



StanfordLawSchool  
China Guiding Cases Project  
中国指导性案例项目

**2016 U.S.-CHINA LEGAL EXCHANGE**

*China's Guiding Cases and Subsequent Cases:  
Important Trends and  
Implications for Judicial Reform and Intellectual Property*

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Interested in learning more about the CGCP?

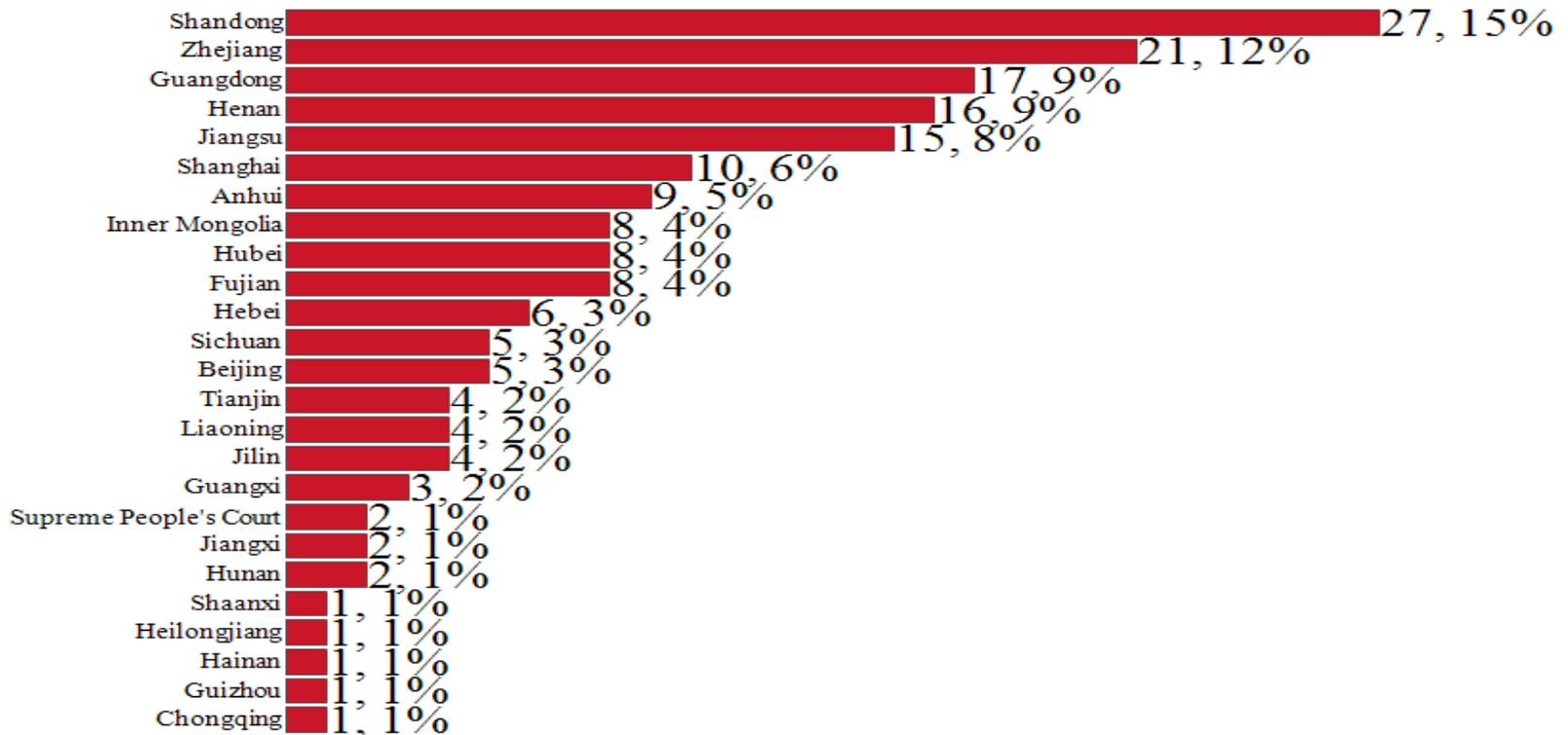
Check out our website, <https://cgclaw.stanford.edu>

