

Trademark Law of the People’s Republic of China (2026 Revision)

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Unofficial English translation prepared for reference only. The official Chinese text prevails.

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Adopted at the 24th Session of the Standing Committee of the Fifth National People’s Congress on August 23, 1982; first amended in accordance with the Decision on Amending the Trademark Law of the People’s Republic of China adopted at the 30th Session of the Standing Committee of the Seventh National People’s Congress on February 22, 1993; second amended in accordance with the Decision on Amending the Trademark Law of the People’s Republic of China adopted at the 24th Session of the Standing Committee of the Ninth National People’s Congress on October 27, 2001; third amended in accordance with the Decision on Amending the Trademark Law of the People’s Republic of China adopted at the 4th Session of the Standing Committee of the Twelfth National People’s Congress on August 30, 2013; fourth amended in accordance with the Decision on Amending Eight Laws Including the Construction Law of the People’s Republic of China adopted at the 10th Session of the Standing Committee of the Thirteenth National People’s Congress on April 23, 2019; and revised at the 23rd Session of the Standing Committee of the Fourteenth National People’s Congress on June 26, 2026.

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Chapter I — General Provisions

Article 1 — This Law is enacted for the purposes of protecting the exclusive right to registered trademarks, strengthening trademark administration, regulating trademark registration and use, urging producers and business operators to ensure the quality of goods and services, safeguarding trademark reputation, protecting the interests of consumers and producers and business operators, and promoting the sound development of the socialist market economy.

Article 2 — For the purposes of this Law, a “trademark” means a sign used to identify and distinguish the source of goods or services, including goods trademarks and service trademarks. The provisions of this Law relating to goods trademarks shall apply to service trademarks.

For the purposes of this Law, “use of a trademark” means the use of a trademark on goods, on the packaging or containers of goods, or in transactional documents relating to goods, or the use of a trademark in advertising, exhibitions, and other commercial activities for the purpose of identifying and distinguishing the source of goods.

The use of a trademark as referred to in the preceding paragraph includes use through information networks such as the Internet.

Article 3 — Trademark work shall implement the strategic deployment of the Party and the State in respect of intellectual property, and shall enhance the level of trademark protection, exploitation, administration, and services.

Article 4 — The trademark administration department of the State Council shall be responsible for the registration and administration of trademarks throughout the country. The departments in charge of trademark administration work of local people’s governments at or above the county level shall be responsible for trademark administration work in their respective administrative regions.

The departments of people’s governments at or above the county level that undertake trademark law enforcement functions shall be responsible for trademark law enforcement work in accordance with their duties and powers.

The departments responsible for trademark registration and administration work and the departments responsible for trademark law enforcement shall establish working mechanisms and strengthen information sharing and work coordination.

Article 5 — A trademark approved and registered by the trademark administration department of the State Council shall be a registered trademark, and the trademark registrant shall have the right to indicate the words “Registered Trademark” or the registration symbol, shall enjoy the exclusive right to use the registered trademark, and shall be protected by law.

Where a natural person, legal person, or unincorporated organization, in the course of its production and business operations, needs to obtain the exclusive right to use a registered trademark in respect of its goods or services, it shall file an application for trademark registration with the trademark administration department of the State Council.

Article 6 — For the purposes of this Law, a “collective trademark” means a sign registered in the name of a social organization such as an industry association or other organization, and used by its members in their commercial activities to indicate their membership status in the organization.

For the purposes of this Law, a “certification trademark” means a sign controlled by an organization having the capacity to supervise a certain type of goods or services, and used by entities or individuals other than

such organization on their goods or services to certify the origin, raw materials, manufacturing method, quality, or other specific characteristics of such goods or services.

Special matters relating to the registration and administration of collective trademarks and certification trademarks shall be prescribed by the trademark administration department of the State Council.

Article 7 — Two or more natural persons, legal persons, or unincorporated organizations may jointly file an application with the trademark administration department of the State Council for the registration of the same trademark, and shall jointly enjoy and exercise the exclusive right to use such registered trademark.

Article 8 — Where laws or administrative regulations require that a registered trademark must be used in respect of certain goods, an application for trademark registration shall be filed; such goods may not be sold on the market without the approval of registration.

Article 9 — When applying for trademark registration and using a trademark, the principle of good faith shall be observed, and rights shall not be abused to harm the interests of the State, the public interest, or the lawful rights and interests of others.

A trademark user shall be responsible for the quality of the goods on which its trademark is used. The departments at all levels responsible for trademark administration work and trademark law enforcement shall strengthen trademark administration and law enforcement in accordance with the law, and shall curb acts of deceiving consumers.

Article 10 — An application for trademark registration or the handling of other trademark matters may be made by the applicant itself or by a trademark agency established in accordance with the law.

Article 11 — Where a foreigner, foreign enterprise, or other foreign organization applies for trademark registration in China, the matter shall be handled in accordance with any agreement concluded between its country of origin and the People's Republic of China or any international treaty to which both countries are parties, or in accordance with the principle of reciprocity.

Where a foreigner, foreign enterprise, or other foreign organization that has no habitual residence or business premises in China applies for trademark registration or handles other trademark matters in China, it shall entrust a trademark agency established in accordance with the law to do so.

Article 12 — International trademark registration shall be governed by the systems established under the relevant international treaties concluded or acceded to by the People's Republic of China. The specific measures shall be prescribed by the State Council.

Article 13 — The trademark administration department of the State Council shall strengthen the establishment of an information-based and intelligent public service system for trademarks, enhance the convenience of handling trademark matters, publish trademark information completely, accurately, and in a timely manner, and improve the level of trademark information services and administration.

Chapter II — Conditions for Trademark Registration

Article 14 — Any sign capable of distinguishing the goods of a natural person, legal person, or unincorporated organization from those of others, including words, devices, letters, numerals, three-dimensional signs, combinations of colors, sounds, dynamic signs, and combinations of the aforesaid elements, may be applied for registration as a trademark.

