

Protection of Copyright in Applied Art

Zhou Yunchuan

I. Raising of the issue

Applied art and a work of applied art are two related and distinct concepts. In general, the former is a term referring to articles of both practical applicability and artistic quality, and the latter is defined, in the glossary of the law of copyright and neighboring rights compiled by the WIPO, as “an artistic work applied to objects for practical use, whether handicraft or works produced on an industrial scale”. Therefore, relative to works of applied art, applied art is a generic concept. Applied arts that satisfy the conditions to be determined as works, constitute works, and applied arts that are susceptible to the copyright protection are works of applied art. It is not the case that any applicable artistic or artistic articles of practical applicability naturally constitute works, and are protected under the Copyright Law. In practice, the difficult point in cases involving the issue lies in whether an applied art claimed or asserted by a plaintiff constitutes a work of applied art, and whether it is susceptible to the protection under the Copyright Law.

The copyright in the works of fine art of the (Taiwan) Haichang Corporation in relation to its Iris series and Gold Fish series ceramic products have been recorded in the mainland, and the Franz Corporation, as authorised by the (Taiwan) Haichang Corporation (Haichang), is holder of the exclusive right in the mainland. The Franz Corporation alleged that the products made by the Jialande Corporation (Jialande) infringed the copyright in said works (for part of the products of the two parties, see Fig.1), and constituted unfair competition, so it brought a lawsuit in the court, requesting Jialande to cease and desist from the infringement, make an apology, and pay for the damages. Jialande contended that Haichang's works copied and plagiarised prior works, and did not possess artistic quality and originality; these works, which were industrial products made by using molds on a massive scale, were not works of fine art, so not

susceptible to the protection under the Chinese Copyright Law; the allegedly infringing works Jialande made and marketed were works created with their original conception.



Fig.1

In the case (referred to hereinafter as “Franz Case”) are raised the following questions that are worth our study: 1) Does the Chinese Copyright Law protect applied art? If so, under what class of works are they protected? 2) For an applied art to be susceptible to the protection under the Copyright Law, what condition should it meet? Do the ceramic product asserted by the plaintiff constitute works of applied art? 3) How to determine the originality of, and scope of protection for, the plaintiff's works? What are the standards for finding an act infringing? And how to determine substantial similarity? And 4) what is the relationship between the copyright protection for applied art and other ways of protection and how to choose between them?

II. Relevant law provisions and practice in China

1. Law provisions

It is generally said that under the Chinese Copyright Law as of 1990, all works of applied art of Chinese or foreign nationals are not protected under the law mainly on the basis of Article 52, paragraph two thereof “operational processing according to an engineering design, product design drawings and the explanations thereof are not reproduction men-

tioned in this Law”. In other words, whether used in industrial production or for making applicable articles of artistic quality, a work of applied art is not reproduction in the sense of the copyright, so not susceptible to the copyright protection.

On 1 July 1992, China acceded to the Berne Convention for the Protection of Literary and Artistic Works (the Berne Convention). To meet the basic requirements for the protection of the applied art under the Berne Convention, it is provided in Article 6 of the Provisions on the Implementation of International Copyright Treaties formulated by the State Council in 1992 that “for foreign works of applied art, the term of protection shall be 25 years commencing from the creation of the work. The preceding paragraph, however, shall not apply to the works of fine art, (including designs of cartoon characters), used in industrial goods”. Accordingly, a foreign national’s works of applied art is susceptible to the copyright protection. As these provisions show, a work of fine art used in industrial goods (namely a design whose applicable and artistic elements can be separated) is accorded the copyright protection as a regular work of fine art, and the Provisions on the Implementation of International Copyright Treaties only protects works of applied art whose applicable and artistic elements are not separable, and the protection is applicable only to foreign nationals.¹

In October 2001, the Chinese Copyright Law was amended. While the works of applied art is not listed in the amended Copyright Law, the former Article 52, paragraph two was deleted, thus removing the law basis for not protecting works of applied art. Meanwhile, to the protectable works have been added “works of architecture”, typical works of applied art, and in the Implementing Regulations of the Copyright Law “a work of architecture” is defined as “architecture” that is aesthetically meaningful, and not refers to drawings alone, in which “work of architecture” is obviously protected against reproduction under the copyright. Therefore, the current Chinese Copyright Law protects works of applied art.²

