Opinions of the Supreme People's Court on Lawfully Adjudicating Cases Involving Artificial Intelligence Disputes

China – SPC Supreme People's Court

Main information

Scope of Application:

Chinese Courts' adjudication guidelines of AI-related disputes involving developers, providers, users and other participants, including healthcare businesses developing or deploying AI.

Effective Date:

September 7th, 2026

Related Provisions:

- Civil Code
- Personal Information Protection Law
- Data Security Law
- Copyright Law
- Anti-Unfair Competition Law
- Consumer-protection legislation
- Civil Procedure Law
- Product Quality Law

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Key Topics

Framework

- The Opinions apply existing private-law rules to AI disputes. Their practical significance lies in connecting responsibility, technical control and evidence. Specific guidelines are given on evaluating and ascertain tort liabilities, criminal liabilities and evidence check.

What's new

- **Tort Liability by Fault**: Before this Opinion, there was significant debate over whether AI liability should be strict (no-fault) or fault-based, given the "black box" nature of AI that makes it hard for victims to prove fault. The Opinion resolves this by **explicitly rejecting strict liability as the default**.
- **Six Factors for Fault**: To make this workable, the Opinion introduces six specific factors courts must consider when assessing fault: the application scenario, the AI's degree of autonomy, technical transparency, potential risks, the preventive measures taken, and the user's ability to foresee harm. This provides a structured test where previously courts had little guidance

Sensitive Factors

- **Generative AI "Safe Harbor"**: It formally applies the **notice-and-takedown rule** (Civil Code Art. 1195) by analogy to generative AI providers. A provider is only liable if it fails to act after receiving a valid notice.
- The "**red flag" rule** (Civil Code Art. 1197) was excluded from the final text of the Opinion, but Courts retain the **discretion to apply it** where the facts clearly show the provider's knowledge of infringement

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Drivers

- The **practical risk of proactive monitoring liability is reduced**, but it is **not eliminated**. If an AI platform actively curates, recommends, or profits from obviously infringing outputs, it can still be held liable under the "knew or should have known" standard, even without a formal notice.
- **T.raining Data Compliance and Documentation:** With the reasonable-use standard for public personal information now clarified, companies should **document their training data sources, processing scope, and compliance assessments**. The Opinions require developers raising non-infringement defenses to provide supporting materials including training data sources, training records, and the model's mode of operation. This documentation is essential for both compliance and litigation readiness