Article 15 — The following signs shall not be registered or used as trademarks:

1. Signs identical with or similar to the name, party flag, party emblem, or medals of the Communist Party of China, or to the symbolic elements related to significant theoretical achievements or historical events thereof;
2. Signs identical with or similar to the State name, national flag, national emblem, national anthem, military flag, military emblem, military anthem, or medals, etc. of the People's Republic of China, and signs identical

with the name or logo of central state organs, the name of a specific location where a central state organ is situated, or the name or device of a landmark building thereof; 3. Signs identical with or similar to the State name, national flag, national emblem, or military flag, etc. of a foreign country, except with the consent of the government of such country; 4. Signs identical with or similar to the name, flag, or emblem, etc. of an intergovernmental international organization, except with the consent of such organization or where it is unlikely to mislead the public; 5. Signs identical with or similar to an official mark or inspection stamp indicating control and guarantee, except where authorized; 6. Signs identical with or similar to the name or symbol of the “Red Cross” or “Red Crescent”; 7. Signs that are discriminatory against any ethnic group; 8. Signs that are deceptive and liable to mislead the public as to the quality, workmanship, raw materials, or other characteristics of the goods, or as to the place of origin thereof; 9. Signs that are contrary to public order and good morals or that otherwise have adverse effects.

Article 16 — The name of an administrative division at or above the county level, or a foreign place name known to the public, shall not be registered or used as a trademark. However, this shall not apply where the place name has another meaning or constitutes part of a collective trademark or certification trademark; registered trademarks using place names that already exist shall remain valid.

The registration and use of signs such as national park symbols, Olympic symbols, and special symbols as trademarks shall be governed by this Law and the provisions of relevant laws and administrative regulations.

Article 17 — A trademark for which registration is applied shall have distinctive characteristics and be easy to identify. The following signs shall not be registered as trademarks:

1. Signs that consist solely of the generic name, device, or model of the goods in question; 2. Signs that directly indicate only the quality, main raw materials, function, purpose, weight, quantity, or other characteristics of the goods; 3. Other signs that lack distinctive characteristics.

Signs listed in the preceding paragraph that have acquired distinctive characteristics through use and are easy to identify may be registered as trademarks.

Article 18 — Where a three-dimensional sign, combination of colors, sound, dynamic sign, or the like is applied for registration as a trademark, the shape, color combination, sound, or dynamic effect that results solely from the nature of the goods themselves, that is necessary to achieve a technical effect, or that gives substantial value to the goods shall not be registered as a trademark.

Article 19 — A trademark application not filed for the purpose of use and clearly exceeding the needs of normal production and business operations shall not be approved for registration.

No application for trademark registration shall be filed by fraud or other improper means.

Article 20 — A trademark for which registration is applied shall not be identical with or similar to a trademark that has already been registered, or for which an earlier application has been filed, by another person in respect of the same or similar goods.

Article 21 — Where a trademark for which registration is applied in respect of the same or similar goods is a reproduction, imitation, or translation of another person's well-known trademark not registered in China and is liable to cause confusion, it shall be refused for registration and prohibited from use.

Where a trademark for which registration is applied in respect of goods that are not identical or similar is a reproduction, imitation, or translation of another person's well-known trademark and misleads the public, such that the interests of the well-known trademark holder may be damaged, it shall be refused for registration and prohibited from use.

Article 22 — Where an agent or representative, without authorization, registers in its own name a trademark of the principal or represented party, and the principal or represented party raises an objection, such registration shall be refused and use thereof shall be prohibited.

Where a trademark for which registration is applied in respect of the same or similar goods is identical with or similar to another person's unregistered trademark used earlier, and the applicant, by reason of a contractual, business dealing, or other relationship other than that specified in the preceding paragraph, clearly knows of the existence of such other person's trademark, and such other person raises an objection, the registration shall be refused.

Article 23 — Where a trademark contains a geographical indication of goods, and such goods do not originate from the region indicated by such indication, thereby misleading the public, the trademark shall be refused for registration and prohibited from use; however, registrations obtained in good faith shall remain valid.

For the purposes of the preceding paragraph, a "geographical indication" means a sign indicating that certain goods originate from a particular region, where the specific quality, reputation, or other characteristics of the goods are primarily determined by the natural or human factors of that region.

Article 24 — The application for trademark registration shall not prejudice existing prior lawful rights and interests of others, nor shall it be an intentional preemptive registration of a trademark already used by another person and having attained a certain degree of influence.

Article 25 — A trademark agency shall not apply for registration of any trademark other than for its own agency services.

Chapter III — Application for Trademark Registration

Article 26 — A trademark registration applicant shall, in accordance with the prescribed classification of goods, specify the class and designation of the goods on which the trademark is to be used and file an application for registration.

A trademark registration applicant may apply for registration of the same trademark in respect of goods in multiple classes under a single application.

Documents relating to trademark registration applications shall be submitted in written form. Data messages that can tangibly represent the content contained therein and can be accessed and consulted at any time shall be deemed to be in written form if they are submitted by means such as electronic data interchange.

Article 27 — Where a registered trademark needs to obtain the exclusive right to use the registered trademark in respect of goods beyond the approved scope of use, a new application for registration shall be filed.

Article 28 — Where a registered trademark needs to alter its sign, a new application for registration shall be filed.

Article 29 — Where a trademark registration applicant, within six months from the date of its first application for trademark registration of the same trademark in respect of the same goods in a foreign country, files an application for trademark registration again in China, it may enjoy priority in accordance with any agreement concluded between such foreign country and China or any international treaty to which both countries are parties, or in accordance with the principle of mutual recognition of priority.

Where priority is claimed in accordance with the preceding paragraph, a written declaration shall be made at the time of filing the trademark registration application, and a copy of the first-filed trademark registration application documents shall be submitted within three months; failure to make a written declaration or to submit the copy of the trademark registration application documents within the prescribed time limit shall be deemed as not having claimed priority.

