January

1. Analysis of key Changes in the 2025 Revised Draft of the Trademark Law

I. Revision Background and Legislative Logic

On December 27, 2025, the Trademark Law of the People's Republic of China (Revised Draft) was officially published for public consultation. This revision marks the fifth amendment since the Trademark Law came into effect in 1983 and represents the first upgrade from an "amendment" to a "revision". Through a systematic reconstruction of 9 chapters and 84 articles, it has achieved a transformation from partial adjustments to systematic reshaping, optimizing the entire process of trademark registration, use, and protection for market entities.

II. Trademark Registration Requirements: Systematic Integration and Standard Refinement

1) A new Chapter II " Requirements for Trademark Registration" (Articles 14 to 24) is added, which consolidates the previously scattered registration requirements into a systematic framework for easier legal application and reference.

2) Refining the criteria for determining bad-faith filings. Article 18 explicitly states: "Applications for trademark registration that are not intended for use and clearly exceed normal production and operation needs shall not be registered; no trademark registration shall be applied for by deception or other improper means." By using the expression "exceeding normal business needs," we can accurately distinguish between malicious hoarding and legitimate registration, thereby strengthening the crackdown on trademark hoarding.

3) Expanding the scope of protection for well-known trademarks. Article 20 stipulates that it is prohibited to copy, imitate, or translate others' well-known trademarks (irrespective of whether they have been registered) on dissimilar or unrelated goods. As long as it misleads the public and may harm the interests of the well-known trademark holder, it shall not be registered, and its use shall be prohibited, comprehensively strengthening the full-dimensional protection for well-known trademarks.

4) Enriching the constituent elements of trademarks. Article 14 adds "dynamic signs" to the existing elements, clarifying that they can be applied for trademark registration. For example, new types of brand signs such as dynamic logos on short video platforms and animated logos in brand promotion are expected to receive legal protection, adapting to the diverse needs of brand presentation in the digital economy era.

III. Grant and Confirmation Procedures: Enhanced Efficiency and Rights Protection

1) Shortening the trademark opposition period.

Article 35 adjusts the current three-month opposition period to two months, optimizing the grant and confirmation process, reducing unnecessary procedural delays, significantly improving the overall efficiency of trademark registration and examination, and helping market entities obtain trademark rights more quickly.

2) Granting applicants the right to withdraw the application.

Article 39 clearly states that "the applicant may apply for withdrawal of the trademark registration application or reexamination application", allowing the applicant to independently decide whether to continue the process based on actual circumstances, thereby enhancing the flexibility of the procedure.

3) Clarifying the validity of electronic application documents.

Article 25 stipulates that "data messages that can tangibly represent the content contained therein and can be retrieved and used at any time through electronic data exchange or other means shall be deemed to be in written form." This provision aligns with the trend of digital governance, provides applicants with more convenient application channels, promotes the full online process of trademark applications, and enhances the efficiency of government services.

4) Establishing a suspension rule for examination.

Article 40 stipulates that “where the determination of prior rights must depend on the outcome of another case pending before a People’s Court or an administrative authority, examination and adjudication shall generally be suspended.” Procedures shall resume once the grounds for suspension cease to exist. This rule helps prevent examination errors arising from uncertainties regarding prior rights, ensures the legality and fairness of examination outcomes, and reduces subsequent administrative disputes.

IV. Management of Trademark Use: Strengthened Regulation and Clarified Responsibilities

1) Strict Penalties for Misleading Use.

Article 56 clearly provides that “where a registered trademark is used in a manner that misleads the public, the trademark enforcement department shall order rectification within a prescribed period; if no rectification is made, a fine of up to RMB 50,000 may be imposed; where the circumstances are serious, the trademark administration department of the State Council shall revoke the registered trademark.” Through the tiered penalty system of “rectification order → fine → revocation,” trademark owners are urged to use registered trademarks in a compliant manner, thereby safeguarding market order and protecting consumer rights and interests.

2) Empowering Administrative Authority with Proactive Revocation Rights.

Article 56 stipulates that “where a registered trademark becomes the generic name of the goods for which it is approved, or has not been used for three consecutive years without legitimate reasons, the trademark administration department of the State Council may revoke the registered trademark.” This revision reinforces the principle of “actual trademark use,” prevents the waste of idle trademark resources, revitalizes existing ones, and provides more room for brand naming.

3) Refining Rules on Trademark Licensing Contracts.

A new clause has been added to Article 55, providing that “where the licensee fails to fulfill its obligation to guarantee product quality, the licensor is entitled to terminate the trademark licensing contract.” This clarifies the respective rights and obligations of the licensor and licensee, protects trademark registrants from harm due to the licensee’s product quality issues, and helps maintain the quality of trademark use and brand reputation.

