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Zhigang Zhu & Ying Cai, 12 November 2025, first published by [IAM](#)

In August 2025, the Supreme People's Court released the 47th batch of guiding cases, setting precedent for the judicial protection of data rights in China. For the first time, the court dedicated six guiding cases exclusively to data-related disputes, offering point of reference in this rapidly evolving field. These cases address recurring controversies in practice, seeking to balance the interests of data owners, processors and users.

Definitional and regulatory landscape of data intellectual property

The term 'data intellectual property' remains absent from national legislation. At the statutory level, article 3(1) of the Data Security Law defines data broadly as "any record of information in electronic or other forms", providing a legal foundation for the development of broader categories of protection.

Courts have generally utilised more neutral terms such as 'data' or 'data products' in adjudication. The nomenclature of data intellectual property first emerged in the administrative and local initiatives. In November 2022, the China National Intellectual Property Administration launched a pilot programme in Zhejiang Province to explore mechanisms for protecting data intellectual property. Building on this initiative, Shaoxing City issued local standard DB3306/T 078-2025 in April 2025 – effective 1 May 2025 – which defines data intellectual property as rights enjoyed by entities or individuals that lawfully collect and process data using algorithms and generate outputs with practical value and attributes of intellectual achievements.

Taken together, these initiatives illustrate China's gradual pivoting toward constructing an integrated taxonomy of data-related rights.

Judicial guiding cases

Protecting data investments: Guiding Cases 262 and 263

Guiding Case 262 concerns two parties operating competing short-form video apps. In this case, the defendant directly copied and usurped a massive amount of data from the plaintiff's app, including more than 50,000 short videos, user nicknames, avatars and comments. This case addressed large-scale scraping of platform data, with the Beijing Haidian District People's Court (first instance) and the Beijing Intellectual Property Court (second instance) recognising that substantial investments in compiling datasets deserve legal protection under the Anti-Unfair Competition Law – even individual data elements are devoid of copyright protection.

In Guiding Case 263, the plaintiff operated a job-seeking website, and the defendant operated a competing site with an "associated account" feature, allowing recruiting firms to automatically synchronise resumes they had lawfully obtained from the plaintiff's platform into the defendant's system. This case dealt with associated account services that facilitate user-authorised data transfers between platforms, which the Shanghai Yangpu District People's Court (first instance) and the Shanghai Intellectual Property Court (second instance) upheld as legitimate, provided they remain proportionate and non-disruptive to market competition.

These cases underscore how general principles of voluntariness, fairness and honesty have been invoked to regulate market conduct in the absence of explicit statutory provisions. Notably, this gap is expected to be narrowed by the newly amended Anti-Unfair Competition Law – effective 15 October 2025 – article 13(3) of which specifically prohibits unauthorised acquisition or use of lawfully held data.

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[Media Center > Insights > IP General](#)

Guiding Case 264 analyses whether the collection and commercialisation of publicly available price data infringed upon the rights of manufacturers. In this case, the plaintiff claimed its rights were infringed when the defendant collected its publicly shared steel price data, processed it using a standardised method and published it as a price index product. The first and second-instance courts, the Shanghai Baoshan District People's Court and Shanghai No 2 Intermediate People's Court, both ruled in favour of the data processor, affirming a qualified right to lawfully collect and process public information so long as legitimate interests of the original source are not impaired. This case signals judicial recognition of data-processing rights through the prism of tort liability.

Personal data protection boundaries: Guiding Cases 265 and 266

Guiding Case 265 rules against an online education platform that compelled disclosure of unnecessary personal information during registration. The Beijing Internet Court held that denial of alternative login methods constituted involuntary consent, and the Beijing No 4 Intermediate People's Court affirmed this finding. By contrast, in Guiding Case 266, the Hangzhou Internet Court validated the collection of personal credit information in financial services where such data was considered indispensable for contractual performance. These decisions refine the notice-and-consent framework, demarcating permissible from excessive data collection.

Enforcement of virtual assets: Guiding Case 267

Guiding Case 267 addresses enforcement of judgments concerning social media accounts, requiring courts to mandate changes to real-name authentication details rather than mere transfer of usernames and passwords. The defendant in this case was ordered in an earlier judgment to transfer a social media account to the plaintiff. However, as the defendant was in prison and therefore unable to complete the process, which required changing the real-name authentication information, the Chongqing No 1 Intermediate People's Court issued a notice to assist in execution, requiring the platform to change the authentication information to complete the transfer. This case ensures the enforceability of the judicial decision of data rights.

Key takeaways

The Supreme People's Court's guidance reflects two overarching principles. First, the maxim "who invests, who contributes, who benefits", originally articulated in the State Council's 2020 Data Twenty Articles, emphasises that parties investing in data resources should receive commensurate returns. Second, courts seek to balance the free flow of data essential to digital economic growth with safeguards against misappropriation, thereby aligning private interests with regulatory objectives.

China's judicial system is gradually constructing a coherent framework for data rights. Although data intellectual property is not yet codified, pilot programmes, local standards and guiding cases collectively contribute to its conceptual consolidation. The Supreme People's Court's latest guiding cases fill the void left by existing legislation, offering doctrinal clarity and procedural safeguards. With the entry-into-force of the amended Anti-Unfair Competition Law, businesses must adapt compliance strategies, document data-related investments and draft contracts attentive to enforcement mechanisms.

The jurisprudence emerging from these cases suggests that China is advancing toward a hybrid model, where judicial pragmatism, administrative experimentation and statutory innovation converge to shape the future contours of data rights and their protection.