Article 30 — Where a trademark is first used on goods exhibited at an international exhibition sponsored or recognized by the Chinese government, the applicant for registration of such trademark may enjoy priority

within six months from the date of exhibition of such goods.

Where priority is claimed in accordance with the preceding paragraph, a written declaration shall be made at the time of filing the trademark registration application, and the name of the exhibition at which the goods were exhibited, evidence of the use of the trademark on the exhibited goods, the date of exhibition, and other supporting documents shall be submitted within three months; failure to make a written declaration or to submit the supporting documents within the prescribed time limit shall be deemed as not having claimed priority.

Article 31 — The matters declared and materials provided for the purposes of a trademark registration application shall be true, accurate, and complete.

Chapter IV — Examination and Approval of Trademark Registration

Article 32 — The trademark administration department of the State Council shall complete the examination of a trademark for which registration is applied within nine months from the date of receipt of the trademark registration application documents; where the application complies with the relevant provisions of this Law, it shall be preliminarily approved and published.

Article 33 — Where, in the course of examination, the trademark administration department of the State Council considers that the content of a trademark registration application requires explanation or amendment, it may require the applicant to provide an explanation or make amendments. Failure of the applicant to provide an explanation or make amendments shall not affect the trademark administration department of the State Council's issuance of an examination decision.

Article 34 — Where a trademark for which registration is applied does not comply with the relevant provisions of this Law, the trademark administration department of the State Council shall reject the application and shall not publish it.

Article 35 — Where two or more trademark registration applicants apply for registration of identical or similar trademarks in respect of the same or similar goods, the trademark for which the application was filed earlier shall be preliminarily approved and published; where the applications are filed on the same day, the trademark that was used earlier shall be preliminarily approved and published, and the applications of the others shall be rejected and not published.

Article 36 — Within two months from the date of publication of a preliminarily approved trademark, a prior right holder or interested party that considers that the trademark violates Articles 20 through 22, Article 23(1), or Article 24 of this Law, or any person that considers that the trademark violates Articles 15, 16(1), 17 through 19, or 25 of this Law, may file an opposition with the trademark administration department of the State Council. Where no opposition is filed upon the expiry of the publication period, the trademark shall be approved for registration, a trademark registration certificate shall be issued, and the registration shall be published.

Article 37 — Where a trademark is rejected and not published, the trademark administration department of the State Council shall notify the trademark registration applicant in writing. Where the trademark registration applicant is dissatisfied, it may, within 15 days from the date of receipt of the notice, apply to the trademark administration department of the State Council for re-examination. The trademark administration department of the State Council shall issue a decision within nine months from the date of receipt of the application and notify the applicant in writing. Where special circumstances require an extension, the time limit may be extended by three months with the approval of the person in charge of the trademark administration department of the State Council. Where a party is dissatisfied with the re-examination decision, it may, within 30 days from the date of receipt of the notice, institute legal proceedings in a people's court.

Article 38 — Where an opposition is filed against a preliminarily approved and published trademark, the trademark administration department of the State Council shall hear the statements of facts and grounds of the opponent and the opposed party, and shall, after investigation and verification, issue a decision on whether to approve registration within 12 months from the date of expiry of the publication period, and shall notify the opponent and the opposed party in writing. Where special circumstances require an extension, the time limit may be extended by six months with the approval of the person in charge of the trademark administration department of the State Council.

Where the trademark administration department of the State Council decides to approve registration, a trademark registration certificate shall be issued and the registration shall be published. Where the opponent is dissatisfied, it may, in accordance with Articles 50 and 51 of this Law, request the trademark administration department of the State Council to declare such registered trademark invalid.

Where the trademark administration department of the State Council decides not to approve registration, and the opposed party is dissatisfied, it may apply for re-examination within 15 days from the date of receipt of the notice. The trademark administration department of the State Council shall issue a re-examination decision within 12 months from the date of receipt of the application and shall notify the opponent and the opposed party in writing. Where special circumstances require an extension, the time limit may be extended by six months with the approval of the person in charge of the trademark administration department of the State Council. Where the opposed party is dissatisfied with the re-examination decision, it may, within 30 days from the date of receipt of the notice, institute legal proceedings in a people's court. The people's court shall notify the opponent to participate in the proceedings as a third party.

Article 39 — Where, upon expiry of the statutory time limit, a party does not apply for re-examination of a decision to reject an application or a decision not to approve registration, or does not institute legal proceedings in a people's court against the re-examination decision, the decision to reject the application, the decision not to approve registration, or the re-examination decision shall become effective.

In respect of a trademark for which registration is approved upon examination finding that the opposition is not established, the time at which the trademark registration applicant obtains the exclusive right to use the registered trademark shall be calculated from the date of expiry of the two-month period from preliminary approval and publication. From the date of expiry of the publication period of such trademark until the issuance of the decision to approve registration, acts of using a sign identical with or similar to such trademark in respect of the same or similar goods by another person shall not be retroactively pursued; however, compensation shall be made for losses caused to the trademark registrant by the bad faith of such user.

Article 40 — The trademark administration department of the State Council shall conduct timely examination of trademark registration applications and trademark re-examination applications.

An applicant may apply to withdraw the matters referred to in the preceding paragraph.

Article 41 — Where, in the course of trademark opposition examination, rejection re-examination, non-approval re-examination, or invalidation proceedings, the determination of a prior right or interest involved must be based on the outcome of another case being heard by a people's court or being handled by an administrative organ, the examination and trial may be suspended. Upon removal of the cause for suspension, the examination and trial procedures shall be resumed in a timely manner.

Article 42 — Where a trademark registration applicant or registrant discovers an obvious error in a trademark application document or registration document, it may apply for correction. The trademark administration department of the State Council shall make the correction within the scope of its functions and powers in accordance with the law and shall notify the party.