2. Typical cases

(1) The series of cases involving Lego toys. The Beijing No.1 Intermediate People’s Court heard two series of cases involving Lego toys: the cases against Kegao Corporation in 1999 (Lego 1999) and those against Xiaobailong in 2010 (altogether 106 cases briefly referred to as Lego 2010). In Lego 1999, the court directly applied the Provisions on the Implementation of International Copyright Treaties, and decided that except 3 of the 53 toy inserting blocks which were not of

the generally used shape of works, all the other 50 blocks constituted works of applied art. Since 17 of the 50 were created by taking articles commonly seen as the model, and were of low artistic quality, so not substantially similar to Kegao’s works, and infringement was not found. The other 33 works; compared with Kegao’s, were substantially similar, and this was true in the original part of the works. Accordingly, the defendant, Kegao, was found infringing the plaintiff’s copyright and civilly liable correspondently³. In Lego 2010, the plaintiff claimed 106 juggle blocks. The court assessed the originality of all the blocks, and found part of them (e.g. those shown in Fig.2) having certain artistic, aesthetic appeal, and basically reached the height of creativity; the expressions of these blocks met the requirement of originality in a work, so they constituted works⁴. But the court found that most blocks (e.g. those shown in Fig.3) were of “existing common shapes” or “trivial” in terms of the height of creativity in intellectual achievement⁵, or “lacking the ‘undue creative burden’ needed in the sense of the Copyright Law”⁶, so they did not constitute works.

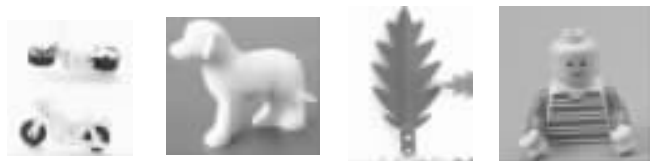


Fig. 2



Fig. 3

(2) A case involving infringement of copyright in perfume bottles. In Jean Paul Gaultier v. Shantou City Jiarou Refined Consumer Chemicals Co., Ltd. (Jiarou), the Beijing No.2 Intermediate People’s Court decided that the plaintiff’s two perfume bottles in the shapes of a “female’s upper body in tight clothing” and a “male’s upper body in sea-striped shirt” (see Fig.4) and the barrel-shaped package constituted works of applied art, and applied the provisions relating to works of fine art and accorded protection to the plaintiff’s copyright.⁷ While in the case it was not expressed to incorporate works of applied art in the scope of works of fine art provided for in the



Fig. 4

Chinese Copyright Law, in fact a foreign national's works of applied art were accorded the copyright protection under the Copyright Law as a class of work of fine art.

(3) In *SmithKlineBeecham P.L.C. v. Yangzhou Mingxing Toothbrush Co. Ltd.*, a case of dispute over the copyright in applied art in a S-shape toothbrush, the Beijing No. 1 Intermediate People's Court concluded that an applied art referred to something of intellectual creation having practical applicability and artistic quality and possessing elements of a work. The Copyright Law protected the artistic content of a work of applied art, namely the result from the author's intellectual input in the artistic quality of the work, and the practical function of the work was excluded from the protection under the Copyright Law. It was obvious in the case that the S-shape of the toothbrush was designed to easily bend the toothbrush, and the S-shape did not possess artistic quality in the meaning of the Copyright Law; hence the plaintiff's toothbrush design in the S-shape did not constitute a work of applied art.⁸

(4) In *ELM International v. Huizhou Xinlida Electronic Tools Co., Ltd.* (Xinlida), a case involving infringement of the copyright in plastic glu band cutter, the plaintiff claimed that the design of its developed plastic glu band cutter (see Fig. 5) should be accorded protection as a work of applied art. The Shenzhen Intermediate People's Court concluded that a work of applied art was an artistic work with inseparable applicable elements and artistic elements. The Chinese Copyright Law did not provide for the protection of works of applied art, and a work of applied art was



Fig. 5

susceptible to the protection under the Copyright Law as a "work of fine art" only if it reached a certain height of creativity. Applied arts having very little artistic element and lacking artistic feature were excluded from the protection under the Chinese Copyright Law. The product involved in the case should not be deemed to be a work as it had very little artistic element and did not reach a certain height of creativity, so was not susceptible to the protection under the Copyright Law. In China, the Patent Law was applicable to the protection of the design and structure of a regular industrial product.⁹

