Featured Article

Key Amendments to the 2026 PRC Trademark Law and Practical Implications

Against the backdrop of the rapid development of the digital economy and the increasing integration of global trade, trademarks have evolved beyond mere commercial identifiers to become valuable business assets embodying corporate goodwill, brand reputation and competitive advantage. As the world's second-largest economy and one of the largest consumer markets, China remains a key jurisdiction for brand owners worldwide. Consequently, every significant amendment to China's trademark regime has important implications for businesses operating in, or planning to enter, the Chinese market.

For many years, however, China's trademark system has faced persistent challenges, including an overemphasis on registration rather than genuine commercial use, widespread bad-faith trademark filings and stockpiling, and irregularities in trademark agency practice. These issues have not only disrupted the orderly functioning of the trademark system but have also increased the costs and complexity of brand protection for legitimate rights holders.

On 26 June 2026, the Standing Committee of the Fourteenth National People's Congress adopted the revised Trademark Law of the People's Republic of China, expanding the statute from 73 to 87 articles. The revised law will come into force on 1 January 2027. This represents the first comprehensive overhaul of the PRC Trademark Law since its original enactment in 1983, marking a significant shift in legislative policy from a registration-oriented regime towards one that places greater emphasis on genuine trademark use.

This article outlines the principal amendments introduced by the 2026 revision, examines the key changes from the previous Trademark Law, and discusses their practical implications for trademark filing, portfolio management and enforcement strategies in China.

I. Overall Framework and Policy Shift under the 2026 Trademark Law

China's trademark regime has undergone five legislative amendments since the Trademark Law first came into force, gradually developing into a sophisticated legal framework that seeks to balance efficient registration procedures with the promotion of genuine trademark use. The 2026 revision represents the most comprehensive reform to date. Built around five overarching policy objectives, namely regulating trademark filings, strengthening use requirements, combating abusive practices, improving procedural efficiency and enhancing regulatory oversight, the revised law reflects a fundamental shift in the legislative philosophy underpinning China's trademark system.

(1) From a Registration-Oriented Regime to a Use-Oriented Regime

The most fundamental change introduced by the revised law is its reaffirmation that genuine commercial use lies at the core of trademark protection.

Article 19 of the revised Trademark Law provides that a trademark application shall be refused where it is filed without an intention to use and is manifestly beyond the needs of normal production or business operations. This provision shifts the focus of examination away from the inherently subjective assessment of an applicant's "bad faith" towards a more objective inquiry into whether the scope of the application reasonably corresponds to the applicant's actual or anticipated commercial activities.

Accordingly, defensive trademark filings remain permissible under the revised law. However, the scope of such filings, including the number of marks, the range of designated goods and services, and the overall filing strategy, should bear a reasonable relationship to the applicant's existing or foreseeable business operations. Applications that significantly exceed legitimate commercial needs may face refusal during examination or become vulnerable to cancellation at a later stage.

The revised law also strengthens the obligation to use registered trademarks. Pursuant to Article 57(3), where a registered trademark has not been used for three consecutive years without justifiable reasons, it may not only be cancelled upon application by a third party, but may also be cancelled ex officio by the national trademark authority. This dual-track cancellation mechanism substantially reinforces the statutory use requirement and reflects a clear policy shift away from treating trademark registrations as speculative or investment assets.

(2) Introduction of a Dedicated Chapter on the Requirements for Trademark Registration

The revised Trademark Law consolidates the requirements for trademark registration into a newly established Chapter II – Requirements for Trademark Registration, bringing together provisions that were previously dispersed throughout different chapters of the statute. The new chapter systematically sets out both the positive and negative conditions for obtaining trademark protection.

Among the most notable changes, Article 14 expressly recognizes non-traditional trademarks, confirming that sound marks, color combination marks and motion marks are eligible for registration, provided that they satisfy the applicable distinctiveness requirements. This amendment responds to the evolving needs of the digital economy and provides broader protection for branding used in digital media, short-form video platforms, smart devices and other emerging commercial environments.

In addition, Article 15 further refines the absolute grounds for refusal by expanding the categories of signs that are prohibited from registration. In particular, the revised law expressly prohibits the registration of signs incorporating, among other things, the names of the Communist Party of China, Party flags, Party emblems, State honors, major theoretical achievements and historically significant political symbols, thereby further safeguarding public interests and national political order.

