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China's New Trademark Law: What Fashion Brands Must Know

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China's newly amended Trademark Law, effective Jan. 1, 2027, introduces sweeping changes that will reshape how fashion and luxury brands file, protect, and enforce their trademarks in the world's second-largest consumer market. Here's what brand owners need to do now to stay ahead.

As a fashion law attorney who regularly advises Western brands navigating the Chinese market, I've watched China's trademark system evolve significantly over the past decade. Each round of legislative reform has addressed real pain points, from combating bad-faith squatters to strengthening enforcement mechanisms.

But the newly amended Trademark Law, passed on June 26, 2026 and set to take effect on Jan. 1, 2027, goes significantly further than the last amendment in 2019, which focused primarily on curbing bad-faith filings. This time, the revision is broader and more systemic.

The law expands from 73 articles to 87, touching registration conditions, examination procedures, post-registration administration, and rights enforcement alike.

As a long-time practitioner in this space, many of these "new" provisions will look familiar to those who have been watching CNIPA's evolving examination and enforcement practices over the past several years.

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In many instances, the amended law codifies what the trademark authorities have already been doing: recognizing internet use as trademark use, cracking down on bad-faith filings, and expanding protections for well-known marks. But codification matters.

When practice becomes statute, it signals that CNIPA will implement these standards more thoroughly, more consistently, and with clearer legal authority. For brand owners, that translates to both stronger tools and higher compliance expectations.

For fashion and luxury brands, which rely heavily on brand identity, visual aesthetics, and global recognition, several of these changes deserve immediate attention and strategic planning.

Stronger Tools Against Bad-Faith Filers

Bad-faith trademark squatting has long plagued fashion brands entering China. Under the previous law, penalties for bad-faith filers were vague, and while CNIPA had been increasingly aggressive in rejecting and invalidating bad-faith applications in practice, the statutory framework didn't match that ambition. The amended law now provides clear legal teeth to back up what the authorities have already been doing, and to go further.

Article 19 now consolidates the rules on bad-faith registration into a standalone provision, establishing a unified standard: applications filed "without a genuine intention to use and obviously exceeding normal business needs" will be refused. This standard applies consistently across examination, opposition, and invalidation proceedings, eliminating the procedural inconsistencies that squatters once exploited.

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More significantly, Article 54 introduces concrete administrative penalties for bad-faith applicants, including warnings and fines of up to RMB 100,000. The law specifically targets three categories: filing marks that violate absolute grounds, trademark hoarding, and intentionally filing marks that conflict with well-known trademarks or prior rights.

For fashion brands that have spent years (and significant resources) battling squatters through opposition and invalidation proceedings, this adds a powerful new enforcement avenue: the ability to file independent administrative complaints against bad-faith applicants, creating real financial consequences for serial squatters.

Cross-Class Protection Without Registration

Perhaps the most impactful change for international fashion houses is Article 21's extension of cross-class protection to unregistered well-known trademarks. Previously, only marks registered in China could obtain cross-class protection against dissimilar goods. The amended law removes the "already registered in China" requirement entirely.

This is a significant development for fashion brands that have built enormous recognition in China through e-commerce, social media, and cross-border retail, but may not yet have registered in China.

A luxury handbag brand that has established a well-known reputation for among Chinese consumers but hasn't been able to obtain a registration for handbags can now claim cross-class protection and potentially block bad-faith filings in unrelated classes (think cosmetics, home goods, or hospitality).

A few important caveats. The evidentiary threshold remains high. Establishing well-known status before CNIPA or the courts demands a strong evidentiary showing: consumer surveys, sales and revenue figures, advertising spend, press and media presence, and a track record of enforcement.

For fashion brands with active Chinese social media presences, strong e-commerce sales figures, and a history of enforcement actions in China, these evidentiary categories line up well with the kind of documentation they should already be maintaining. The revised law also makes clear that well-known trademark recognition remains a fact-specific, case-by-case determination, not as a blanket designation that carries forward automatically.

That said, the amended law does broaden the routes available to obtain well-known trademark confirmation. Beyond traditional trademark registry proceedings, such as oppositions and invalidations, brand owners may seek case-specific confirmation of well-known trademark status when necessary in trademark enforcement actions, trademark civil or administrative litigation, and unfair competition proceedings.

The new law also allows China's trademark authority, upon request, to confirm that a mark is well known in China when such evidence is needed in overseas trademark examination or proceedings. This could be valuable for fashion brands (Chinese or non-Chinese) dealing with squatters in third-country markets.

Shortened Opposition Window: Time Is of the Essence

The opposition period has been cut from three months to two months. For brand owners, this means the window for detecting and challenging problematic trademark applications has shrunk significantly. Fashion brands that rely on periodic trademark watches will need to accelerate their monitoring cadence and streamline internal decision-making processes.

This also means that digital brand-building activities like influencer collaborations, virtual fashion shows, and animated social media content can serve as evidence of trademark use in China, even without a physical retail presence.