(5) In *Italian Okbaba S. R. L. v. Cixi Jiabao Corporation* (Jiabao), a case involving a nightstool, the plaintiff designed three products in suit: the Spidy nightstool, Ducka toilet mat, and the Buddy shower deck chair (see Fig.6), and filed ap-

plications for registration of industrial designs for them one after another with the International Bureau of the WIPO. In 2001, Okbaba S. R. L. began to regularly sell these products in the market in mainland China. The defendant, Jiabao, advertised on its website, and marketed, products exactly identical with the three works. The Beijing No. 2 Intermediate People's Court concluded that under the relevant provisions of the Chinese Copyright Law, a work of fine art refers to an artistic work of two-dimensional or three-dimensional shape composed of lines, colours or in other ways that is aesthetically significant, such as drawings, calligraphy and sculpture. In the Spidy nightstool, Ducka toilet mat, and the Buddy shower deck chair, the animal images were combined with the nightstool, toilet mat and deck chair for children's use, which were unique in shape, and aesthetically significant, artistic, original, and reproducible. They contained elements of a work under the Chinese Copyright Law, and should be protected under the Chinese Copyright Law.¹⁰



Fig. 6

(6) A case involving "MAMMUT" chair and stool for children. The "MAMMUT" series of furniture for children were designed by Ikea. In 1994, the "MAMMUT" chair won the "Furniture of the Year" award in Sweden. Ikea sued the Zhongtian Corporation for plagiarising the designs of the "MAMMUT" series of works for several models of chairs and stools for children's use it made and marketed, which infringed its copyright in the series of applied art of the "MAMMUT". The Shanghai No.2 Intermediate People's Court concluded that for a work of applied art to be protected under the Copyright Law, the artistic quality of a work of applied art must meet the minimum requirement for artistic character of a work of fine art. The main design points of the "MAMMUT" chair and stool in suit in the case (see Fig.7) were embodied in the lines; but they, on the whole, did not differ much from the regular children's chairs and stools, and were children's chairs and stools of relative simple designed shapes, and did not meet the minimum requirement for artistic quality of a work of fine art; hence they were not works of applied art falling within the scope of



Fig. 7

works of fine art and not under the protection of the Chinese Copyright Law.¹¹

III. Reflections and treatment of Franz case¹²

1. Approaches to choose

While works of applied art are not incorporated in the class of works eligible for the protection under the Copyright Law after the Copyright Law has been amended several times, and views are divided in theory on whether to protect works of applied art, there has been a consensus in the judicial practice in China at least since 1992 that the Chinese Copyright Law protects works of applied art that constitute works. As is shown in practical cases, unlike in the U.S., the judicial practice in China is not entangled in the separability between artistic character and practical applicability, rather, judgment is made on, from the angle of the artistic height of creation, whether an involved product constitutes a work. If it contains elements of a work, it is a work, and accorded the copyright protection, with less consideration of the issue of choice and direction of the approaches to protection.

Different approaches are available for the protection of intellectual achievements within the IP system depending on the legislative aim, subject matter of protection, and function of the system. Each approach has its own institutional arrangement in terms of subject matter of protection, right acquisition, right maintenance, and term of protection to keep a balance between the interests of rightholders and those of the general public. For example, in the patent system, a technology is disclosed in exchange of a period of exclusiveness to achieve technological information sharing while encouraging invention-creation, so as to promote technological progress and innovation. The copyright system purports to protect intellectual results of literary, artistic and scientific achievements. The two systems should be clearly differentiated. But since applied art has both practical applicability and artistic quality, which make it possible for an applied art to comply with the design patentability requirements, and constitute a work as well under some circumstances. Then, the plan and choice of approaches for the protection depend on the value judgment and system orientation.

Under Article 2 of the Berne Convention¹³, the member states are obliged to protect works of applied art. But the Berne Convention does not provide that it is imperative to protect applied art via copyright. Even if the applied art con-

stitutes a work of applied art, resorting to the copyright protection is only one of the choices. Besides, as is literally indicated, while it is not very clearly provided, it implies that the preferred priority is to resort to the special protection for two-dimensional and three-dimensional designs (design). Only in the absence of this special protection is an applied art protected as an artistic work. Also, it is specially mentioned that the term of protection, unlike that for other works, can be as few as 25 years.