(3) Streamlining Examination Procedures and Optimising Statutory Time Limits

The revised Trademark Law introduces a number of procedural amendments aimed at improving administrative efficiency and reducing the period of uncertainty surrounding trademark rights.

One of the most significant changes is the reduction of the opposition period from three months to two months. This amendment shortens the window within which trademark owners may oppose conflicting applications and therefore requires rights holders to adopt more proactive and frequent trademark watching practices. Failure to identify and oppose conflicting applications within the shortened statutory period may result in the loss of valuable enforcement opportunities.

At the same time, the statutory examination period for opposition proceedings remains twelve months. Consequently, while the duration of opposition proceedings themselves is unchanged, the shorter opposition period is expected to reduce the overall time required for a trademark application to proceed to registration, thereby enhancing legal certainty for applicants and reducing the period during which trademark rights remain unresolved.

Summary of the Key Amendments Introduced by the 2026 PRC Trademark Law

Area of Amendment	Previous Trademark Law (2019)	Revised Trademark Law (2026)	Practical Implications
Bad-faith trademark filings	Only addressed bad-faith applications filed without an intention to use.	Introduces the objective standard that applications filed without an intention to use and manifestly beyond the needs of normal production or business operations shall be refused (Article 19).	Narrows the scope for defensive filings. Filing strategies should be reasonably aligned with actual or anticipated business activities.
Administrative penalties for bad-faith filings	No administrative penalties at the application stage.	Introduces administrative sanctions, including warnings and fines of up to RMB 100,000 for certain bad-faith filing activities (Article 54).	Significantly increases the costs and risks associated with abusive trademark filing practices.
Obligation to use registered trademarks	Non-use cancellation could only be initiated upon application by a third party.	The trademark authority may also cancel registrations ex officio for three consecutive years of non-use without justifiable reasons (Article 57(3)).	Greater emphasis on maintaining evidence of genuine trademark use; unused registrations face increased risk of cancellation.
Definition of trademark use	Internet-based use was not expressly recognized.	Expressly recognizes trademark use through the Internet and other information networks (Article 2(2)).	Online use, including e-commerce platforms and social media, may constitute valid evidence of trademark use.

Area of Amendment	Previous Trademark Law (2019)	Revised Trademark Law (2026)	Practical Implications
Non-traditional trademarks	Motion marks were not expressly recognized as registrable subject matter.	Formally recognizes motion marks, together with other non-traditional trademarks, as registrable signs (Article 14).	Expands trademark protection for digital branding, multimedia content and emerging forms of brand identification.
Regulation of trademark agencies	Relatively limited regulatory requirements.	Introduces mandatory recordal, prohibits practitioners from practicing through multiple agencies simultaneously, and strengthens industry self-regulation (Articles 65–68).	Brand owners should engage qualified and duly registered trademark agencies.
Recognition of well-known trademarks for overseas enforcement	No dedicated mechanism.	Introduces a mechanism allowing the trademark authority to issue official certificates recognizing well-known trademark status for overseas enforcement purposes (Article 69).	Facilitates overseas enforcement by providing official evidence of a trademark's well-known status in China.
Opposition procedure	Three-month opposition period.	Opposition period reduced to two months (Article 36).	Rights holders should strengthen trademark watching programmes and react more promptly to conflicting applications.
Punitive damages	Available where infringement was committed in bad faith, with damages ranging from one to five times the assessed amount.	Replaces the "bad faith" requirement with intentional infringement, while maintaining damages of one to five times the assessed amount (Article 77).	Lowers the threshold for claiming punitive damages in trademark infringement actions.

Area of Amendment	Previous Trademark Law (2019)	Revised Trademark Law (2026)	Practical Implications
Relevant period for proving trademark use	Evidence of use required during the "preceding three years".	Clarifies that the relevant period is the three years preceding the occurrence of the alleged infringement (Article 78).	Provides greater certainty regarding the evidential period and reduces inconsistencies in judicial practice.
Misleading use of trademarks	Primarily prohibited registration; limited penalties for misleading use.	Introduces orders for rectification, substantially increased administrative fines, and possible cancellation of the registration for misleading use (Article 56).	Heightens compliance requirements for trademark use and brand marketing.
Actions against malicious trademark litigation	No specific provision.	Introduces judicial sanctions and civil liability for malicious trademark litigation (Article 81).	Provides a statutory mechanism to deter and counter abusive trademark litigation.