The correction of errors referred to in the preceding paragraph shall not involve the substantive content of the trademark application document or registration document.

Chapter V — Renewal, Amendment, Assignment and Cancellation of Registered Trademarks

Article 43 — The term of validity of a registered trademark shall be ten years, calculated from the date of approval of registration.

Article 44 — Where a registered trademark needs to continue to be used upon expiry of its term of validity, the trademark registrant shall go through the renewal procedures in accordance with the provisions within 12 months before expiry; where such procedures are not completed within such period, a six-month grace period may be granted. The term of validity of each renewal of registration shall be ten years, calculated from the day following the expiry of the preceding term of validity of such trademark. Where renewal procedures are not completed upon expiry of the grace period, the registered trademark shall be cancelled.

The trademark administration department of the State Council shall publish the renewed registered trademarks.

Article 45 — Where a registered trademark needs to change the name, address, or other registered particulars of the registrant, an application for amendment shall be filed.

Article 46 — For the assignment of a registered trademark, the assignor and assignee shall enter into an assignment agreement and jointly file an application with the trademark administration department of the State Council. The assignee shall ensure the quality of the goods on which the registered trademark is used.

For the assignment of a registered trademark, the trademark registrant shall simultaneously assign similar trademarks registered by it in respect of the same goods, or identical or similar trademarks registered in respect of similar goods.

Where an assignment is liable to cause confusion or has other adverse effects, the trademark administration department of the State Council shall not approve it and shall notify the applicant in writing with reasons.

An approved assignment of a registered trademark shall be published. The assignee shall enjoy the exclusive right to use the registered trademark from the date of publication.

Article 47 — Where a collective trademark or certification trademark is assigned, the assignee shall possess the corresponding subject qualification and supervisory capacity.

Article 48 — Where a trademark registrant applies to cancel its registered trademark or to cancel the registration of its trademark in respect of some designated goods, and such cancellation is approved by the trademark administration department of the State Council, it shall be published; the exclusive right to use the registered trademark, or the validity of such exclusive right in respect of such designated goods, shall terminate from the date of publication.

Article 49 — Where a trademark registrant applies to cancel its registered trademark, the trademark administration department of the State Council shall not, within one year from the date of the cancellation publication, approve any application for registration of a trademark identical with or similar to such trademark filed by another person in respect of the same or similar goods.

Chapter VI — Invalidation of Registered Trademarks

Article 50 — Where a registered trademark violates Articles 15, 16(1), 17 through 19, or 25 of this Law, the trademark administration department of the State Council shall declare such registered trademark invalid; other entities or individuals may request the trademark administration department of the State Council to declare such registered trademark invalid.

Where the trademark administration department of the State Council decides to declare a registered trademark invalid, it shall notify the party in writing. Where the party is dissatisfied, it may apply for re-examination within 15 days from the date of receipt of the notice. The trademark administration department of the State Council shall issue a decision within nine months from the date of receipt of the application and shall notify the party in writing. Where special circumstances require an extension, the time limit may be extended by three months with the approval of the person in charge of the trademark administration department of the State Council. Where the party is dissatisfied with the re-examination decision, it may, within 30 days from the date of receipt of the notice, institute legal proceedings in a people's court.

Where another entity or individual requests the trademark administration department of the State Council to declare a registered trademark invalid, the trademark administration department of the State Council shall, upon receipt of the application, notify the relevant party in writing and set a time limit for the party to submit a defence. The trademark administration department of the State Council shall, within nine months from the date of receipt of the application, issue a ruling on whether to uphold the registered trademark or declare it invalid, and shall notify the party in writing. Where special circumstances require an extension, the time limit may be extended by three months with the approval of the person in charge of the trademark administration department of the State Council. Where the party is dissatisfied with the ruling of the trademark administration department of the State Council, it may, within 30 days from the date of receipt of the notice, institute legal proceedings in a people's court. The people's court shall notify the opposing party in the trademark adjudication proceedings to participate in the proceedings as a third party.

Article 51 — Where a registered trademark violates Articles 20 through 22, 23(1), or 24 of this Law, the prior right holder or interested party may, within five years from the date of trademark registration, request the trademark administration department of the State Council to declare such registered trademark invalid. In respect of bad-faith registrations, the holder of a well-known trademark shall not be subject to the five-year time limit.

Upon receipt of an application to declare a registered trademark invalid, the trademark administration department of the State Council shall notify the relevant party in writing and set a time limit for the party to submit a defence. The trademark administration department of the State Council shall, within 12 months from the date of receipt of the application, issue a ruling on whether to uphold the registered trademark or declare it invalid, and shall notify the party in writing. Where special circumstances require an extension, the time limit may be extended by six months with the approval of the person in charge of the trademark administration department of the State Council. Where the party is dissatisfied with the ruling of the trademark administration department of the State Council, it may, within 30 days from the date of receipt of the notice, institute legal proceedings in a people's court. The people's court shall notify the opposing party in the trademark adjudication proceedings to participate in the proceedings as a third party.

Article 52 — Where, upon expiry of the statutory time limit, a party does not apply for re-examination of a decision of the trademark administration department of the State Council to declare a registered trademark invalid, or does not institute legal proceedings in a people's court against a re-examination decision or a ruling on upholding the registered trademark or declaring it invalid, the decision or ruling of the trademark administration department of the State Council shall become effective.

Article 53 — A registered trademark declared invalid in accordance with Articles 50 and 51 of this Law shall be published by the trademark administration department of the State Council, and the exclusive right to use such registered trademark shall be deemed to have never existed.

A decision or ruling declaring a registered trademark invalid shall have no retroactive effect on judgments, rulings, or mediation statements of people's courts in trademark infringement cases that were rendered and enforced before the invalidation, or on handling decisions of trademark law enforcement departments in trademark infringement cases that were rendered and enforced, or on trademark assignment or licensing

contracts that have already been performed. However, compensation shall be made for losses caused to another person by the bad faith of the trademark registrant.

