

# China's Evolving IP Landscape: Key Legal Updates & Strategic Considerations for 2025

Ms Lisa LU, 28 August 2025

CHINA  
IP SME HELPDESK





# China IP SME Helpdesk

**ABOUT US**

# The Helpdesk in a nutshell

- Free initial advice to SMEs
- Geographic coverage: 4 jurisdictions of China
  - Mainland
  - Hong Kong
  - Macao
  - Taiwan

 100,000+ SMEs assisted to date



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## FREE OF CHARGE!

**FACTSHEET**

- THE FACTS: Business in Mainland China for EU Companies**
  - Size of Market
  - Key INDUSTRY SECTORS
- IPR in Mainland China for SMEs: BACKGROUND**
  - Intellectual Property Rights for SMEs: why is this RELEVANT to you?
  - How does Mainland China's IP legal framework compare to INTERNATIONAL STANDARDS?
- IP Rights in Mainland China: THE BASICS**
  - Copyright
  - Patents
  - Trade Marks
  - Geographical Indications (GIs)
  - Trade Secrets
- Using CUSTOMS to block counterfeits**
- Enforcing of rights**
  - Administrative actions
  - Civil Litigation
  - Criminal Prosecution
- RELATED LINKS and Additional information**

**IP Factsheet:  
Mainland China**

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For free, confidential, business-focused IP advice within three working days E-mail: [question@china-iphelpdesk.eu](mailto:question@china-iphelpdesk.eu)

**GUIDE**

- Intellectual Property Rights for SMEs: Why are they relevant to you?**
- How does China's IP legal framework compare to that of the EU and international standards?**
- Trade marks**
- Patent rights**
- Design rights**
- Copyright**
- Trade secrets**
- Geographical Indications (GIs)**
- Using Customs to Block Counterfeits**
- Enforcement of Intellectual Property Rights**
- China's IP Commercialisation Peculiarities**
- Related Links and Additional Information**

**Intellectual  
Property Systems:  
China / Europe  
Comparison**

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For free, confidential, business-focused IP advice within three working days E-mail: [question@china-iphelpdesk.eu](mailto:question@china-iphelpdesk.eu)  
[helpdesk@iphelpdesk.eu](mailto:helpdesk@iphelpdesk.eu)

# INTELLECTUAL PROPERTY ADVICE FOR YOUR BUSINESS



Six EU-funded helpdesks offer free resources to your small or medium-sized business to help you manage your intellectual property.

<https://ec.europa.eu/ip-helpdesk>

# Speaker's Bio



## **Lisa Lu**

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Lisa Lu is the IP Business Advisor at China IP SME Helpdesk in Beijing, where she advises European SMEs on intellectual property rights matters. She holds a double master's degree in law from the China University of Political Science and Law and University of Hamburg. Before joining the China IP SME Helpdesk at the European Chamber, Lisa worked as a trademark attorney for the Ferrante Intellectual Property and Chang Tsi & Partners. She mainly focused on the fields of trademark prosecution, trademark enforcement, copyright protection and unfair competition. During her time working in both law firms, she dealt with a variety of clients including but not limited to automotive performance, media, entertainment, new energy, apparel, architecture design, data management, e-commerce, household products, HVAC, and fire & security. Her clients included a range of globally leading companies and small and medium-sized enterprises (SMEs). Lisa is fluent in Chinese and English.



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# 01 | 2024 IP Statistics

		2024	Annual Variation
Invention patents	<b>No. of applications</b>	<b>1,828,054</b>	<b>↑ 9.0%</b>
	No. of grants	1,044,777	↑ 13.5%
Utility Models	<b>No. of applications</b>	<b>3,184,652</b>	<b>↑ 3.9%</b>
	<b>No. of grants</b>	<b>2,009,657</b>	<b>↓ 3.9%</b>
Received PCT International Applications		74,691	↑ 1.2%
Industrial Designs	<b>No. of applications</b>	<b>819,213</b>	<b>↓ 0.1%</b>
	No. of grants	643,318	↑ 0.8%
Trademarks	<b>No. of applications</b>	<b>6,970,559</b>	<b>↓ 3.0%</b>
	No. of grants	4,780,731	↑ 9.1%
Trademark Application via the Madrid System		7,039	↑ 13.6%
Copyright	<b>No. of registrations of works</b>	<b>7,802,965</b>	<b>↑ 21.4%</b>
	<b>No. of registrations of computer software</b>	<b>2,827,213</b>	<b>↑ 13.3%</b>