It is not absolutely the case that copyright protection is not accorded to applied arts in the U.S.A., but the condition is generally very demanding to. In practice, the key to according the copyright protection to an applied art lies in the separability of its practical applicability from its artistic quality. This standard has its origin in the *Mazer v. Stein* heard by the U.S. Supreme Court in 1954.¹⁴ Based on this, the U.S. Copyright Act as of 1976 provides that a useful article is copyrighted only if its aesthetic features are separable from its utilitarian features". In 1980, the US CAFC No.2 accorded copyright protection to two types of buckles in *Kieselstein-Cord v. Accessories by Pearl, Inc.*¹⁵ But in hearing the *Carol Barnhart Inc. v. Economy Cover Corp.*, the court concluded, in direction to the four display forms asserted by the plaintiff, that while Barnhart forms may be "aesthetically satisfying and valuable", it is insufficient to show that the forms possess aesthetic or artistic features that are physically or conceptually separable from the forms' use as utilitarian objects to display clothes, thus the forms are not copyrightable.¹⁶ Due to the requirement of separability doctrine, cases involving copyright protection are rare in practice.

"Furby"¹⁷ is one of the most typical Japanese cases involving protection for copyright in applied art. In the case, the Japanese court concluded, in the absence of express provision on whether to accord copyright protection to products mass made for utilitarian purposes and having certain aesthetic function and technical characteristics, if the copyright protection was extended to works of applied art, it would fundamentally shake the foundation of the design patent regime since the two types of laws offered varied levels of protection for the IP rights.¹⁸ Therefore, in principle, it is appropriate not to extend the protection afforded by the Copyright Law to utilitarian articles in industrial mass production.¹⁹

Thus, it is the main current international practice to specially protect applied arts via the two or three dimensional designs system, and the copyright protection is available on-

ly in a very few cases, so that industrial products of certain artistic quality would not be put under the copyright protection as works of applied art, making the design system a meaningless regime. That is why the U.S. would rather emphasise, and remain stringent in, applying the separability doctrine, and the “Furby” doll was not accorded the copyright protection in Japan. Corresponding limitations exist in some nations where copyright protection is made available. For example, in the U.K., once an artistic work is used for industrial production, its term of copyright protection is shortened from the life-time of the author plus 70 years to 25 years.²⁰

The approach of choice is justifiable, and should serve as reference. It is reasonable to make the corresponding system protection available, according to corresponding subject matter, to IP rights identical in carrier, and different in subject matter; while multiple protections via multiple approaches are not excluded in absolute terms for the same subject matter, we would better determine the priorities of choice of system to provide good direction and guidance, so as to improve the certainty of the law application. For applied arts the subject matter under the protection remains the same be they protected under the design patent or copyright system. In China, with the special design patent system put in place to protect industrial designs, we should bring, as much as possible, applied art eligible for design patent protection under the protection within the design patent system, and not accord them the copyright protection simply because of their artistic quality, otherwise it would allow rightholders to monopolise a design for a much prolonged period of time. Of course, a very small number of applied arts may be accorded the copyright protection, but higher conditions should be provided therefor. In particular, before the amendment to the current Copyright Law²¹, we should try to avoid according extraordinarily long period of copyright protection.

2. Conditions for protection as works

It is generally concluded from the typical cases of the nature in China that applied arts meeting the following conditions are susceptible to the copyright protection:

1) Practical applicability, namely, an article is used by people in their daily life, and is not only valuable for appreciation and collection. There is not much controversy in the industry as anything having no practical applicability is a pure work of art, and has more attributes of a work, so directly eligible for the protection under the Copyright Law.

2) Artistic quality. It is generally held that artistic quality is a substantial difference between a work of applied art and a regular industrial product. Without practical applicability, there is no work of applied art. Protection for a work of applied art actually protects its artistic features. In many cases, the artistic quality is found depending on the presence of originality.

3) Satisfaction with other elements of a copyrighted work, including originality and reproductability. Originality is substantial for a work. A work is not required to have very high degree of originality. It is only required that a work is independently created, and its intellectual creation is not trivial. As the cases show, however, it is required that a work of applied art has a relative high degree of originality. For example, the cases involving Lego, S-shape toothbrush, rubber-band cutter, and Ikea's chair/stool for children's use showed that a work which is required to have relatively high level of artistic creation is not one of independent creation, and it is only required to have certain shape. Especially as it is shown in the Lego cases, higher originality and artistic height were required in the Lego cases in 2010 compared with those in 1999. This is partly because of the understanding based on the Copyright Law, particularly due to further understanding of works of applied art, and, of course, including the factors of enhanced protection in the 1990s; and partly because of the fact that similar designs were few in the 1990s, and had, relatively, certain originality; to date, designs of the kind are popular, and protection for them is relatively weak, otherwise monopoly is quite likely.