II. Key Amendments: Detailed Analysis and Practical Implications

(1) Strengthening the Regulation of Bad-Faith Trademark Filings Throughout the Trademark Lifecycle

Clarifying the Boundary Between Legitimate Defensive Filings and Trademark Stockpiling

Previous Law vs. Revised Law: Standard for Assessing Bad-Faith Trademark Applications

Previous Trademark Law (2019)	**Revised Trademark Law (2026)**
"An application for trademark registration filed in bad faith without an intention to use shall be refused." (Article 4)	"A trademark application filed without an intention to use and manifestly beyond the needs of normal production or business operations shall be refused." (Article 19)

Key Change: The revised law removes the subjective element of "bad faith" and replaces it with the objective standard of whether an application is "manifestly beyond the needs of normal production or business operations." This makes the examination standard more objective and easier to apply in practice, while providing greater clarity as to the permissible scope of defensive trademark filings.

The revised law establishes a two-pronged test, "without an intention to use" and "manifestly beyond the needs of normal production or business operations", providing a clearer legal basis for combating bad-faith trademark stockpiling. For businesses, this change does not mean that defensive trademark filings are no longer permissible. On the contrary, forward-looking filings covering a company's core business, reasonable business extensions, upstream and downstream related goods or services, online sales scenarios, and classes that have historically been prone to bad-faith filings remain legitimate, provided that they fall within the scope of normal production or business operations. By contrast, bulk trademark filings that are disconnected from actual business plans and cover a large number of unrelated classes will be regarded as failing to satisfy the statutory requirements for registration and will be refused registration.

In addition, Article 54 of the revised law introduces, for the first time, administrative penalties applicable at the trademark application stage. Where a bad-faith trademark application causes adverse effects, the competent authorities may issue a warning and impose a fine of up to RMB 100,000, thereby establishing a comprehensive regulatory mechanism covering the entire process from filing and examination to administrative penalties.

(2) Enhanced Cross-Class Protection for Well-Known Trademarks

Previous Law vs. Revised Law: Scope of Protection for Well-Known Trademarks

Previous Trademark Law (2019)	**Revised Trademark Law (2026)**
A well-known trademark registered in China may prohibit the registration or use of an identical or similar mark on dissimilar goods or services where such use is likely to mislead the public and prejudice the interests of the owner of the well-known trademark (Article 13).	In addition to maintaining the existing cross-class protection, the revised law introduces a new mechanism enabling the national trademark authority to issue an official certificate recognizing the well-known status of a trademark for the purpose of overseas protection (Article 69).

Key Change: The revised law removes the requirement that a well-known trademark must be "registered in China" in order to enjoy cross-class protection. As a result, such protection is expressly extended to well-known trademarks that have not been registered in China, allowing unregistered foreign well-known trademarks to benefit from cross-class protection.

The revised Article 21 retains the existing framework for the protection of well-known trademarks while deleting the limitation contained in Article 13(3) of the previous Trademark Law requiring that the well-known trademark be registered in China. Accordingly, cross-class protection is expressly extended to well-known trademarks that have not been registered in China. This amendment is of particular significance to brands that have not yet secured trademark registrations in China but already enjoy a high degree of recognition in international markets. Even if such trademarks have not been registered in China, where a third party reproduces, imitates or translates the trademark for use on dissimilar goods or services in a manner likely to mislead the public and prejudice the interests of the trademark owner, the application shall be refused and such use shall be prohibited. This provides brand owners with a stronger tool for cross-class protection and serves as an effective means of preventing bad-faith trademark filings and curbing brand imitation.

In addition, Article 69 of the revised law introduces an administrative mechanism to facilitate overseas trademark enforcement. Where a business encounters trademark squatting or infringement abroad and needs to establish the reputation of its trademark in China, it may apply to the trademark administration department under the State Council for an official certificate recognizing the trademark as a well-known trademark. This mechanism provides businesses with official evidence of the reputation of their trademarks in China, which may be relied upon in overseas enforcement proceedings.

(3) Strengthening the Mandatory Use Requirement and New Compliance Obligations

1. Administrative Ex Officio Cancellation for Non-Use for Three Consecutive Years

Previous Law vs. Revised Law: Cancellation for Non-Use for Three Consecutive Years

Previous Trademark Law (2019)	**Revised Trademark Law (2026)**
Cancellation could only be initiated upon application by any entity or individual (Article 49(2)).	Cancellation may be initiated either upon application by any entity or individual, or ex officio by the trademark administration department under the State Council (Article 57(3)).

