Insights: Publications

5 Key Takeaways | Navigating IP Enforcement and Supply Chain Risks in China

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At Kilpatrick's **"2026 Advanced Trademark Seminar"** in New York, **Sindy Ding-Voorhees**, **Gary Swearingen** of Costco, and **Sami Havens** of TaylorMade explored how global brands can protect intellectual property while navigating China's manufacturing ecosystem, evolving online platforms, and increasingly sophisticated counterfeit networks.

Drawing from real enforcement campaigns across China and Southeast Asia, the panel shared practical strategies for aligning online enforcement, investigations, registry actions, customs protection, and criminal enforcement.

Key takeaways include:

1. Registration Comes First.

China's first to file system gives priority to whoever registers first, not whoever uses first. Without registered rights, enforcement options are limited. Brands should secure core trademarks early, including Chinese character versions, and record those rights with Customs to enable border interception. Registration is the foundation of effective enforcement in China.

2. Counterfeiting Follows Manufacturing.

Counterfeit activity often clusters around legitimate manufacturing hubs and export channels. Risks include overproduction, leakage, unauthorized side deals, and OEM misuse. Enforcement must extend beyond online listings and address supply chain exposure. Treating counterfeiting as both an operational and reputational risk allows brands to respond strategically and proactively.

3. Multi-Channel Enforcement Is Essential.

Effective enforcement requires coordinated use of online monitoring, Chinese language takedowns, test purchases, registry challenges, and administrative or judicial actions. Strategies should be tailored by platform, product, and region. When online takedowns are coordinated with deeper investigations and registry enforcement, brands move from reactive removals to sustained disruption of infringing networks.

4. Use China's Dual Track System Strategically.

China offers both administrative and judicial enforcement avenues. Administrative actions provide speed and seizure power, while court actions enable injunctions, damages, and potentially punitive awards. For organized or large-scale operations, criminal escalation may be appropriate. The right path depends on business objectives, evidence, and desired deterrence.

5. Think Globally. Enforce Across Borders.

Counterfeit networks operate across jurisdictions. Linking China investigations with enforcement in the United States or Southeast Asia, leveraging customs intelligence, and coordinating parallel registry actions significantly increases impact. China Customs recordal remains a powerful and cost-effective tool that enables proactive interception and evidence gathering.

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