For Professor Wang Qian, to be a copyrighted work of fine art, an applied art should meet three conditions: i) practical applicability and artistic aesthetic appeal are mutually independent, by which is meant that artistic element is conceptionally, not physically, isolated. The specific standard therefore is: if change of the design of the artistic part of an applied art has impact on realisation of the utilitarian function, then it is impossible to conceptionally separate the artistic element from the utilitarian function; ii) an independently existing artistic design has originality; and iii) it should reach a relatively high level of artistic creation. Articles for daily use more or less have their aesthetic appeal. Imposing a too low standard for the height of artistic creation would render the design system rather empty or meaningless, and exceed the domain of works of fine art.²² This writer believes that they are proper conditions. As the present cases, particularly the Lego cases in 2010, show, the courts tend to

heighten the condition for according protection.

As for the Franz Case, while the defendant contended that industrially manufactured products were not works of applied art, a work of applied art is defined in the WIPO glossary of the law of copyright and neighboring rights as “an artistic work applied to objects for practical use, whether handicraft or works produced on an industrial scale”. Being hand made or industrially manufactured is not a condition for finding a work of applied art. An industrially manufactured article can be a work of art of applied art. Next, the plaintiff’s work is a ceramic product for daily use, not purely for appreciation or collection; it has its utilitarian function, and practical applicability. Then, while there were already products made in the similar design conception and with technology before the plaintiff’s designed product, the plaintiff’s product was made by drawing on the existing design conception and method, using technique and ways of expression different from the tradition model, which had rendered the series of ceramic products of cups and plates, decorative articles and their combination obviously different from the existing products in terms of artistic shape, structure, and colours, and originality. Meanwhile, the plaintiff’s products were of a relatively high price, the value thereof is obviously higher than that of the regular articles of practical applicability; consumers consider more their artistic character, not their practical applicability, and would buy them as works of art; hence, they had relatively high artistic quality. Besides, these artistic designs were not a must for performing certain function, and could be separated from their utilitarian function. In conclusion, while a higher condition should be imposed for the copyright protection of applied arts, the plaintiff’s products meet the condition for copyright protection, and are eligible for the protection as works. The plaintiff’s products are somewhat different from a product incorporating a design in the common sense, and the design patent protection is not the best approach.

3. Standard for finding infringement

The standard for finding infringement involves how to accurately determine the scope of protection for anything constituting a work. As is the case with the preceding typical cases, either the subject matters were not a work of applied art, so not susceptible to the protection, or they were exact reproductions, with the difference, if any, being merely minor; the standard for finding infringement was not directly involved in most cases. The Lego cases in 1999 were ones of the few cases involving the standard for finding infringement

while in these cases, the court found 17 of them not being works as they were created based on the common articles in the real world, and low in originality, the court, following a relatively stringent standard when deciding on the substantial similarity, found these 17 works not substantially similar to the allegedly infringing products in order to strike a balance between the interests of the copyright proprietor and those of the general public.²³

For this writer, like the common copyright infringement determination, in cases involving copyright protection for works of applied art, the contact-plus-substantial similarity standard should apply. In making the determination, it should be determined where the originality of the plaintiff’s work lies as the copyright protects only the original part of the work. There may be two lines of thinking in making the determination: one, to find the protected original part of the plaintiff’s work, then to see whether the defendant has plagiarised that part; and two, to compare the defendant’s product with the plaintiff’s product to find out whether the similar part is something the plaintiff has originally created, and susceptible to the copyright protection. The two lines of thinking come to the same conclusion.

Distinction between idea and expression is an issue unavoidable in determining protectable subject matter. It is generally said that the copyright only protects expressions, not ideas, but the line of demarcation is sometimes not so clear in determining whether a subject matter is an expression or idea. Take a literary work for example, the theme is idea, and literal presentation an expression, but it is often necessary to determine, according to the specific circumstances of a case, whether things between the two, such as plot, people’s relations, personality, and scene, are expressions conveying ideas, or fall within the domain of ideas. In practice, subject matters that seem to be an idea are not all excluded from protection. It is more complicated to determine what is expression of the author’s independent creation in a work of applied art than in a literary work, and it is more necessary to make the determination according to the specific circumstances of a case, and this is especially true when an interested party is required to adduce evidence in this regard to determine what is the material falling within the public domain, and what is the expressed subject matter susceptible to the protection.