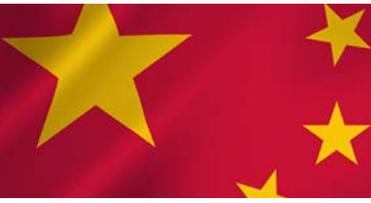


# *Remarkable Steps Taken by the Supreme People's Court*

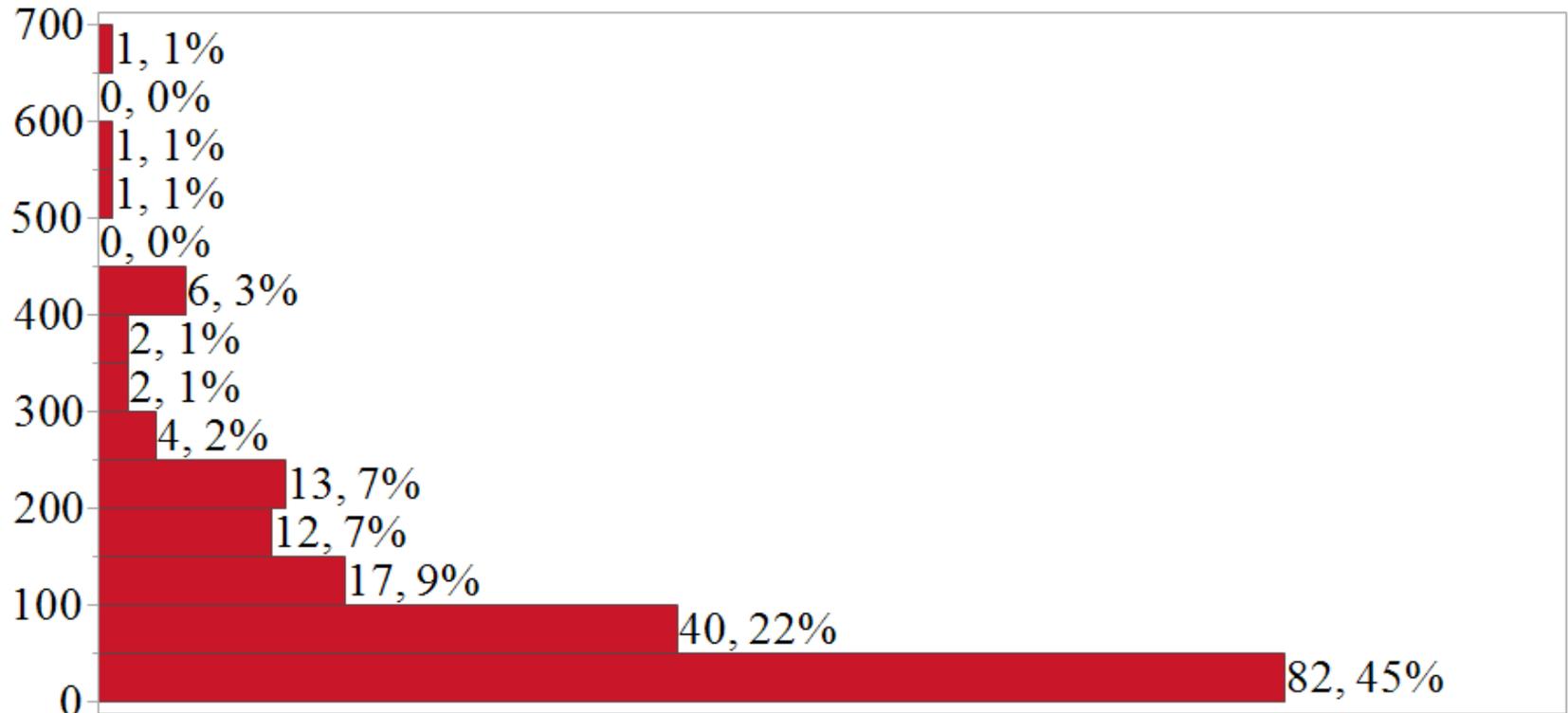
- 2010 - *Provisions of the Supreme People's Court Concerning Work on Case Guidance* (<https://cgc.law.stanford.edu/home/guiding-cases-rules/20101126-english/>): “**should refer to**” GCs...  
**Preamble:** to “summarize adjudication experiences, unify application of law, enhance adjudication quality, and safeguard judicial impartiality”.
- May 2015 – SPC’s *Detailed Implementing Rules* on the above Provisions (<https://cgc.law.stanford.edu/home/guiding-cases-rules/20150513-english/>)
  - **Article 9:** Where a case being adjudicated is, **in terms of the basic facts and application of law, similar to a Guiding Case** ... the court **should refer to the “Main Points of the Adjudication”** of that relevant Guiding Case to render its ruling or judgment.
  - **Article 10:** ... the court **should quote the Guiding Case as a reason** for their adjudication....