4) Strengthening Regulation of the Trademark Agency Industry.

Articles 66 and 67 specify violations by trademark agencies and their practitioners. Agencies that engage in malicious registration assistance, accept commissions with a conflict of interest, forge legal documents, or commit six other types of misconduct may face fines of up to RMB 200,000, and in serious cases, suspension of their trademark agency business. Practitioners who accept commissions privately or practice at multiple agencies simultaneously may be fined up to RMB 100,000. By clarifying and quantifying penalties, these provisions aim to purify the trademark agency market environment and regulate industry order.

V. Protection of Exclusive Rights to Registered Trademarks: Improved Mechanisms and Strengthened Enforcement

1) Establishing a Coordinated Mechanism for Infringement Investigation and Punishment.

Article 72 stipulates that "where infringement of the exclusive right to use a registered trademark is suspected of constituting a crime, the trademark enforcement department shall promptly transfer the case to the public security authority for handling in accordance with the law; where criminal liability is not pursued or criminal punishment is exempted according to law, but administrative penalties shall be imposed, the judicial authority shall promptly transfer the case to the trademark enforcement department for handling in accordance with the law." The provision further clarifies the supporting obligations of relevant departments. This mechanism builds an integrated “administration → judiciary” enforcement framework, addressing previous shortcomings in the linkage between administrative and judicial actions, thereby improving the efficiency and impact of combating trademark infringement crimes.

2) Clarifying Civil Liability for Malicious Litigation.

Article 78 provides that "any party who initiates trademark litigation in bad faith shall be sanctioned by the People’s Court according to law; where losses are caused to the other party, civil liability shall be borne in accordance with the law." For example, if a company maliciously registers another party’s trademark and then files an infringement lawsuit against the legitimate user, such malicious litigation will not only be subject to judicial sanctions but may also require compensation for the economic losses suffered by the other party. This provision helps effectively curb the abuse of litigation rights and balances the boundaries between legitimate rights protection and abusive practices.

3) Refining the Standards for Punitive Damages.

Article 74 clarifies that "for intentional infringement of the exclusive right to use a trademark, where the circumstances are serious, the amount of compensation may be determined as one to five times the amount calculated based on the rights holder’s actual losses, the infringer’s illegal gains, or a reasonable multiple of the trademark licensing fee." At the same time, "reasonable expenses incurred by the rights holder to stop the infringement" are separately included in the compensable scope. The quantifiable multiples of damages and the explicit inclusion of reasonable enforcement costs are designed to raise the cost of infringement, strengthen the protection of trademark holders’ rights, and break the long-standing dilemma of "high enforcement cost, low infringement cost."

4) Adding Fair Use Scenarios.

A new provision has been added to Article 70, stipulating: “Where a registered trademark is used solely to indicate information such as the purpose, applicable objects, or application scenarios of the goods or services provided, or to indicate the genuine source thereof, the holder of the exclusive right to the trademark shall not be entitled to prohibit such legitimate use, unless it is likely to cause confusion.” This rule clarifies the permissibility of descriptive and referential uses, prevents trademark holders from over asserting their rights, and preserves reasonable usage space for market participants.

VI. Scope of Prohibited Marks: Enhanced Protection of Political Symbols

The draft revision amends Article 15 to include “marks identical or similar to names, flags, emblems, or medals of the Communist Party of China” within the scope of prohibited signs, explicitly prohibiting the use of marks identical or similar thereto as trademarks. This amendment strengthens the protection for important political symbols, aligning with the Party and the state’s intellectual property strategy deployment, and safeguards social and public interests.

2. New Intellectual Property Regulations Effective in 2026

1) New Patent Examination Guidelines

The newly revised Patent Examination Guidelines issued by the China National Intellectual Property Administration (CNIPA) has come into effect since January 1, 2026.

Details: https://www.cnipa.gov.cn/art/2025/12/4/art_66_202935.html

2) Updated Patent Application Forms

To facilitate the implementation of the revised Guidelines, the relevant patent application request forms have been updated. The new versions can be accessed and downloaded under the “Government Services – Form Download” section on the CNIPA official website (http://www.cnipa.gov.cn). New forms are effective on January 1, 2026, after which previous versions will no longer be accepted.

3) Mandatory XML Format for Patent Submissions

Beginning January 1, 2026, the CNIPA requires all patent related electronic submissions—including applications, reexaminations, invalidations, and associated procedures—to be filed in XML format. Submissions in other electronic formats will no longer be accepted.

Details: https://www.sanyouip.com/en/insights/content/2/783.html

4) The CNIPA collects fees for the international phase of PCT applications on behalf of the WIPO International Bureau and the European Patent Office. The new RMB standard has been implemented since January 1, 2026.