Where, in accordance with the preceding paragraph, the non-return of trademark infringement compensation, trademark assignment fees, or trademark licensing fees would clearly violate the principle of fairness, such amounts shall be returned in whole or in part.

Chapter VII — Trademark Administration

Article 54 — Where a trademark registration applicant commits any of the following bad-faith acts of applying for trademark registration, causing an adverse impact, the trademark law enforcement department shall issue a warning and may concurrently impose a fine of not more than RMB 100,000:

1. Clearly knowing that a sign violates Articles 15 or 16(1) of this Law and still applying for registration thereof as a trademark; 2. Applying for trademark registration in violation of Article 19 of this Law; 3. Intentionally applying for trademark registration in violation of Articles 21, 22, or 24 of this Law.

Article 55 — A trademark registrant may use the trademark itself or may, by entering into a trademark licensing contract, license another person to use its registered trademark. The licensor shall supervise the quality of the goods on which the licensee uses the registered trademark. The licensee shall ensure the quality of the goods on which the registered trademark is used. Where the licensee fails to perform the quality assurance obligation, the licensor shall have the right to rescind the trademark licensing contract.

Where a registered trademark of another person is used under license, the name of the licensee and the origin of the goods must be indicated on the goods on which the registered trademark is used.

Where a trademark is licensed for use, the licensor shall file the trademark license with the trademark administration department of the State Council for record, which shall be published by the trademark administration department of the State Council. A trademark license that has not been filed for record shall not be effective against a third party acting in good faith.

Article 56 — Where a registered trademark is used in a manner that misleads the public, the trademark law enforcement department shall order rectification within a specified time limit; where the illegal business revenue is RMB 50,000 or more, a fine of not more than five times the illegal business revenue may be imposed; where there is no illegal business revenue or the illegal business revenue is less than RMB 50,000, a fine of not more than RMB 250,000 may be imposed. Where rectification is not made within the time limit, the trademark administration department of the State Council shall revoke the registered trademark.

Article 57 — Where a trademark registrant, in the course of using the registered trademark, alters the registered trademark, the name or address of the registrant, or other registered particulars on its own initiative, the trademark law enforcement department shall order rectification within a specified time limit; where rectification is not made within the time limit, a fine of not more than RMB 50,000 shall be imposed; where the circumstances are serious, the trademark administration department of the State Council shall revoke the registered trademark.

Where a registered trademark has become the generic name of the goods for which its use is approved, or has not been used for three consecutive years without justification, any entity or individual may apply to the trademark administration department of the State Council for cancellation of such registered trademark. The trademark administration department of the State Council shall issue a decision within nine months from the date of receipt of the application. Where special circumstances require an extension, the time limit may be extended by three months with the approval of the person in charge of the trademark administration department of the State Council.

Where a registered trademark falls under the circumstances specified in the preceding paragraph, the trademark administration department of the State Council may cancel such registered trademark. The

specific measures shall be prescribed by the trademark administration department of the State Council.

Article 58 — Where a party is dissatisfied with a decision of the trademark administration department of the State Council to revoke or not revoke a registered trademark, it may, within 15 days from the date of receipt of the notice, apply to the trademark administration department of the State Council for re-examination. The trademark administration department of the State Council shall issue a decision within nine months from the date of receipt of the application and shall notify the party in writing. Where special circumstances require an extension, the time limit may be extended by three months with the approval of the person in charge of the trademark administration department of the State Council. Where the party is dissatisfied with the re-examination decision, it may, within 30 days from the date of receipt of the notice, institute legal proceedings in a people's court.

Article 59 — Where, upon expiry of the statutory time limit, a party does not apply for re-examination of a decision of the trademark administration department of the State Council to revoke a registered trademark or does not institute legal proceedings in a people's court against the re-examination decision, the decision to revoke the registered trademark or the re-examination decision shall become effective.

A revoked registered trademark shall be published by the trademark administration department of the State Council, and the exclusive right to use such registered trademark shall terminate from the date of publication.

Article 60 — Where a registrant of a collective trademark or certification trademark commits any of the following acts, the trademark law enforcement department shall order rectification within a specified time limit; where rectification is not made within the time limit, a fine of not more than RMB 10,000 shall be imposed; where the circumstances are serious, a fine of not less than RMB 10,000 but not more than RMB 100,000 shall be imposed:

1. Negligently failing to perform trademark administration duties, causing harm to consumers;
2. The collective trademark registrant, without justification, not permitting its members to use the collective trademark, or the certification trademark registrant, without justification, not licensing qualified applicants to use the certification trademark;
3. Exercising the exclusive right to use the registered trademark in violation of this Law, relevant administrative regulations, and relevant State provisions, causing an adverse impact.

Article 61 — Where Article 8 of this Law is violated, the trademark law enforcement department shall order that an application for registration be filed within a specified time limit; where the illegal business revenue is RMB 50,000 or more, a fine of not more than 20% of the illegal business revenue may be imposed; where there is no illegal business revenue or the illegal business revenue is less than RMB 50,000, a fine of not more than RMB 10,000 may be imposed.

Article 62 — Where an unregistered trademark is passed off as a registered trademark, or where an unregistered trademark is used in violation of Articles 15 or 16(1) of this Law, the trademark law enforcement department shall order rectification within a specified time limit; where the illegal business revenue is RMB 50,000 or more, a fine of not more than 20% of the illegal business revenue may be imposed; where there is no illegal business revenue or the illegal business revenue is less than RMB 50,000, a fine of not more than RMB 10,000 may be imposed.

Article 63 — Where the holder of a trademark well known to the relevant public considers that its rights have been infringed, it may, in accordance with this Law, request well-known trademark protection.

In the course of trademark registration examination and trial, investigation and handling of trademark violation cases, or investigation and handling of unfair competition cases, where a party claims rights in accordance with the law, the trademark administration department of the State Council may, based on the needs of handling the case, determine the well-known status of a trademark.

