment for business negotiations in complex international environments are summarized, aiming to provide reference for other enterprises when facing similar challenges.

Keywords: TikTok; Negotiation strategies; U.S. ban

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1. Introduction

Since the COVID-19 pandemic, protectionism has been on the rise, voices against globalization and unilateralism have grown stronger, and global trade frictions have occurred frequently. In recent years, multinational enterprises in the process of globalization have faced increasingly complex challenges when confronting regulation and political pressure from different countries. As a born-global enterprise that takes globalization strategy as its core value, TikTok is more vulnerable to the compound impact of multiple external continuous suppressions, including conventional continuous suppressions such as commercial competition, cultural conflicts, and legal challenges, as well as unconventional continuous suppressions such as political oppression. When facing the ban pressure from the U.S. government, how to use various negotiation strategies to successfully break through the strong political siege has become an important case for enterprises to respond to cross-border political risks^[1].

2. Overview of TikTok and the U.S. ban incident

As a giant Chinese internet company, ByteDance not only holds a leading position in the domestic Chinese market but also continuously expands its overseas business as a global enterprise. As a short video social platform under

ByteDance, TikTok is one of the most popular short video social platforms in the world, with a large number of users in the United States. At the end of 2020, TikTok's monthly active users in the United States were about 100 million, surpassing other competitors such as Instagram Reels and Snapchat, and becoming the most popular social platform among young people in the United States^[2]. With the continuous expansion of its market share, TikTok has encountered continuous suppression from the United States. In 2020, former U.S. President Trump signed an executive order requiring TikTok to sell its U.S. business, otherwise, it would be banned in the United States. This move triggered complex negotiations between TikTok and multiple potential acquirers, and also pushed TikTok to the forefront of international political and commercial games^[3].

3. Analysis of TikTok's key negotiation strategies

3.1. Multi-party negotiation and game strategy

The multi-party negotiation and game strategy refers to that in negotiations involving multiple stakeholders, enterprises obtain the best results in negotiations by skillfully arranging strategies and playing games among different stakeholders. Unlike negotiations with a single party, multi-party negotiations are usually more complex because the negotiating party needs to simultaneously handle the needs, positions, and interaction relationships of different stakeholders^[4]. Through multi-party games, enterprises can maximize their negotiation advantages, balance the interests of all parties, and achieve a win-win situation. Facing pressure from the U.S. government, ByteDance did not limit itself to negotiations with a single buyer but chose to conduct negotiations with multiple potential partners such as Microsoft, Oracle, and Walmart. This multi-party game strategy not only provided ByteDance with more choices but also enhanced its bargaining power at the negotiation table^[5].

3.2. Legal challenge and time strategy

ByteDance adopted the delay strategy in time strategies. ByteDance challenged the U.S. government's ban order through legal means, attempting to postpone the execution of the executive order^[6]. On August 24, 2020, TikTok officially sued the U.S. government, accusing the U.S. government of various illegal behaviors in the process of banning TikTok^[7]. This legal challenge not only delayed the implementation of the ban but also won valuable negotiation time for ByteDance. In this process, ByteDance successfully obtained a stay of execution ruling through the court, thus gaining more negotiation space and transforming from a passive position to an active one.

3.3. Flexible cooperation plan design

The flexible cooperation strategy in business negotiations refers to that during the negotiation process, enterprises maintain flexibility, adjust cooperation plans and negotiation conditions based on actual situations, while ensuring that their core interests are not damaged. This strategy aims to meet the needs of different stakeholders through flexible adaptation, thereby achieving a win-win or even multi-win result^[8]. ByteDance adopted the strategy of adjusting the cooperation model among flexible strategies during the negotiation process. To avoid being banned by the U.S. government, seeking external cooperation during the negotiation period can integrate internal and external resources of the enterprise, cooperate with enterprises in the same industry and upstream and downstream, and exert positive synergy effects^[9]. TikTok did not abandon the basic interests of the enterprise in the process of seeking external cooperation. During the cooperation negotiations with U.S. local enterprises Oracle and Walmart, ByteDance proposed a more flexible cooperation plan. Finally, the agreement reached between ByteDance, Oracle, and Walmart was not a complete sale of TikTok's U.S. business, but to meet the U.S. requirements for data

security through cooperation while retaining control over core technologies ^[10].

3.4. Utilization of public opinion and public influence

Throughout the negotiation process, ByteDance actively used the media and public opinion to gain support for itself ^[11]. TikTok actively assumed social responsibilities, promising to create 10,000 new jobs in the United States within three years, and calling on competitor enterprises to jointly assume social responsibilities, reduce competition, and increase cooperation. Furthermore, emphasizing fair competition ^[12]. During the process of TikTok being banned by the U.S. government, some people used the patriotic feelings of the American people to guide them to deliberately smear TikTok. Therefore, ByteDance publicly called for fair competition, set an example, and achieved openness and transparency. By disclosing information and conveying TikTok's extensive user base in the United States, ByteDance successfully used public opinion to exert pressure, and with the help of moral public opinion, forced the U.S. government to consider the public opinion response when handling the incident.