Details: https://www.sanyouip.com/en/insights/content/2/782.html

5) The Supreme People's Court issued the Decision on Amending the Provisions on the Causes of Civil Cases (Fa [2025] No. 226) and the accompanying notice (Fa [2025] No. 227), marking the third amendment to the Provisions on the Causes of Civil Cases. Both documents were deliberated and approved on December 4, 2025, and have taken effect from January 1, 2026.

6) From January 1, 2026, trademark registration applications filed on or after January 1 shall be subject to the 2026 version of the 13th edition of the Nice Classification. Applications filed before this date shall still use the original version. The CNIPA will simultaneously

adjust the "Classification Table of Similar Goods and Services", and the relevant amendments will be published together.
For details of the classification table, please refer to
https://sbj.cnipa.gov.cn/sbj/tzgg/202512/t20251226_36952.html

7) The revision of the Foreign Trade Law of the People's Republic of China has been passed, with Chapter 5 containing provisions on intellectual property protection related to foreign trade, which will come into effect on March 1, 2026.
Details: https://www.sanyouip.com/en/insights/content/2/785.html

8) The revised Arbitration Law of the People's Republic of China, consisting of 8 chapters and 96 articles, will come into effect on March 1, 2026.
Details: https://www.sanyouip.com/en/insights/content/2/784.html

9) The pilot project of the Patent Prosecution Highway (PPH) among the five offices of China, the United States, Europe, Japan, and South Korea has been extended for three years from January 6, 2026, to January 5, 2029, with no changes to the application requirements and procedures.

3. The CNIPA Released Core Data on China's Intellectual Property Development in 2025

CNIPA convened the 2026 National Intellectual Property Administration Directors Conference and reported on the main work progress in the past five years and in 2025, as follows:

1) Improvement in Examination Efficiency
The average examination period for invention patents has been reduced from 20 months to 15 months, and the average examination period for trademark registrations has stabilized at 4 months, both reaching the shortest among global peers. The accuracy rate of invention patent examination and reexamination has exceeded 95%; the pass rate of trademark examination, opposition, review, and other spot checks has exceeded 97%.

2) Achievements in Innovation
In 2025, 972,000 invention patents were granted and 4.206 million registered trademarks were registered. According to statistics from the past five years, the effective number of domestic invention patents has exceeded 5 million, with 16 high-value invention patents per 10,000 people; while the number of domestic valid trademark registrations stands at 50.816 million. China has ranked first globally in PCT international patent applications for several consecutive years, and its applications for designs in the Hague system and international trademarks in Madrid are among the top in the world. Over 40,000 digital intellectual property registration certificates have been issued in pilot projects, with financing credit enhancement and licensing transactions amounting to nearly RMB 15 billion.

3) Protection System Strengthened
There are 129 national-level intellectual property protection and rapid rights protection centers, which have handled a total of 480,000

rights protection cases. The Supreme People's Court has handled a total of 450,000 mediation cases across the entire system. There are 116 overseas dispute response guidance platforms, which have guided over 4,200 disputes and helped enterprises recover nearly RMB 41 billion in losses. The social satisfaction rate for intellectual property protection has risen to 82.81 points.

4) Patent Transformation and Utilization

The special action covered more than 2,700 scientific research institutions in universities, involving 1.349 million existing patents. The number of patent transfer and licensing registrations nationwide reached 1.458 million, marking an increase of 48% compared to the implementation of the special action (with an increase of 105.6% in scientific research institutions in universities). The transaction volume of patent-related technology contracts exceeded RMB 1 trillion. The cumulative amount of intellectual property pledge loans exceeded RMB 900 billion. In 2024, the added value of patent-intensive industries accounted for 13.38% of GDP (11.97% in 2020). Among the world's top 5,000 brands, Chinese brands had a value of 1.81 trillion USD (ranking second globally). The direct annual output value of geographical indication products was RMB 969 billion, and the annual import and export volume of IP royalties is expected to exceed RMB 400 billion.

5) Public Cooperation and Services

The National Intellectual Property Public Service Platform aggregates over 400 types of basic data. There are 519 national-level public service institutions (full coverage at provincial level), serving innovative entities for over 5 million times in total. In cooperation with WIPO, 202 TISC centers have been established (the largest scale globally).

PPH covers 86 countries; 21 cooperation initiatives have been included in the diplomatic achievements of heads of state; and China has joined multiple international treaties and promoted the conclusion of new treaties.

- Sanyou Shines at the INTA Annual Meeting, Joining New and Old Friends to Shape a New Blueprint for Intellectual Property
- The Sanyou trademark team won multiple awards for their studies in the "2024 Trademark Legal Frontier Issues Research Group"
- Sanyou's cases have been selected as one of the top 10 typical cases of trademark litigation and non-litigation by the Beijing Trademark Association in 2024