In the course of hearing a trademark civil case, a trademark administrative case, or an unfair competition case, where a party claims rights in accordance with the law, the people's court designated by the Supreme

People's Court may, based on the needs of hearing the case, determine the well-known status of a trademark.

The well-known status of a trademark shall be determined, at the request of the party, as a fact to be established in handling the trademark case concerned. In determining the well-known status of a trademark, the following factors shall be taken into account comprehensively:

1. The degree of awareness of the trademark among the relevant public; 2. The duration, manner, and geographical scope of use of the trademark; 3. The duration, extent, and geographical scope of any publicity work conducted for the trademark; 4. The record of protection of the trademark, particularly the record of its protection as a well-known trademark; 5. Other factors supporting the well-known status of the trademark.

Article 64 — Producers and business operators shall not use the words “Well-Known Trademark” on goods, on the packaging or containers of goods, or in advertising, exhibitions, or other commercial activities.

Where the preceding paragraph is violated, the trademark law enforcement department shall order rectification and impose a fine of not more than RMB 100,000.

Article 65 — Trademark agencies and trademark agency practitioners shall observe the principle of good faith, comply with laws and administrative regulations, abide by professional ethics and practice discipline, perform their duty of diligence and due care, protect the lawful rights and interests of clients, and shall not commit or assist clients in committing acts that harm the interests of the State, the public interest, or the lawful rights and interests of others.

A trademark agency shall handle trademark registration applications or other trademark matters in accordance with the mandate of the client; it shall bear a duty of confidentiality in respect of the client's trade secrets learned in the course of agency; where the trademark for which the client applies for registration may fall under circumstances in which registration is not permitted under this Law, the trademark agency shall expressly inform the client.

A trademark agency practitioner shall undertake trademark agency business as assigned by the trademark agency, and shall not accept mandates on its own. A trademark agency practitioner shall not concurrently engage in trademark agency business at two or more trademark agencies. A trademark agency practitioner shall be responsible for the trademark agency business handled under its signature.

A trademark agency shall report the relevant information of itself and its trademark agency practitioners to the trademark administration department of the State Council for filing. The departments at all levels responsible for trademark administration work and trademark law enforcement shall strengthen the administration of trademark agencies and trademark agency practitioners.

Article 66 — Trademark agency industry organizations are self-regulatory organizations of the trademark agency industry.

A trademark agency industry organization shall, in accordance with the provisions of its charter, strictly enforce the conditions for admitting members, strengthen industry self-regulation, formulate industry self-regulatory norms and disciplinary rules, conduct professional training and education on professional ethics and practice discipline, organize and guide members to engage in trademark agency business in accordance with the law and regulations, continuously improve the level of industry services, and impose disciplinary measures on members that violate industry self-regulatory norms. A trademark agency industry organization shall, in a timely manner, publicly disclose its admission of members and the imposition of disciplinary measures.

Article 67 — Where a trademark agency commits any of the following acts, the trademark law enforcement department shall order rectification within a specified time limit and impose a fine of not less than RMB 10,000 but not more than RMB 100,000; where the circumstances are serious, a fine of not less than RMB 100,000 but not more than RMB 200,000 shall be imposed; the directly responsible person in charge and

other directly responsible persons shall be given a warning and shall be concurrently fined not less than RMB 5,000 but not more than RMB 50,000; where the circumstances are serious, they shall be concurrently fined not less than RMB 50,000 but not more than RMB 100,000:

1. Forging, altering, or using forged or altered legal documents, seals, or signatures in the course of handling trademark matters; 2. Soliciting trademark agency business by means such as fraud, deception, or defamation of other trademark agencies; 3. Accepting mandates from parties with conflicting interests in the same trademark case; 4. Knowing or having reason to know that the trademark for which the client applies for registration falls under Articles 15, 16(1), 19, 21, 22, or 24 of this Law, yet still accepting the mandate; 5. Violating Article 25 of this Law, or falling under the circumstances specified in Article 54 of this Law; 6. Disrupting the order of the trademark agency market by other improper means.

Where a trademark agency has committed any of the acts specified in the preceding paragraph and the circumstances are serious, the trademark administration department of the State Council may decide to cease accepting the handling of trademark agency business from such agency and shall publish such decision.

Where a trademark agency has not filed for record in accordance with the law, the trademark law enforcement department shall order rectification within a specified time limit; where rectification is not made within the time limit, a fine of not less than RMB 10,000 but not more than RMB 50,000 shall be imposed.

Where a trademark agency violates the principle of good faith, fails to perform its duty of diligence and due care, and infringes upon the lawful interests of a client, it shall bear civil liability in accordance with the law and shall be subject to disciplinary measures by the trademark agency industry organization in accordance with its charter.

Article 68 — Where a trademark agency practitioner commits any of the following acts, the trademark law enforcement department shall order rectification within a specified time limit, give a warning, and shall concurrently impose a fine of not less than RMB 5,000 but not more than RMB 50,000; where the circumstances are serious, a fine of not less than RMB 50,000 but not more than RMB 100,000 shall be imposed:

1. Accepting mandates on its own to handle trademark agency business; 2. Concurrently engaging in trademark agency business at two or more trademark agencies; 3. Other acts that seriously disrupt the order of the trademark agency market.

Article 69 — Where, in the course of trademark registration examination and trial or trademark case handling abroad, it is necessary to prove that a trademark is well known to the relevant public within the territory of China, the trademark administration department of the State Council may, at the request of the party, determine the well-known status of the trademark in accordance with Article 63 of this Law.

Where overseas trademark registration applications or other trademark matters are handled for clients within the territory of China by improper means such as fraud, causing harm to the interests of the client or the interests of the State, the public interest, or the lawful rights and interests of others, the matter shall be handled and penalized in accordance with Article 67 of this Law.

