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China Trademark Update: CNIPA Changes Service of Non-Use Cancellation Notices for Madrid Registrations

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On June 4, 2026, China National Intellectual Property Administration (CNIPA) issued the *"Notice on the Adjustment of the Delivery Method for Certain Legal Documents in Cancellation Cases for Non-Use of Trademarks Registered through the Madrid System"* (Trademarks Registered through the Madrid System" hereinafter referred to as "IRs").

Effective as of June 5, 2026, the following two types of documents related to IRs will no longer be mailed to the trademark holder. Instead, these documents will be transmitted electronically by World Intellectual Property Organization (WIPO) International Bureau to the trademark holders or their representatives on record:

1. *Notification of Request to Provide Evidence of Use of the Trademark or to State Justifiable Reasons for Non-Use* (Notification of Request to Provide Use Evidence);
2. *Decision on Cancellation of Registered Trademark Due to Three Consecutive Years of Non-Use* (Decision on Cancellation) and *Case Closure Notification Regarding the Cancellation Application for Non-Use of a Registered Trademark* (Case Closure Notification), issued when the holder fails to respond by the deadline.

If the IR holder has appointed a Chinese local agent to respond after receiving a Notification of Request to Provide Use Evidence, the delivery method for the Decision on Cancellation and Case Closure Notification shall remain unchanged, namely, such documents will be sent to the appointed Chinese local agent.

Based on the above notice, we have summarized the following key points for your reference.

1. The electronic documents transmitted by WIPO to the trademark holder will be sent to the IR holder or its recorded representative.
2. The electronic document will be sent as a WIPO Cover Letter along with an English Communication and a Chinese Notification, enabling the recipient to quickly understand the content of the CNIPA official notification.
3. Unless specifically appointed to handle the cancellation proceeding, the Chinese local agent that previously handled the related procedures of the IR, such as an application for obtaining certified document proving registration, will generally no

longer receive copies of official documents relating to the non-use cancellation proceeding.

4. If the IR holder wishes to actively respond, the response must still be filed through a qualified Chinese local agent with CNIPA, not through WIPO.
5. The IR holder shall file a response as required before CNIPA within two months from the receipt of the notification transmitted by WIPO. Such two-month deadline shall be calculated from the 15th day after the "Date on which WIPO transmitted the communication to the holder". Therefore, the IR holder actually has two months and 15 days to prepare response evidence and appoint a qualified Chinese local agent to respond.

Background and Recommendations:

To maintain the validity of a registered trademark when a third party files a non-use cancellation, the holder must submit valid evidence of commercial use in mainland China within the prescribed three-year period and within the specified deadline. In past cases, because some trademark holders' addresses recorded with CNIPA were no longer valid at the time the non-use notifications were sent, or because the holders could not understand the Chinese notifications and thus failed to recognize the official response deadlines and the importance of timely response, some IRs were cancelled without adequate response from the holders. The current adjustment to the delivery method for certain legal documents in non-use cancellation cases on IRs is undoubtedly a beneficial improvement to address the deficiencies in the previous delivery process.

Over the past many years, the number of non-use cancellation actions in China has continued to increase, and the likelihood that IR holders will receive such response notifications has also greatly increased. To address this growing potential challenge, we therefore recommend that trademark owners:

- Regularly maintain and preserve evidence demonstrating genuine commercial use of their trademarks in mainland China;
- Ensure that the contact details and representative information recorded with WIPO remain accurate and actively monitored;
- Carefully review any communications received from WIPO concerning Chinese trademark proceedings; and
- Promptly engage a qualified Chinese trademark agent upon receipt of a Notification of Request to Provide Use Evidence so that evidence can be collected and a timely response submitted to CNIPA.

CNIPA Notice Link: https://sbj.cnipa.gov.cn/sbj/tzgg/202606/t20260604_39073.html.