# 01 | 2024 IP Statistics

## - EU/ SMP applications in China



- Invention patents: Germany, France, the Netherlands, Sweden, Italy
- Utility models: Germany, France, the Netherlands, Italy, Sweden
- Industrial designs: Germany, France, Italy, the Netherlands, Sweden
- Trademark: Germany, France, Italy, the Netherlands, Spain
- GI as collective marks and certification marks: France, Italy, Spain, Germany
- GI Products: France, Italy, Spain, Portugal, Germany, Greece

01

# 2024 IP Statistics - Customs statistics in 2024



## 2024 GACC report:

- The GACC detained 41,300 consignments of suspected infringing products.
- 99.5% related to suspected trademark infringing products.
- The GACC had accepted 29,541 applications for customs IP recordals, and approved 21,614 IP recordals.
- 25.82% of the approved recordals were from overseas applicants.



<http://www.customs.gov.cn/customs/302249/zfxxgk/gknb/6443194/index.html>



# 02 | Update to new laws and rules

## - Amended Anti-Unfair Competition Law (2025)



The third Amended AUCL will be effective from 15 October 2025

- Unfair competition acts include commercial bribery, false advertising, improper prize-linked sales, and commercial defamation.
- Online unfair competition:
  - ✓ Article 7: the reference to search keywords;
  - ✓ Article 29: the maximum fine for online unfair competition practices has been increased from 3 million RMB to 5 million RMB.
- Article 15: Adds provisions to address unreasonable payment terms and overdue payments to SMEs.
- Article 40: extraterritorial application.
- Does not address unfair competition issues specific to artificial intelligence.



[http://www.npc.gov.cn/c2/c30834/202506/t20250627\\_446247.html](http://www.npc.gov.cn/c2/c30834/202506/t20250627_446247.html)

# 02 | Update to new laws and rules

## - Administrative Adjudication and Mediation Measures for Patent Disputes

- **Case type:** Patent disputes, including patent infringement disputes.
- **Authority:** The patent administration departments (including the CNIPA, local IP office).
- **Documents for foreign entities:** To be notarised and certified, Apostille can be accepted.
- **Mediation:** Settlement agreement can be notarised allowing the patentee to apply for an enforcement.
- **Time period:** 3 months + 1 month+ 2 months.
- **Impact:** More efficient option to collect the damages (including for foreign patentees); reduce the burden of the courts



# 02

## Update to new laws and rules

### - Guidance on Applications for Non-Use Cancellations



#### Key changes in practice:

- Stricter evidence requirements:
  - a) the trademark owner's business scope or operational status
  - b) applicant's identity (to avoid anonymous filing)
  - c) evidence of online investigations (e.g. e-commerce platforms, social media, industry reports)
  - d) evidence of on-site investigations if requested by the CNIPA
  - e) a declaration letter.
- Anonymous filings banned



#### For EU SMEs:

- NUC would become more costly
- No more anonymous filing, higher chance of retaliation
- Less malicious NUC against the EU SMEs

# 02 | Update to new laws and rules

## - New Varieties of Plant Regulation (2025)

- Extending the protection term of variety rights for vines and forest trees from 20 years to 25 years, and for other plants from 15 years to 20 years.
- Preliminary examination should be shortened from 6 months to 3 months.
- The maximum penalty for infringement has been increased from 5 times the value of the goods to 10 times, with an additional minimum fine of 10,000 RMB newly established.



# 03

## Considerations for an IP strategy - Update the strategy of parallel filing



- Dual filings: an invention patent and a utility model patent are simultaneously filed for the same technical solution.
- New Challenges: the granting criteria utility models, and the requirements for an inventive step for invention patents has been stricter.



### Alternative

- The utility model application is filed with narrower claims.
- The invention patent can be filed in parallel, but with broader or differently structured claims.
- Both IPRs will exist for the same technical concept

# 03

## Considerations for an IP strategy

- Cross-border data transfer, NDA and IP registration



### Cross-border data transfer & NDAs

unenforceable NDA clauses caused by the conflicts of data regulations between the EU and China.