Article 70 — In respect of illegal acts such as using a registered trademark in a manner that misleads the public or infringing upon the exclusive right to use a registered trademark, any entity or individual shall have the right to file a complaint or report with the departments responsible for trademark administration work and trademark law enforcement.

Chapter VIII — Protection of Exclusive Rights to Registered Trademarks

Article 71 — The exclusive right to use a registered trademark shall be limited to the trademark approved for registration and the goods for which the use of the trademark is approved.

Article 72 — Any of the following acts shall constitute infringement of the exclusive right to use a registered trademark:

1. Using a trademark identical with a registered trademark on the same goods without the permission of the trademark registrant; 2. Using a trademark similar to a registered trademark on the same goods, or using a trademark identical with or similar to a registered trademark on similar goods, without the permission of the trademark registrant, where such use is liable to cause confusion; 3. Selling goods that infringe the exclusive right to use a registered trademark; 4. Counterfeiting or manufacturing without authorization representations of another person's registered trademark, or selling representations of a registered trademark that are counterfeited or manufactured without authorization; 5. Replacing a registered trademark without the consent of the trademark registrant and putting the goods bearing the replaced trademark on the market; 6. Intentionally providing facilitating conditions for acts of infringing another person's exclusive right to use a registered trademark, or assisting another person in committing acts of infringing the exclusive right to use a registered trademark; 7. Causing other damage to another person's exclusive right to use a registered trademark.

Article 73 — Where a registered trademark contains the generic name, device, or model of the goods in question, or directly indicates the type, nature, quality, main raw materials, function, purpose, weight, quantity, value, geographical origin, or other characteristics of the goods, or contains a place name, the owner of the exclusive right to use the registered trademark shall have no right to prohibit others from using the same in a fair manner.

Where a registered trademark consisting of a three-dimensional sign, combination of colors, sound, or dynamic sign, etc. contains a shape, color combination, sound, or dynamic effect, etc. that results from the nature of the goods themselves, is necessary to achieve a technical effect, or gives substantial value to the goods, the owner of the exclusive right to use the registered trademark shall have no right to prohibit others from using the same in a fair manner.

Where a relevant registered trademark is used solely for the purpose of indicating the purpose, applicable object, application scenario, or other information of the goods provided, or of indicating the true source, the owner of the exclusive right to use the registered trademark shall have no right to prohibit others from using the same in a fair manner, except where such use is liable to cause confusion.

Where, before a trademark registrant applied for trademark registration, another person had already used, on the same or similar goods, a trademark identical with or similar to the registered trademark and having attained a certain degree of influence earlier than the trademark registrant, the owner of the exclusive right to use the registered trademark shall have no right to prohibit such user from continuing to use the trademark within the original scope of use, but may require the user to add an appropriate distinguishing mark.

Article 74 — Where a dispute arises as a result of any of the acts of infringement of the exclusive right to use a registered trademark listed in Article 72 of this Law, the parties shall settle it through negotiation; where the parties are unwilling to negotiate or the negotiation fails, the trademark registrant or interested party may institute legal proceedings in a people's court or may request the trademark law enforcement department to handle the matter.

Where the trademark law enforcement department determines, in handling the matter, that the infringing act is established, it shall order the immediate cessation of the infringing act, confiscate the infringing goods and the tools mainly used for manufacturing the infringing goods or counterfeiting representations of the registered trademark; where the illegal business revenue is RMB 50,000 or more, a fine of not more than five times the illegal business revenue may be concurrently imposed; where there is no illegal business revenue or the illegal business revenue is less than RMB 50,000, a fine of not more than RMB 250,000 may be concurrently imposed. Where a person has committed trademark infringement acts twice or more within five years, or where there are other serious circumstances, heavier punishment shall be imposed. Where a seller

of goods that infringe the exclusive right to use a registered trademark does not know that such goods infringe, and can prove that such goods were lawfully obtained by it and is able to identify the supplier, the trademark law enforcement department shall order it to cease selling such goods.

In respect of disputes over the amount of compensation for infringement of the exclusive right to use a registered trademark, the parties may request the trademark law enforcement department to conduct mediation, or may institute legal proceedings in a people's court in accordance with the Civil Procedure Law of the People's Republic of China.

Where the parties fail to reach an agreement through mediation by the trademark law enforcement department, or fail to perform the mediation statement after it takes effect, the parties may institute legal proceedings in a people's court in accordance with the Civil Procedure Law of the People's Republic of China.

Article 75 — The trademark law enforcement department shall have the authority to investigate and handle, in accordance with the law, acts of infringement of the exclusive right to use a registered trademark.

Where an act of infringement of the exclusive right to use a registered trademark is suspected of constituting a crime, the trademark law enforcement department shall promptly transfer the case to the public security organ for handling in accordance with the law; where the public security organ, people's procuratorate, or people's court determines that criminal liability need not be pursued or that criminal punishment is exempted, but that administrative punishment should be imposed, the public security organ, people's procuratorate, or people's court shall promptly transfer the case to the trademark law enforcement department for handling in accordance with the law. Where the public security organ, people's procuratorate, or people's court requests the trademark law enforcement department or the department responsible for trademark registration and administration work to provide professional support, determination opinions, assistance with harmless disposal of infringing items, or other assistance, the relevant departments shall provide assistance in a timely manner.

Article 76 — When investigating and handling suspected infringement of another person's exclusive right to use a registered trademark based on illegally obtained evidence or complaints and reports, the trademark law enforcement department may exercise the following powers:

1. Questioning the relevant parties and investigating the circumstances relating to the infringement of another person's exclusive right to use a registered trademark;
2. Consulting and copying contracts, invoices, account books, receipts, documents, records, business correspondence, audio-visual materials, electronic data, and other relevant materials of the party relating to the infringing activities;
3. Conducting on-site inspection of premises where the party is suspected of engaging in activities infringing another person's exclusive right to use a registered trademark;
4. Inspecting items relating to the infringing activities; sealing or seizing items for which there is evidence proving that they infringe another person's exclusive right to use a registered trademark;
5. Where evidence may be lost or become difficult to obtain at a later time, registering and preserving such evidence in advance.

