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SPP Releases New Trends in Trademark Infringement Crimes

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The Supreme People's Procuratorate (SPP) recently disclosed newly emerging circumstances and trends in crimes of trademark infringement. Data shows that from January through November 2025, prosecutors nationwide accepted for review and prosecution 19,050 individuals involved in trademark infringement crimes, which account for over 80% of all intellectual property crimes.

Driven by technological advancements and the development of new business formats, trademark infringement crimes have become more covert and diversified in method. To assist trademark holders in better identifying infringing acts and protecting their trademark rights, we have summarized the four major new trends released by the procuratorial authorities as follows:

1. Infringement Methods Go "Digital"

With the growth of the Internet of Things, infringement is no longer confined to traditional physical labeling. For example, displaying another party's trademark in the "boot pop-up" or "pairing interface" of electronic devices such as Bluetooth headsets or smartphones, even if the product's exterior bears no physical label, may still constitute infringement.

2. Criminal Targets Extend to "Service Marks"

The scope of criminal protection has expanded from goods marks to include service marks. Where perpetrators unlawfully use others' service marks on store signage, premises, promotional materials, or "copy" their business models, causing reputational harm and brand devaluation, such conduct may, in serious cases, constitute a criminal offense.

3. Sales Channels Shift to "E-Commerce Platforms"

Infringement of trademark rights and counterfeit sales increasingly occur via the internet. Some offenders exploit cross-border e-commerce platforms using tactics such as mixing genuine and fake goods, redirecting from authentic product links, livestreaming sales of counterfeits, and paid search promotion. These methods are more concealed and involve substantial sums, causing significant damage to right holders' brand reputation.

4. Criminal Tactics Upgraded to "Refurbishing Used Goods for Resale"

In sectors such as digital products and consumer durables, cases of "passing off refurbished items as new" are on the rise. This includes unlawfully altering such key identifiers as serial numbers, message authentication codes and identification of products, replacing core components, and selling second-hand goods as brand new. A black-market industrial chain has formed, spanning production, recycling, modification, and transaction.

Procuratorial authorities have made clear that they will intensify efforts to combat trademark infringement crimes. In this context, we recommend that right holders take the following actions to enhance the effectiveness of their trademark protection.

- 1) **Strengthen brand surveillance:** Focus on latent infringements on e-commerce platforms and within the software interfaces of electronic devices.
- 2) **Enhance service mark protection:** In addition to goods marks, reinforce the strategic deployment and enforcement of service marks.
- 3) **Improve operational processes:** Utilize technological anti-counterfeiting measures, channel control, sustained legal action, and consumer education to ensure authentic products are verifiable, refurbished goods cannot be disguised as new, and counterfeit sellers face high costs.

In recent years, through criminal protection measures, we have secured important victories for our clients. In light of these new trends, we will further refine our strategies and recommendations in a pragmatic manner, helping our clients achieve even greater success in the Chinese market.