### Data regulations & IP registration

- data resources disclosure in the patent application in China;
- overseas IP application could be exempted from cross-border data transfer compliance, unless it is important data (such as technical secret source code or undisclosed R&D data)

# 03

## Considerations for an IP strategy

- Cross-border data transfer, NDA and IP registration



### Classification of data before cross-border transfer

- Personal information (e.g., employee/customer data): ensuring PIPL compliance, by using SCCs, or conducting security assessment for outbound transfers, or personal information protection certification, unless exempt.
- Important data (e.g., technical specifications): such data may require localisation. Clauses like "only anonymised data may be shared" or "on-site access within China" may be considered.
- Avoid over-reliance on NDAs for core assets (e.g., source code), and supplement NDAs with copyright registration and patent registration to mitigate the risks.

# 03

## Considerations for an IP strategy

### - Software patent

Patentable software: solving a technical problem, using technical means and achieving a technical result

- Computer programs for industrial processes
- To improve the internal performance of computers
- Controlling, measuring or testing processes
- To process external data

Note:  
consult with  
a patent attorney  
in China

# 03

## Considerations for an IP strategy - Software copyright



- Automatic protection in 181 countries of Berne Convention
- Enforcement requires certificates
- Prima facie evidence
- Fast (*60 days*), free of charge for software
- Protection terms: 50 years
- Source code of the software → protected
  - Core idea behind that source code → NOT protected
- Registration with the Copyright Protection Centre of China (CPCC)

# 03

## Considerations for an IP strategy - Software and trade secret



### Unpublished data and source code, document

- Categorisation of business information as *confidential*
- Controlling the *accessibility* of important documents, *need-to-know basis*
- Implementing robust IT security infrastructure
- Implementing a trade secret protection policy within your company, making sure your *employees* understand your expectations
- Review of *external* communications
- Signing confidentiality agreement, non-disclosure agreement (*NDA*) and non-compete agreement (NCA)

# 03

## Considerations for an IP strategy - Software and other IP

TM

### Trademark

- Name of the software
- Chinese name
- First-to-file principle & bad faith registration
- Conduct a trademark search before registration



### Industrial design

Graphical User Interface (GUI)



# 04 | Take-away messages



- ✓ IP laws and rules develop constantly, keep yourself updated.
- ✓ You may consider alternative dispute resolution in the event of IP disputes.
- ✓ Update your trademark and patent strategies, especially non-use cancellation against other trademarks and parallel patent filing.



- ✓ Consider the data regulations when protecting IP in China.
- ✓ Design a comprehensive IP strategy for your software.
- ✓ Consult the IP lawyers and experts in China.



- ✓ Contact the China IP SME Helpdesk ***question@china-iprhelpdesk.eu***

# 1-on-1 consultations



Meet Lisa Lu – your IP Business Advisor

Book the time slot via the QR code

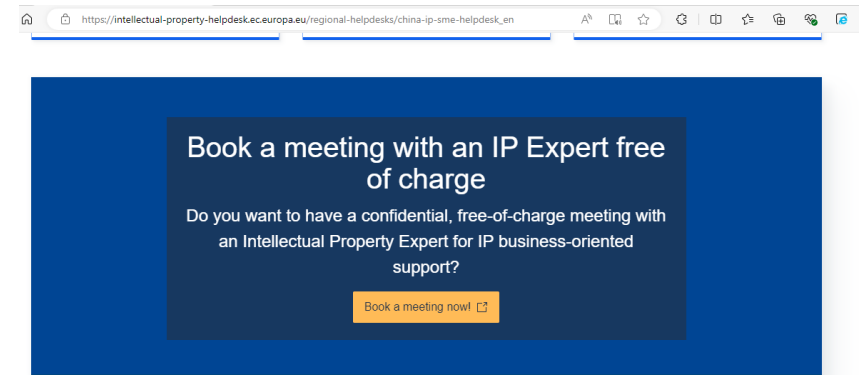


via Helpdesk website

<https://intellectual-property-helpdesk.ec.europa.eu/>

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## Questions?

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