Key Change: The trademark administration authorities are now empowered to proactively remove unused trademark registrations. As a result, cancellation for non-use has evolved from a purely application-based mechanism into a dual-track system combining ex officio cancellation and cancellation upon application.

Under the previous Trademark Law, cancellation for non-use for three consecutive years could only be initiated upon application by a third party. Article 57(3) of the revised law grants the trademark administration department under the State Council the authority to cancel unused trademark registrations ex officio. This means that, even in the absence of a cancellation request from a third party, the competent authority may proactively remove trademark registrations that have remained unused for an extended period. Accordingly, businesses should strengthen their compliance management in the following three respects.

First, businesses should establish a systematic archive of trademark use evidence, including sales contracts, invoices, advertising and promotional materials, e-commerce platform pages, exhibition records and other relevant materials, to ensure that sufficient evidence can be produced in the event of cancellation proceedings.

Second, Article 2 of the revised law expressly includes use conducted through the Internet and other information networks within the scope of trademark use. Accordingly, evidence such as the operation of a company's official website, social media promotion and product displays on cross-border e-commerce platforms may all constitute valid evidence of trademark use.

Third, pursuant to Article 55 of the revised law, where a registered trademark is licensed to another party for use, the licensor shall record the trademark license with the trademark administration department under the State Council. A license that has not been recorded may not be asserted against a bona fide third party. Accordingly, where authorized distributors, licensees or agents are permitted to use a registered trademark, the recordal formalities should be completed in a timely manner.

2. Stricter Regulation of Misleading Trademark Use

Previous Law vs. Revised Law: Regulation of Misleading Trademark Use

Previous Trademark Law (2019)	**Revised Trademark Law (2026)**
Where the use of an unregistered trademark violated Article 10 (including deceptive signs), the authorities could order the conduct to cease, require	Where a registered trademark is used in a manner that misleads the public, the authorities shall order rectification within a specified period. A fine of up to five times the illegal business

rectification within a specified period, and circulate a notice. A fine of up to 20% of the illegal business turnover could be imposed where such turnover exceeded RMB 50,000, or a fine of up to RMB 10,000 where it did not (Article 52).	turnover may be imposed where such turnover exceeds RMB 50,000, or a fine of up to RMB 250,000 where there is no illegal business turnover or the turnover is less than RMB 50,000. Failure to rectify within the prescribed period may result in cancellation of the registered trademark (Article 56).

Key Change: The revised law substantially increases the level of penalties, raising the maximum fines from 20% of the illegal business turnover or RMB 10,000 to up to five times the illegal business turnover or RMB 250,000. It also introduces cancellation of the registered trademark as a consequence of failure to rectify within the prescribed period. In addition, the scope of regulation is expanded from the deceptive use of unregistered trademarks to misleading use of registered trademarks, and a complaint and reporting mechanism is introduced.

Article 56 of the revised law significantly strengthens the sanctions against the use of so-called "misleading trademarks", which have become increasingly common in practice. Where a registered trademark is used in a manner that misleads the public, the enforcement authorities shall order rectification within a specified period. Where the illegal business turnover exceeds RMB 50,000, a fine of up to five times the illegal business turnover may be imposed. Where there is no illegal business turnover or the turnover is less than RMB 50,000, a fine of up to RMB 250,000 may be imposed. Failure to rectify within the prescribed period will result in cancellation of the registered trademark by the trademark administration department under the State Council. Compared with Article 52 of the previous Trademark Law, under which the use of deceptive signs was punishable only by a fine of up to 20% of the illegal business turnover or RMB 10,000, the revised law increases the maximum penalty by a factor of twenty-five and additionally introduces cancellation of the trademark registration as the most severe legal consequence.

In addition, Article 70 of the revised law introduces a complaint and reporting mechanism, expressly providing that any entity or individual may file a complaint or report with the trademark administration authorities regarding misleading trademark use. This combines public supervision with administrative enforcement. Businesses using trademarks in China should avoid deliberately combining, separating or altering trademark elements in a manner that falsely or misleadingly represents the quality, function, origin or other characteristics of goods. They should also establish internal compliance review mechanisms and regularly assess trademark use on product packaging, promotional materials and e-commerce product pages to identify potential compliance risks.