In practical terms, if a lookalike brand files an application mimicking your house mark (say, a slight misspelling of your brand name or a stylized version of your logo), you now have just 60 days from publication to file a formal opposition. That requires faster identification, quicker legal analysis, and pre-authorized budgets for opposition filings. Brands that lack robust watching systems risk missing this compressed deadline entirely.

The Rise of "Use It or Lose It"

The amended law introduces ex officio cancellation powers for trademarks that have not been used for three consecutive years. Previously, only third parties could petition for non-use cancellation. Now, CNIPA itself can initiate cancellation proceedings against dormant marks.

For fashion brands, this cuts both ways. On one hand, it's a welcome development for clearing out "zombie" trademarks, the bad-faith registrations that clutter the registry and block legitimate filings.

On the other hand, brands with large defensive portfolios in China need to take stock. If you've registered marks across dozens of subclasses as a protective measure but haven't actively used them in commerce, those registrations may now be vulnerable.

The practical takeaway: fashion brands should audit their Chinese trademark portfolios and establish systems for preserving evidence of genuine use, including online sales records, e-commerce listings, social media posts, marketing campaigns, and retail presence documentation. The law now explicitly recognizes internet-based trademark use, which is helpful for brands whose Chinese presence is primarily digital.

Internet Use Now Counts—Officially

Article 2 of the amended law expressly includes trademark use "through the Internet and other information networks" within the statutory definition of trademark use. This is a classic example of the law catching up to practice. CNIPA has been accepting online use evidence for some time, and courts have increasingly recognized e-commerce activity as genuine trademark use.

For fashion brands that operate primarily through cross-border e-commerce platforms like Tmall, or that build brand awareness through Rednote (Xiaohongshu) and Douyin campaigns, this provides unambiguous legal footing for demonstrating use in non-use cancellation proceedings and infringement cases.

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Dynamic Marks: Protecting Animated Brand Identities

The revised law formally recognizes "dynamic signs" as registrable trademarks. For fashion brands investing in animated logos, app startup sequences, and motion graphics for digital campaigns, this opens a new avenue of protection. Consider the branded animations that luxury houses use on their apps, websites, and social media – these can now be registered and enforced as trademarks in China.

Penalties for "Deceptive Marks"—A Double-Edged Sword

Article 56 introduces penalties for using registered trademarks "in a manner that misleads the public." Fines can reach RMB 250,000 or five times the illegal revenue, and persistent violations can lead to cancellation of the registration itself. A new public complaint mechanism under Article 70 allows anyone to report such violations.

For fashion brands, this is a potential tool against competitors or lookalike brands that use registered marks in misleading ways. Think of a mark registered in plain text that is subsequently used with trade dress closely mimicking another brand's look and feel.

However, it's also a reminder that brands must ensure their own marketing, packaging, and labeling do not inadvertently make claims that could be characterized as misleading.

What Fashion Brands Should Do Now

With the amended law taking effect on Jan. 1, 2027, there's a clear window for preparation.

Here's what I recommend:

Audit Your Portfolio. Review your existing Chinese trademark registrations. Identify marks that are unused or underused, and develop plans to either demonstrate genuine use or accept the risk of potential cancellation. Prioritize evidence preservation for core marks.

Accelerate Monitoring. Upgrade your trademark watching systems to accommodate the shorter two-month opposition window. Consider automated alerts and pre-approved budgets for time-sensitive filings.

Build Your Well-Known Mark Case. If your brand has significant recognition among Chinese consumers through e-commerce sales, social media following, press coverage, or consumer surveys, begin compiling that evidence now. The new cross-class protection for unregistered well-known marks could be a powerful shield, but only if you can prove your status when it counts.

Embrace Digital Evidence. Document your online brand presence systematically. Screenshots of e-commerce listings, social media engagement metrics, influencer partnerships, and digital ad campaigns all constitute evidence of trademark use under the new framework.

Explore Dynamic Mark Filings. If your brand uses animated logos or motion graphics, evaluate whether dynamic trademark filings in China could strengthen your portfolio.

Leverage New Enforcement Tools. For brands dealing with bad-faith squatters, the ability to seek administrative penalties against filers, not just oppose or invalidate their marks, adds meaningful leverage. Factor this into your enforcement strategy.

Conclusion

China's 2026 Trademark Law amendments represent the codification of a direction CNIPA has been moving in for years: encouraging genuine use, punishing bad-faith actors, and modernizing the system for the digital economy.

What's different now is that these principles carry the full force of statute, which means more consistent application, stronger enforcement, and less room for bad actors to exploit gaps between practice and law.

For fashion and luxury brands, this is broadly welcome news. The tools for protecting brand identity in China are becoming sharper and more uniform. But these tools only work for brands that plan ahead, maintain robust evidence systems, and move quickly when threats emerge.

The brands that treat China's trademark system as a dynamic, ongoing investment, rather than a one-time filing exercise, will be best positioned to thrive under the new regime.

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