When the trademark law enforcement department exercises the powers specified in the preceding paragraph in accordance with the law, the party shall provide assistance and cooperation and shall not refuse or obstruct.

In the course of investigating and handling trademark infringement cases, where there is a dispute over trademark ownership, or where the right holder simultaneously institutes trademark infringement proceedings in a people's court, the trademark law enforcement department may suspend the investigation and handling of the case. Upon removal of the cause for suspension, the investigation and handling procedures shall be resumed or concluded.

Article 77 — The amount of compensation for infringement of the exclusive right to use a registered trademark shall be determined based on the actual losses suffered by the right holder as a result of the infringement, or the profits obtained by the infringer as a result of the infringement; where it is difficult to determine the losses of the right holder or the profits obtained by the infringer, the amount shall be reasonably determined by reference to multiples of the trademark licensing fees. Where the infringement of the exclusive right to use a registered trademark is intentional and the circumstances are serious, the amount of compensation may be determined at not less than one time but not more than five times the amount determined in accordance with the aforesaid methods.

For the purpose of determining the amount of compensation, where the right holder has exhausted its efforts to adduce evidence and the account books and materials relating to the infringing act are mainly in the possession of the infringer, the people's court may order the infringer to provide the account books and materials relating to the infringing act; where the infringer fails to provide them or provides false account books and materials, the people's court may determine the amount of compensation by reference to the claims of the right holder and the evidence provided.

Where it is difficult to determine the actual losses suffered by the right holder as a result of the infringement, the profits obtained by the infringer as a result of the infringement, or the registered trademark licensing fees, the people's court shall award compensation of not more than RMB 5,000,000 based on the circumstances of the infringing act.

The amount of compensation shall also include the reasonable expenses incurred by the right holder in stopping the infringing act.

When hearing a trademark dispute case, the people's court shall, at the request of the right holder, order the destruction of goods bearing a counterfeited registered trademark, except under special circumstances; order the destruction, without compensation, of materials and tools mainly used for manufacturing goods bearing a counterfeited registered trademark; or, under special circumstances, order the prohibition of the aforesaid materials and tools from entering commercial channels, without compensation.

Goods bearing a counterfeited registered trademark shall not enter commercial channels after merely removing the counterfeited registered trademark.

Article 78 — Where the owner of the exclusive right to use a registered trademark claims compensation and the alleged infringer raises a defence on the grounds that the owner of the exclusive right to use the registered trademark has not used the registered trademark, the people's court may require the owner of the exclusive right to use the registered trademark to provide evidence of actual use of the registered trademark within the three years preceding the occurrence of the infringing act. Where the owner of the exclusive right to use the registered trademark cannot prove that it has actually used the registered trademark within the preceding three years, nor can it prove that it has suffered other losses as a result of the infringing act, the alleged infringer shall not bear liability for compensation.

Where a seller of goods that infringe the exclusive right to use a registered trademark does not know that such goods infringe and can prove that such goods were lawfully obtained by it and is able to identify the supplier, it shall not bear liability for compensation.

Article 79 — Where a trademark registrant or interested party has evidence proving that another person is committing or is about to commit an act infringing its exclusive right to use a registered trademark, and that failure to promptly stop such act would cause irreparable damage to its lawful rights and interests, it may, in accordance with the law, apply to a people's court before instituting legal proceedings for measures ordering cessation of the relevant act and for property preservation.

Article 80 — For the purpose of stopping an infringing act, where evidence may be lost or become difficult to obtain at a later time, a trademark registrant or interested party may, in accordance with the law, apply to a

people's court before instituting legal proceedings for the preservation of evidence.

Article 81 — Where a trademark lawsuit is instituted by means such as malicious collusion or unilateral fabrication of basic facts, the people's court shall impose punishment in accordance with the law; where losses are caused to the opposing party, civil liability shall be borne in accordance with the law.

Article 82 — Public officials engaged in trademark registration, administration, and law enforcement work must enforce the law impartially, be honest and self-disciplined, be loyal to their duties, and provide civilized services.

The departments responsible for trademark registration and administration work and the departments responsible for trademark law enforcement, as well as public officials engaged in trademark registration, administration, and law enforcement work, shall not engage in trademark agency business or the production and business operation of goods.

Article 83 — The departments responsible for trademark registration and administration work and the departments responsible for trademark law enforcement shall establish and improve internal supervision systems, and shall supervise and inspect the implementation of laws and administrative regulations and compliance with discipline by public officials engaged in trademark registration, administration, and law enforcement work.

Article 84 — Where a public official engaged in trademark registration, administration, and law enforcement work, in violation of this Law, engages in trademark agency business or the production and business operation of goods, or abuses powers, neglects duties, or commits malpractices for personal gain, and falls under any of the following circumstances, sanctions shall be imposed in accordance with the law:

1. Approving trademark registration where the conditions for trademark registration are not met, causing an adverse impact; 2. Failing to issue a decision on ordering rectification, imposing administrative punishment, etc. as required by law; 3. Discovering an illegal act or receiving a complaint or report but failing to perform trademark administration or law enforcement duties in accordance with the law; 4. Other acts for which sanctions shall be imposed in accordance with the law.

Article 85 — Where an act in violation of this Law constitutes a crime, criminal liability shall be pursued in accordance with the law.

Chapter IX — Supplementary Provisions

Article 86 — Fees shall be paid for filing trademark registration applications and handling other trademark matters; the specific fee standards shall be prescribed separately.

Article 87 — This Law shall come into force on January 1, 2027.

Trademarks registered before the implementation of this Law shall continue to be valid.

This translation is provided for informational purposes only. For legal matters, please consult the original Chinese text or seek professional legal advice. For assistance with trademark registration and protection in China, please contact Dan & Young Business Consultancy.