(4) Stricter Regulation of the Trademark Agency Industry and Considerations for Selecting Trademark Agents

Previous Law vs. Revised Law: Regulation of the Trademark Agency Industry

Previous Trademark Law (2019)	Revised Trademark Law (2026)
Relatively relaxed recordal requirements; no express prohibition against practising through multiple agencies; no specific provisions on industry self-regulation; relatively low maximum fines; no specific provisions governing overseas trademark matters.	Mandatory unified recordal (Article 65(3)); prohibition against practising through more than one trademark agency simultaneously (Article 65(2)); express recognition of the statutory self-regulatory role of trademark agency industry organisations (Article 66); fines of up to RMB 200,000 for agencies and RMB 100,000 for individuals, with serious violations subject to suspension from handling trademark agency matters (Articles 67–68); new penalties for fraudulent handling of overseas trademark matters (Article 69(2)).

Key Change: The revised law marks a shift from relatively relaxed regulation to comprehensive regulation throughout the entire trademark agency practice, significantly raising the compliance threshold for trademark agencies. Businesses should therefore exercise greater caution when selecting trademark agents.

Articles 65 to 68 of the revised law impose unprecedented regulatory requirements on trademark agencies and trademark practitioners. With respect to the recordal system, trademark agencies are required to file with the trademark administration department information regarding the agency's qualifications and all of its practitioners. With respect to professional practice, practitioners may not engage in trademark agency business through more than one trademark agency simultaneously, nor may they privately accept client instructions. In terms of liability, where a trademark agency knowingly accepts instructions involving bad-faith trademark stockpiling or bad-faith trademark filings, or assists in trademark trafficking, false advertising, or the unlawful handling of malicious overseas trademark registrations, it may be subject to a fine ranging from RMB 10,000 to RMB 200,000. In serious cases, the trademark administration department may suspend the agency from handling trademark agency matters. In addition, the revised law expressly recognizes the statutory self-regulatory role of trademark agency industry organizations and authorizes them to formulate self-regulatory rules and impose disciplinary measures.

For businesses, it is essential to engage trademark agencies that are fully compliant and properly recorded with the trademark administration authorities. Following the implementation of the revised law, businesses are advised to give priority to agencies that have completed recordal with the trademark administration department under the State Council and have established a good professional reputation. Businesses should also request compliance undertakings from their trademark agencies in order to minimize the risk of application refusals or administrative penalties arising from improper agency conduct.

(5) Optimization of Infringement Damages and Enforcement Mechanisms

1. Adjustment to the Application of Punitive Damages

Previous Law vs. Revised Law: Subjective Requirement for Punitive Damages

Previous Trademark Law (2019)	Revised Trademark Law (2026)
Where the exclusive right to use a trademark is maliciously infringed and the circumstances are serious, punitive damages of between one and five times the determined amount of damages may be awarded (Article 63(1)).	Where the exclusive right to use a registered trademark is intentionally infringed and the circumstances are serious, punitive damages of between one and five times the determined amount of damages may be awarded (Article 77).

Key Change: The revised law replaces the subjective requirement of "malicious" infringement with "intentional" infringement. This introduces a more objective standard, reduces the evidentiary burden on rights holders, and makes it easier for punitive damages to be awarded.

Article 77 of the revised law replaces "malicious" with "intentional" as the threshold for the application of punitive damages, while retaining the multiplier of one to five times the determined amount of damages. This amendment makes the standard for awarding punitive damages more objective and reduces the evidentiary burden on rights holders. Where an infringement is intentional and the circumstances are serious, trademark owners may seek a higher level of damages through punitive damages.

2. Greater Flexibility in the Calculation of Damages

Previous Law vs. Revised Law: Order of Calculating Damages

Previous Trademark Law	Revised Trademark Law

(2019)	(2026)
Damages shall be determined based on the actual losses suffered by the rights holder as a result of the infringement. Where the actual losses are difficult to determine, damages may be determined based on the profits obtained by the infringer from the infringement (Article 63(1)).	Damages shall be determined based on either the actual losses suffered by the rights holder as a result of the infringement or the profits obtained by the infringer from the infringement. Where both are difficult to determine, damages may be reasonably determined by reference to a multiple of the trademark license fee (Article 77(1)).

