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New Trademark Law in China: key updates effective in 2027



The amendment to China's Trademark Law will take effect on **January 1, 2027**, and introduces significant changes to the **registration, use, and protection of trademarks in China**. Foreign companies operating in the Chinese market will need to review their intellectual property strategies to adapt to the new legal framework.

The new regulations strengthen the mechanisms against abusive trademark applications, place greater emphasis on the actual use of registered marks and modify certain administrative and judicial procedures.

Therefore, if your company operates in China, manufactures there through third parties, or plans to expand into this market in the coming years, it is crucial to adapt your trademark portfolio before the transition period ends.

Ex Officio action against non-use of trademarks

Until now, revocation for non-use during three consecutive years could only be initiated at the request of an interested third party. Effective January 1, 2027, the China National Intellectual Property Administration (CNIPA) will have the authority **to cancel, on its own initiative, registered trademarks that fail to demonstrate actual and effective use in the market for three consecutive years without just cause**, as well as in certain cases where the trademark has become a generic term.

In other words, traditional 'defensive trademarks' or mass trademark registrations in China without commercial backing shall be subject to direct action by the authorities; in this context, it is therefore highly advisable to review any Chinese trademark portfolios that have not been in effective use for many years.

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Shorter deadline for filing oppositions

Another significant change affects the opposition procedure against trademark applications published for registration.

With the new law's entry into force, **the general deadline for filing an opposition is reduced from three months** to two months following the corresponding publication.

This reduction may have significant practical implications for companies that need to monitor third-party applications and decide whether to take action against a potentially conflicting trademark.

Elimination and redefinition of the blocking period

Until now, following the expiration, revocation, or invalidation of a registered trademark, there was an **automatic one-year "blocking" period** during which the CNIPA would not approve any new identical or highly similar applications for the same goods or services.

Under the new law, **this suspension will no longer apply to the cases of revocation, declaration of invalidity, and expiration without renewal** previously covered, and the trademark will immediately become available for registration by a third party.

However, a one-year restriction remains in effect when the owner voluntarily requests the cancellation of their registered trademark.

Greater control over trademark applications filed in bad faith

The new Law **imposes stricter penalties on those who register trademarks for speculative purposes or without a genuine commercial need:** filing bulk trademark applications or applications without a genuine commercial purpose may result in fines of up to 100,000 yuan in the cases provided for by law.

The aim is to strengthen the restrictions upon applications that lack an intention to use the trademark and clearly exceed the applicant's usual business needs.

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From the perspective of foreign companies operating in China, it is particularly important to register trademarks with a defined business strategy, to document the reasons justifying the requested scope of protection, and to act swiftly against third parties who attempt to appropriate another party's distinctive signs.

Recognition of digital use

In response to the reality of e-commerce, the reform formally recognizes **the use of trademarks on digital platforms, social media, and in online advertising** as valid proof of use.

New trademark formats

The possibility of protecting dynamic or motion marks has been introduced. This change may be of particular interest to technology companies, digital platforms, and companies that use animations, visual sequences, or other dynamic elements as part of their brand identity.

What strategy should be adopted in light of China's New Trademark Law?

China's new Trademark Law **requires the adoption of a more strategic approach to trademark protection**, based on registering trademarks exactly as they are used in the market and for the goods and services that meet the company's actual business needs. It is not merely a matter of obtaining registrations, but of being able to demonstrate their scope and maintain documentary evidence proving their effective use, which can be submitted in the event of an opposition, cancellation, or any other proceeding in which it becomes necessary to defend the acquired rights.

In this context, **reviewing trademark portfolios will be essential** for updating registrations, identifying potential vulnerabilities, consolidating files, and detecting opportunities to strengthen protection. Anticipating these changes will enable companies not only to reduce legal risks, but also to strengthen their commercial position in China and to **adapt their Intellectual Property strategy to the new market demands in that region.**

At **UNGRIA**, we advise you and guide you step by step through the changes brought about by China's new Trademark Law. Our team specializing in Intellectual Property is at your disposal to audit your portfolio, to coordinate the collection of legally valid evidence of use, and to design a **trademark protection strategy.**

CONTACT US

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