3.5. International cooperation and multilateral support

The support-seeking strategy in business negotiations refers to that during the negotiation process, enterprises or individuals enhance their negotiation power and improve their right to speak and influence in negotiations by seeking support from external forces such as experts, third-party institutions, partners, the public, and the government. This strategy increases chips for one party in the negotiation by integrating external resources, alleviates one-sided pressure, and ultimately occupies an advantageous position in the negotiation. During business negotiations, leaving a way out for oneself, having other cooperation objects to choose from if the negotiation breaks down, can make the enterprise more active and at least not fall into a passive situation. While facing pressure from the United States, ByteDance also strengthened contacts with governments and enterprises of other countries to seek international support. Through this strategy, ByteDance not only gained more international solidarity but also enhanced its chips in the negotiations. This multilateral cooperation strategy enabled TikTok to obtain greater strategic maneuvering space globally.

4. Experience enlightenment

4.1. Enhance bargaining power through multi-party games

When facing complex international environments, multinational enterprises should seek multi-party cooperation as much as possible to enhance their bargaining power ^[13]. By conducting negotiations with multiple potential partners, enterprises can form a competitive environment, thereby obtaining more favorable negotiation conditions. Specifically, in a complex international environment, multi-party games can help enterprises achieve the following goals:

- (1) Increase negotiation chips: By conducting negotiations with multiple potential partners, enterprises can create competition and force all parties to offer better cooperation conditions;
- (2) Optimize resource allocation: Enterprises can allocate resources among multiple supply chains, avoid excessive dependence on a single supplier, and enhance their bargaining power;
- (3) Reduce risks: By gaming in different policy environments, enterprises can obtain more adjustment space when external factors such as laws and policies are uncertain.

4.2. Importance of legal means and time management

When facing unfair policies or executive orders, legal means often become an effective tool for multinational enterprises to protect their own interests. Legal means can not only directly challenge unfair regulations but also

win more time for enterprises to make adjustments by delaying the execution of decisions. Enterprises can rely on professional legal teams to challenge the legal environments of different countries or safeguard their own rights and interests through arbitration, litigation, and other means. At the same time, time is an important strategic resource in negotiations. By delaying the negotiation process, enterprises can consume the patience of the other party, especially when the other party is under great time pressure. On the contrary, enterprises can also force the other party to make decisions in a short time by compressing time, and use the other party's time pressure to gain advantages^[14]. By flexibly using time management strategies, enterprises can effectively control the negotiation rhythm and ensure that they make the most favorable decisions at key nodes.

4.3. Respond flexibly and retain core interests

In negotiations, enterprises should maintain flexibility and adjust strategies according to actual situations, but at the same time clarify their bottom lines to ensure that core interests are not damaged. The design of flexible cooperation plans can help enterprises meet regulatory requirements while maintaining their competitive advantages. Enterprises should flexibly adjust details such as cooperation models and pricing mechanisms during negotiations, but should adhere to their positions when it comes to core interests such as technology protection and market ownership. The design of flexible cooperation plans can allow enterprises to have more room for maneuver in negotiations, and not lead to negotiation failure due to rigid positions^[15].

4.4. The role and influence of public opinion are too significant to dismiss

In the context of globalization, public opinion and public support have become important forces in multinational enterprises' negotiations. Enterprises can convey positive corporate images and values through media, social platforms, and other channels to gain public understanding and support. Public opinion support can not only affect the position of negotiation opponents but also help enterprises obtain more policy support. Enterprises should take the initiative to guide public opinion and win social support by publicly releasing statements, cooperating with the media, and other ways. For example, when facing government regulatory pressure, enterprises can strive for more public support by promoting their contributions to society, thereby reversing the impact on government decisions.

4.5. Conduct multilateral cooperation and seek international support

When facing pressure from a single country, multinational enterprises should actively seek international cooperation and support. Through cooperation with other countries, enterprises can form a broader support network globally, thereby enhancing their negotiation power. On one hand, multilateral cooperation can enhance enterprises' own competitiveness. In different countries and regions, there are significant differences in resources, technologies, market demands, and regulations. Enterprises can make up for their own shortcomings through cooperation and obtain advanced technologies, resources, and market advantages from other countries. On the other hand, multilateral cooperation can also help enterprises diversify risks and improve their risk resistance capabilities. Multilateral cooperation means that enterprises will not concentrate resources and markets in one region. When problems arise in a certain market, enterprises can relieve pressure and reduce losses through other markets and partners.

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