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Statistics Published by CNIPA

(January to March ,2025)

The China National Intellectual Property Administration (CNIPA) released data comparing January to March 2025 with the same period in 2024. The number of invention patents granted decreased by 21.0%, while utility model patents saw a 2.6% decline. In contrast, design patents granted increased by 10.1%. Additionally, the number of trademark filings in January to March 2025 increased by 0.4% compared to the previous year.

| Category | January-March, 2024 | January-March, 2025 | Rate of Change |
|-------------------------------|---------------------|---------------------|----------------|
| Invention Patents Granted | 251,882 | 199,012 | -21.0% |
| Utility Model Patents Granted | 419,451 | 408,419 | -2.6% |
| Design Patents Granted | 146,270 | 161,058 | 10.1% |
| Trademarks Registered | 1,295,464 | 1,101,468 | -15.0% |
| Number of Trademarks Filed | 1,555,000 | 1,561,000 | 0.4% |
| Number of PCTs Filed | 15,135 | 16,482 | 8.9% |

Trademark Section

Changes in the Recognition of Extraterritorial Evidence in Trademark Dispute Cases

Updated: April 15, 2025

Introduction

In 2022, the China National Intellectual Property Administration (CNIPA) issued the New Trademark Examination and Trial Guidelines, updating trademark examination and trial standards across multiple dimensions. Among these updates, the changes relating to the recognition of extraterritorial evidence in trademark cases are particularly noteworthy and merit in-depth analysis.

I. Extraterritorial Evidence in Trademark Cases

Extraterritorial evidence refers to materials generated outside of China that are closely related to trademark use and the facts of a case. This includes both evidence provided directly by the parties and evidence collected abroad through legal channels. Examples include trademark registration certificates issued to foreign enterprises in their home countries, commercial contracts, and advertising materials. All of these fall within the scope of extraterritorial evidence in trademark disputes.

II. Innovations in the Recognition of Extraterritorial Evidence After 2022

1. Simplification of Authentication Procedures

With China’s accession to the Hague Apostille Convention, the authentication process for extraterritorial evidence has been greatly streamlined. As a result, the submission requirements for evidence of trademark use have been relaxed. For example, parties can now submit printed copies of official query results from publicly accessible databases of certain countries as valid evidence. This change has significantly reduced the burden of obtaining and submitting extraterritorial evidence, improving the efficiency of evidence collection and making trademark examination procedures more convenient.

2. Shift in Examination Focus

The new standards shift the focus away from the formality and geographical origin of the evidence toward the substantive relevance and probative value of the extraterritorial evidence.

For instance, when reviewing advertising and promotional evidence submitted by a foreign enterprise, examiners now analyze the scope of the advertising, the target audience, and the relevance to Chinese markets and consumers. This more scientific and reasonable examination approach enables a more accurate determination of the facts. Consequently, extraterritorial evidence is increasingly recognized and supported, and the success rate of oppositions and invalidations has risen.

3. Optimization of Prior Use Evidence Requirements

Previously, trademark disputes emphasized evidence generated within China or required proof that foreign use had a substantial influence on Chinese consumers. However, with growing international exchanges in intellectual property, examiners have adopted a more reasonable and rights-protective stance toward extraterritorial evidence.

Promotional evidence from platforms such as Twitter, Facebook, Instagram, and foreign exhibitions is now gradually accepted in opposition and invalidation proceedings.

For example, in the Mizyake Graphic Combination Opposition Case, the examiner considered advertising and exhibition activities in Canada, promotional evidence from Twitter and Facebook, and the claimant’s related prior rights (e.g., copyright) without rigidly requiring that the evidence originate in China or demonstrate widespread recognition among Chinese consumers.

Additionally, more emphasis is now placed on considering the use and promotion of the disputed trademark by consumers and third parties, not solely by the rights holder.

III. Countermeasures and Recommendations

In light of the evolving standards for recognizing extraterritorial evidence, trademark owners and prior users must adjust their strategies accordingly.

Trademark owners should proactively leverage the new standards by gathering strong, comprehensive evidence—especially extraterritorial evidence and copyright-related materials—to enhance the likelihood of successful enforcement actions.

Prior users should carefully preserve relevant evidence of trademark use, including records of usage timeframes, geographic scope, and promotional activities, to effectively support their claims to prior rights.



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