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Zhigang Zhu, 01 October 2025, first published by [JAM](#)

The concept of a dupe generally refers to products marketed as affordable substitutes or lookalikes of well-known brands. Unlike counterfeits, dupes do not usually involve exact copying of registered trademarks. Instead, they attract consumers by evoking associations with famous brands through suggestive names, advertising claims or design similarities. Under Chinese law, no provisions explicitly regulate such activities. In practice, courts examine the conduct on a case-by-case basis and apply either the Trademark Law or the Anti-Unfair Competition Law, depending on the nature of the behaviour.

Applications of the Trademark Law

When a defendant directly uses a registered trademark in a way that identifies product origin and risks consumer confusion, courts rely on the Trademark Law.

In Huawei (2024), the defendant sold capacitive pens while prominently displaying the word “华为” (Huawei) in online sales links and promotional images. The Longgang District People's Court of Shenzhen ruled that this exceeded the bounds of reasonable descriptive use, functioned as a source identifier and was likely to confuse the public into believing the products related to Huawei. The conduct was therefore held to constitute trademark infringement.

A similar conclusion was reached in lululemon (2023). The Huadu District People's Court of Guangzhou considered that, while the product listings themselves did not feature lululemon's registered trademark, the defendant's store name contained the term 'lulu' and numerous links used phrases such as “lulu original factory”, “lulu factory”, and “lulu same style”. The court found that this combination was enough to mislead consumers into assuming a connection with lululemon. Once infringement was established under the Trademark Law, the court declined to also apply the Anti-Unfair Competition Law.

However, not all references amount to infringement. In YS PARK (2025), the defendant used the phrase “R本YS tapered-tail comb dupe” in its online display, with ‘R本YS’ functioning as a transformed abbreviation for ‘Japan RS’. The Haishu District People's Court of Ningbo held that this expression did not constitute trademark use, nor was it similar to the plaintiff's registered mark YS PARK. As a result, no infringement was found. This decision illustrates how courts closely scrutinise whether the contested use truly functions as a trademark.

Applications of the Anti-Unfair Competition Law

Where the link to a trademark is more indirect, courts frequently turn to the Anti-Unfair Competition Law.

In Cartier (2024), the defendant's watches shared multiple distinctive features with Cartier's well-known products: square dials, vertically parallel lugs, Roman numeral indices, jewel-set crowns and sword-shaped hands. Given the reputation and influence of Cartier's design, the Guangzhou IP Court held that such similarities could lead ordinary consumers to believe the products were connected to Cartier, despite differences in price and sales channels. The conduct was therefore deemed unfair competition.

The Jian Yi case (2024) demonstrates a slightly different approach. The defendant promoted products on social media using labels such as “Jian Yi same style” and “imitation Jian Yi”. Although these phrases made clear that the products were not genuine, the Foshan Intermediate People's Court emphasised the deliberate attempt to exploit Jian Yi's commercial reputation. Citing article 2 of the Anti-Unfair Competition Law, the court concluded

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The West Lake Feast tableware case (2021) combined both strands of analysis. The Pudong New Area People's Court of Shanghai ascertained that the plaintiff had designed the West Lake Feast porcelain series, which was used at the 2016 G20 Hangzhou Summit state banquet. The defendant, with no connection to the summit or the design, promoted its own products with phrases like "G20 Summit", "state banquet bone china" and "G20 Summit same style". This misled the public and was found to be false advertising. In addition, the defendant used "West Lake Feast" as a product name and in images, enabling consumers to identify product origin. The court therefore ruled that the conduct constituted both trademark infringement and unfair competition.

Key takeaways

While Chinese law does not provide specific rules for addressing dupes, judicial practice has established a workable framework. Where the use directly involves trademarks and causes confusion, courts apply the Trademark Law. Where the conduct stops short of trademark use but still seeks to capitalise on another's goodwill or mislead the public, courts invoke the Anti-Unfair Competition Law. Together, these decisions illustrate how existing statutes are being adapted to address the challenges posed by the growing prevalence of dupe marketing in China.