Guidelines for Data Property Rights Registration (Trial)

China – General Affairs Department of the National Data Administration

Main information

Scope of Application:

Establish and improve the data property rights system, develop a unified national data property rights registration framework, reduce the costs of data circulation and transactions, foster a nationally integrated data market

Effective Date:

July 4th, 2026

Related Provisions:

- Data Security Law
- "Data Twenty Articles" policy
- Personal Information Protection Law
- Cybersecurity Law
- Civil Code

Key Topics

Framework

- The Guidelines are formulated under the Civil Code, Data Security Law, Personal Information Protection Law, and Cybersecurity Law to implement the "Data Twenty Articles" policy. The stated goal is to establish a **unified national data property rights registration system**, reduce transaction costs, and cultivate a nationwide integrated data market.

- Core Definition ("Three Rights Separation"): The Guidelines formally define data property rights as **data holding** rights, **data use** rights, and **data operation** rights. This "three rights separation" framework transforms the earlier policy concept into an actionable registration standard.

What's new

- The Guidelines establish uniform standards across six dimensions: registration objects, registration types, registration procedures, review criteria, registration effects, and the registration system. This creates a **"register once, recognized nationwide"** mechanism.

- **"Proof, Not Creation" of Rights:** A key design choice is that registration does not create rights but serves as proof of existing rights. This positioning avoids conflict with existing legal frameworks and emphasizes the evidentiary function of registration certificates.

Sensitive Factors

- **Limited Rights for Entrusted Data Processing**: Entities that process data on behalf of others cannot register any data property rights in principle. This prevents service providers from claiming ownership over data they merely process for clients.

- **Data with unresolved ownership disputes cannot be registered**, as well as other categories of data such as data that may harm national security, public interest, or individual rights; data with illegal sources; applications with concealed or false information; and other circumstances prohibited by law.

Drivers

- **Asset Recognition and Financing**: Registration certificates are explicitly supported for use in data asset capitalization, financing guarantees, and equity contributions. Companies seeking to leverage their data assets for financing or accounting purposes should prioritize registration to obtain legally recognized proof of ownership.

- **Healthcare AI**: AI developers need high-quality clinical data to train models, but hospitals are often reluctant to share data due to unclear ownership and compliance risks. The Guidelines solve this by providing an official "certificate" that proves the data's source is compliant and its ownership is clear. This certificate acts as a "compliance passport" for the data, significantly reducing the transaction costs and legal risks for both hospitals (who hold the data) and AI companies (who need it).

- **Implications on privacy rights are strong**: the “Twenty-articles Policy” issued in 2022 urges for creation of a registration system to allow ownership rights and data market circulation coexist and obtain mutual benefits.

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