Specifically in the Franz Case, since the defendant’s products are not exact reproduction, or are different merely in small details, the key is to accurately determine the original

part in the plaintiff's works, and then decide on whether the defendant has plagiarised the plaintiff's protectable part. According to the evidence from the interested parties, the design conception and technique of using animal and plant images in articles for daily use existed a hundred years ago. Haichang drew on these design conception and production method, and used the images of the animals and plants, such as iris, bee bird, and gold fish to decorate tea pots, sets of cups, plates and spoons, and milk and sugar pots to make the original artistic shape, structure and colours arrangement of the series of ceramic products. But as above mentioned, the Copyright Law only protects expressions of ideas, not ideas *per se*. In the case, conception of using the animal and plant images to decorate ceramic products and the corresponding technique were not independently created by Haichang, nor subject matter protected under the Copyright Law. Haichang should not monopolise them via the copyright, or it is against the legislative aim of the Copyright Law, and inhibits literary, artistic and scientific progress and diversion of works. Others may use the same design conception and production method to design and make products of similar themes since imitation is the basic means and method for the development and progress of literature, art, natural and social sciences and engineering. The copyright system does not prohibit others from due imitation. By imitation, one may draw on others' line of thinking, methods, themes and viewpoints, but should not plagiarise others' original expressions. In line with this standard, while comparison showed that Jialande's products had traces of imitation of Haichang's products, and their products were identical in some aspects, they were obviously different. They were identical mainly in theme, thinking, positional arrangements, and animal and plant images, which were yet to render them substantially identical; hence Jialande's activities did not exceed the proper line of prohibition, nor infringe the copyright of the Franz Corporation.

4. Unfair competition

In the case, the Franz Corporation also argued that the works of Haichang had won many awards, and were highly reputable, and the style of its products was known to consumers, and Jialande's products would be mistaken for the products of the Franz Corporation, so unfair competition was constituted. Regarding this, this writer believes that the Franz Corporation should make clear whether to protect the intellectual achievements or the indicative results of its products. Relative to the specific IP laws, the unfair competition law of-

fers supplementary protection, which should not conflict with the legislative policy of the special laws in that, in principle, the protection under the unfair competition law should not be extended to anything in respect of which the latter have set forth exhaustive provisions.²⁴ As for the intellectual achievements, as abovementioned, while Jialande performed the act of imitation, it is not one prohibited under the Copyright Law. What the special law does not protect should not be protected under the unfair competition Law to prohibit others' imitation. However, if Haichang's any product acquires the identifiable or indicative meaning to show the source of product by way of use, it, with its artistic quality protectable, may be accorded the indicative protection under the Unfair Competition Law. This is unlike an artistic work being accorded the design and copyright protection because the design and copyright protection virtually protects the same subject matter (artistic design). By contrast, the copyright and unfair competition protection protects different subject matters: the former protects the artistic quality of a product and the latter the indicativeness of a product. The two, though identical in carrier, are different in subject matter, so do not constitute doubt protection. In the present case, however, the Franz Corporation failed to adduce evidence, and even if it was highly reputable, the products did not reach the height to show the source, and acquired its indicative meaning, so it was hard for it to constitute an act of unfair competition. ■

The author: Judge of the IP Tribunal of the Supreme People's Court.

¹ Zhang Guangliang (ed.), *Judicial Protection of Design*, the Publishing House of Law, 2008, P.80.

² Wang Ziqiang, *Copyright Protection for Works of Applied Art*, the China Copyright, 2004, No.3.

³ The Beijing No.1 Intermediate People's Court's Civil Judgment No. Yizhongzhichuzi 132/1999, and the Beijing Higher People's Court's Civil Judgment No. Gaominzhongzi 279/2002.

⁴ The Beijing No.1 Intermediate People's Court's Civil Judgment No. Yizhongminchuzi 16661/2010.

⁵ The Beijing No.1 Intermediate People's Court's Civil Judgment No. Yizhongminchuzi 05642/2009.

⁶ The Beijing Higher People's Court's Civil Judgment No. Gaominzhongzi 1488/2011.

⁷ The Beijing No.2 Intermediate People's Court's Civil Judgment No. Erzhongminchuzi 7070/2006.

⁸ The Beijing No.1 Intermediate People's Court's Civil Judgment No.