

Draft Amendment to China's Trademark Law

China's National People's Congress released a new draft of the Amended Trademark Law for public comments on 27 December 2025 (Draft 2025).¹

1. This latest Draft 2025 appears to take criticism directed at the earlier Draft 2023² into account.³ Comments on the Draft 2023 revolved around the newly introduced use-declaration trademark owners were required to make every five years after trademark registration.⁴
2. Interestingly, the new Draft 2025 no longer contains this obligation of the trademark owner to declare trademark use to the Trademark Office. However, measures such as tackling bad faith trademark filings without intent to use remain in place.
3. In addition, the new Draft 2025 strengthens the protection of registered and unregistered well-known trademarks.
4. China's National Intellectual Property Administration (CNIPA) is authorized to proactively revoke registered trademarks that have not been used for three consecutive years without reasons or that have become generic.
5. Dynamic signs are permitted for trademark registration, unless they result solely from the nature of the goods themselves, they are necessary to achieve a technical effect, or they give the goods essential value.

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¹ The Draft 2025 can be found here

<http://www.npc.gov.cn/flcaw/userIndex.html?lid=ff8081819aedd494019b54ed2c6476f2>

² Draft amendment to the Trademark Law of China published on 13 January 2023.

³ My comments "China Markenrecht Update" on the Draft 2023 can be found on my website <https://jaeckel-ip.de/veroeffentlichungen>

⁴ Critics argued that such requirement would increase the administrative workload for trademark owners considerably and render defensive trademark filings - to counter non-use cancellations by third parties - almost impossible.