Key Change: The revised law removes the sequential approach under which actual losses had to be considered first and infringer's profits only where such losses were difficult to determine. Instead, it adopts a parallel approach under which damages may be calculated based on either the rights holder's actual losses or the infringer's profits, allowing rights holders greater flexibility in selecting the basis of calculation according to the available evidence.

Article 77 of the revised law makes an important adjustment to the method for calculating damages in trademark infringement cases. Under the previous law, damages had to be calculated primarily on the basis of the actual losses suffered by the rights holder, and only where such losses were difficult to determine could the calculation be based on the profits obtained by the infringer. In practice, this sequential approach often resulted in relatively low damage awards because of the difficulties faced by rights holders in proving their actual losses. The revised law removes the requirement that actual losses must first be shown to be difficult to determine, making it clear that rights holders may choose either actual losses or the infringer's profits as the basis for calculating damages according to the circumstances of the case. This amendment provides greater flexibility for rights holders in claiming damages in trademark infringement litigation and helps improve both the reasonableness and predictability of damage awards.

3. Clarification of the Three-Year Period for Evidence of Use

Previous Law vs. Revised Law: Non-Use Defence and the Relevant Evidence Period

Previous Trademark Law (2019)	Revised Trademark Law (2026)
"Where the owner of the exclusive right to use a registered trademark claims damages, and the	"Where the owner of the exclusive right to use a registered trademark claims damages, and the

alleged infringer raises the defence that the registered trademark has not been used, the people's court may require the trademark owner to provide evidence of actual use of the registered trademark during the preceding three years." (Article 64)	alleged infringer raises the defence that the registered trademark has not been used, the people's court may require the trademark owner to provide evidence of actual use of the registered trademark during the three years preceding the occurrence of the infringing act." (Article 78)

Key Change: The revised law clarifies that the relevant three-year period is the three years preceding the occurrence of the infringing act, rather than referring simply to the "preceding three years." This clarifies the starting point for calculating the three-year period and reduces uncertainty in practice.

Article 78 of the revised law further clarifies the relevant period for evidence of use where damages are claimed. Under Article 64 of the previous law, the phrase "during the preceding three years" gave rise to uncertainty in practice as to whether the relevant period should be calculated by reference to the date on which the infringement action was filed or the date on which the infringing act occurred. Different courts adopted different approaches. The revised law expressly provides that the relevant period is the three years preceding the occurrence of the infringing act, thereby adopting the date of the infringing act as the reference point and unifying the applicable standard. This amendment will help reduce practical disputes and provides businesses with clearer guidance on the preservation and management of evidence of trademark use. Businesses should ensure that their evidence of trademark use covers the entire period that may be relevant to the alleged infringement so as to avoid losing their entitlement to claim damages because of gaps in the evidence.

4. Counterclaims for Damages Against Malicious Litigation

Previous Law vs. Revised Law: Regulation of Malicious Litigation

Previous Trademark Law (2019)	**Revised Trademark Law (2026)**
No specific provision.	"Where a trademark action is brought through malicious collusion, the unilateral fabrication of material facts, or other similar means, the people's court shall impose penalties in accordance with the law. Where losses are caused to the opposing party, civil liability shall be borne in accordance with the law." (Article 81).

Key Change: The revised law, for the first time, establishes a dual-track liability regime for malicious trademark litigation, comprising both judicial sanctions and civil liability for damages.

Article 81 of the revised law introduces a new provision under which, where a trademark action is brought through malicious collusion, the unilateral fabrication of material facts, or other similar means, the people's court shall impose penalties in accordance with the law. Where such conduct causes losses to the opposing party, the offending party shall also bear civil liability in accordance with the law. This provision provides businesses with a legal tool to respond to abusive trademark litigation initiated by bad-faith trademark squatters.

III. Practical Recommendations for Trademark Strategy in China

(1) Filing Strategy: From Broad Defensive Filings to Targeted Portfolio Planning

Following the implementation of the revised law, businesses should reassess their trademark filing strategies in China.

First, the scope and number of trademark applications should correspond to the company's actual or planned business activities, avoiding large-scale defensive filings in unrelated classes.

Second, as motion marks have now been expressly recognised as registrable trademarks, businesses operating in areas such as short-form video, smart products and digital content should consider incorporating motion marks into their trademark protection strategy.