## ***181 Subsequent Cases Referring to GCs: Geographical distribution of the courts handling these subsequent cases***

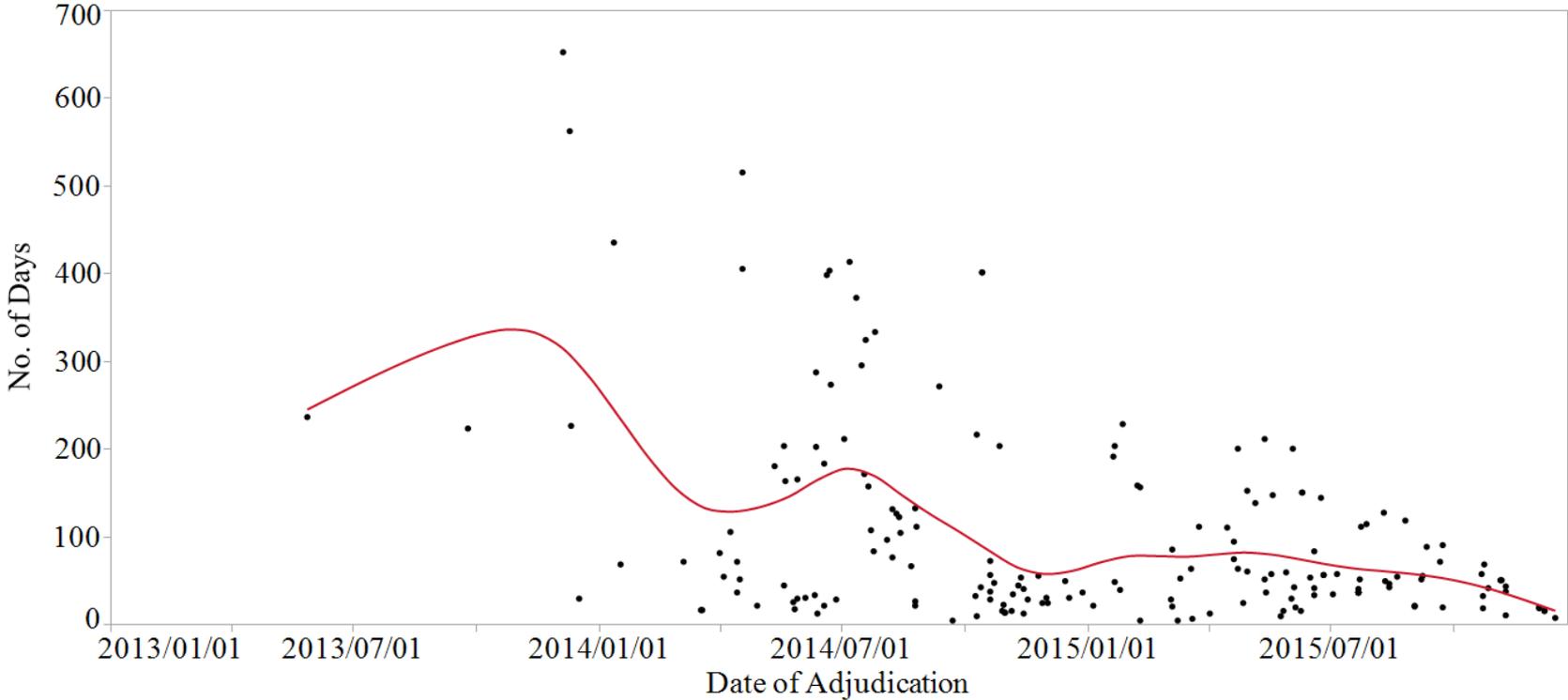




## ***181 Subsequent Cases Referring to GCs: No. of Days Elapsed Before Subsequent Cases Are Posted Online***



# ***181 Subsequent Cases Referring to GCs: Posted Online Faster and Faster***



## *Of 181 Subsequent Cases that refer to GCs...*

- **134: at least one party (or their lawyer) mentioned a GC in their arguments**
  - 38 of these 134 cases: deciding courts referenced the GC;
  - 96 of these 134 cases: deciding courts did NOT.
- **47: parties (or their lawyers) did NOT mention any GC in their arguments**
  - Despite this problem, in 44 of these 47 cases, deciding courts took the initiative to refer to the GC in their judgments.

# ***181 Subsequent Cases that refer to GCs: Who Decided?***

Adjudicator(s) 审判长/员	Acting Adjudicator(s) 代理审判员	People's Assessor(s) 人民陪审员	No. of Subsequent Cases
3			29
2	1		38
2		1	16
1	2		45
1	1	1	11
1		2	10
1			24
	1		8



# **Implications for Judicial Reform and Intellectual Property**



***Thank you!***  
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**English Video**



**Chinese Video**

