

5 KEY TAKEAWAYS

Counterfeit Crackdown: Navigating IP Enforcement and Supply Chain Risks in China

Kilpatrick's [Sindy Ding-Voorhees](#), [Cleo Hu](#), and [Roger Huang](#) recently presented “**Counterfeit Crackdown: Navigating IP Enforcement and Supply Chain Risks in China**” at the firm's 2nd annual **Kilpatrick SEA-LE** – the Seattle-based CLE program designed specifically for in-house counsel. Sindy, Cleo, and Roger explored how global brands can effectively combat counterfeiting and safeguard their intellectual property within China's complex manufacturing and export environment. The session covered enforcement strategies, customs actions, and supply chain risk management, offering practical insights on working with Chinese authorities and aligning cross-border efforts.

Key takeaways from their presentation include:

1

Register Early, Act Proactively

China's first-to-file trademark system gives priority to whoever registers first – not who uses first. Register core trademarks before market entry to preserve rights and block squatters. With trademarks secured, customs recordal becomes your powerful but low-cost weapon, which enables interception of counterfeit goods at the border.

2

Multi-Channel Enforcement Is Essential

Combine AI-driven online sweeps and market surveillance to prioritize high-impact targets. Communicate in Chinese and tailor takedown notice to each platform's IP portal and protocols to improve responsiveness, build relationships with platform compliance teams. Coordinate test purchases and leverage China's dual-track IP protection system (administrative and judicial), choosing the route that best matches your speed and remedy needs.

3

Find Your Trusted Local Partner

Navigating enforcement in China requires cultural fluency and ground-level intel. Brands should work with trusted local IP counsel and investigators to conduct tailored investigations to explore effective approaches as administrative raids or even criminal raids.

4

Leverage policy momentum and remedies

China's IP policy is steady and predictable: it is increasingly cracking down on counterfeits, and there is possibly the harshest penalty available (life imprisonment or even death penalty) for FDA-related IP crimes.

5

Think Globally, Enforce Locally

Counterfeiting is a cross-border challenge. Coordinate enforcement across markets – link investigations in China with seizures in the U.S. or other counterfeit hotbeds such as Southeast Asia. Leverage US CBP notifications, social commerce tracking (e.g., TikTok), and joint exporter/importer investigations to act on both ends of the supply chain.

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