Third, given that the opposition period has been shortened from three months to two months, businesses should establish a more frequent trademark monitoring mechanism or engage trademark agents to conduct ongoing monitoring, so as to ensure that oppositions against conflicting applications can be filed within the shortened opposition period and opportunities for legal remedies are not lost due to the expiry of the statutory deadline.

(2) Trademark Management: Establishing an Evidence Preservation and Compliance System

Businesses should strengthen trademark compliance management from three perspectives.

First, they should establish a systematic archive of trademark use evidence by retaining sales records, advertising agreements, invoices, screenshots of e-commerce platform pages, social media content and other evidence of use, organised on an annual basis, to ensure that sufficient evidence can be produced in non-use cancellation proceedings.

Second, in light of the significantly increased penalties for misleading trademark use under Article 56 of the revised law, businesses should clearly specify trademark use requirements in their trademark licence agreements, prohibit licensees from combining, separating or altering trademark elements in a manner that may mislead consumers as to the quality, function or origin of goods, and establish regular compliance review procedures.

Third, all trademark licence agreements should be recorded with the trademark administration department under the State Council. The licence agreements should also clearly allocate quality control responsibilities to ensure that licensed goods comply with the brand's quality standards.

(3) Enforcement Strategy: Making Effective Use of Both Administrative and Judicial Remedies

Businesses should adopt a coordinated enforcement strategy by making flexible use of both administrative and judicial remedies.

From an administrative perspective, Article 70 of the revised law expressly provides that any entity or individual may file a complaint or report with the trademark administration authorities regarding misleading use of registered trademarks or infringement of the exclusive right to use a registered trademark. Administrative enforcement is generally faster and more cost-effective.

From a judicial perspective, where a trademark has acquired a certain level of recognition in China but has not yet been registered, businesses may seek recognition of the trademark as a well-known trademark through administrative or judicial proceedings in order to obtain cross-class protection.

With respect to damages, businesses may choose to calculate damages based on either their actual losses or the infringer's profits, depending on which basis is more readily supported by the available evidence. Businesses should also preserve evidence of trademark use covering the three years preceding the occurrence of the infringing act in order to respond to potential non-use defences.

In addition, where bad-faith trademark registrations already exist, businesses should promptly initiate opposition, invalidation or cancellation proceedings to minimize any gap in trademark protection.

IV. Closing Remarks

The 2026 revision of the PRC Trademark Law marks a significant milestone in the evolution of China's trademark regime, reflecting a shift from a registration-oriented system to one that places greater emphasis on genuine trademark use, and from a relatively permissive registration regime to one characterized by stricter regulatory oversight. For businesses, the revised law not only provides greater legal certainty and stronger tools for trademark protection, but also imposes higher standards of compliance in trademark management.

A trademark is not an asset to be merely registered and retained, but one to be used. Its value lies in the goodwill built through use in the marketplace, rather than in the registration certificate itself. Under the revised legal framework, businesses should closely align their trademark strategies with their genuine commercial activities and establish an integrated compliance system covering trademark filing, use and enforcement. By doing so, they will be better positioned to protect their brand assets and maintain their competitive advantage in China's dynamic and highly competitive consumer market.

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Ms. Lvyun Wang is a seasoned professional in the realm of trademark law, with a wealth of experience in crafting trademark strategies and developing robust portfolios. Her expertise extends to the management of administrative cases involving the authorization and confirmation of trademarks, as well as the handling of both administrative and civil litigations related to trademarks. Additionally, she is adept at navigating the complex processes of well-known trademark recognition.

Ms. Wang's high-caliber services also encompass the critical areas of Customs recordation and detainment, domain name disputes, and other related legal matters within China. Her proficiency is particularly evident in trademark cases across a diverse range of industries, including medicine and health, electronics, mobile communications, household appliances, cosmetics, life sciences, and fashion.

Since May 2007, Ms. Wang has successfully represented numerous globally recognized companies in an impressive array of tens of thousands of trademark cases. Her work has been recognized for its excellence and impact:

- In 2017, the "SUAVINEX invalidation case," which Ms. Wang led, was honored as an outstanding case by the China Trademark Association for the period of 2016-2017.
- In 2019, the "JCB hammers Customs seizure case," managed by Ms. Wang, was similarly distinguished as an outstanding case for the years 2018-2019 by the same esteemed organization.