

August 2023 Update: List of China's Cases on Recognition of Foreign Judgments

Written by Dr. Meng Yu and Dr. Guodong Du, co-founders of China Justice Observer*

On 20 August 2023, China Justice Observer released the 2023 version of **List of China's Cases on Recognition of Foreign Judgments**. To date, we have collected 98 cases involving China and 25 foreign States and regions. (Note: Foreign divorce judgments are excluded in the Case List.)

The Case List was issued on July 16, 2019, and is updated annually. The 2020 update and 2022 update were also posted on [Conflictolaws.net](https://www.conflictoflaws.net).

The full version of the 2023 List of China's Cases on Recognition of Foreign Judgments is available [here](#).

The key features of the updated list are:

- The List comprises 25 concise reports for each jurisdiction, together with a chart of bilateral judicial assistance treaties which China has concluded with 39 States, of which 35 bilateral treaties include judgment enforcement clauses.
- A total of nine newly added cases involve two treaty jurisdictions - France (one case) and Vietnam (one case) - and seven non-treaty jurisdictions, namely, Australia (one case), Canada (one case), Germany (one case), New Zealand (one case), South Korea (one case), the UK (one case), and the US (one case).
- Please note that in *In re DAR* (2022) Jing 01 Po Shen No. 786), the Beijing First Intermediate People's Court ruled to recognize a German court's bankruptcy ruling based on the principle of reciprocity. This is the second case involving *de jure* reciprocity -a new liberal reciprocity test for the recognition and enforcement of foreign judgments in China. The first of its kind was the *Spar Shipping* case reported in 2022, in which an English

monetary judgment was recognized in China for the first time.

- Another noteworthy case is *SD Biotechnologies Co. Ltd v. 99 Trade Co. Ltd* (2019) Jing 04 Xie Wai Ren No.3, where the Beijing Fourth Intermediate People's Court ruled to recognize and enforce a trademark judgment of the Korean Supreme Court. This case marks the first time that Chinese courts have recognized and enforced an intellectual property judgment.
- Other newly added cases, whether foreign judgments to be enforced in China or Chinese judgments to be enforced in foreign jurisdictions, provide a valuable comparative perspective on key issues in the eyes of courts from different jurisdictions, such as interim measures (China), limitation period (Australia), due process and public policy (Vietnam), finality (Canada), and the ground of systemic lack of due process (the US).
- Each case has been reviewed and more details, such as the grounds, the case numbers, and causes of action, have been added.
- Case analyses have been aggregated under the country tags since 2022, so it is now easier to track down relevant cases, together with their information and analyses, in each country/region report. For example, under the tag 'US-China Judgments Recognition and Enforcement', one can find relevant case analyses involving mutual recognition and enforcement of judgments between the US and China.

As always, we endeavor to collect all Chinese court decisions involving the recognition and enforcement of foreign judgments ("REFJ"), and foreign counterparts concerning the recognition and enforcement of Chinese judgments. The Case List is made available for our readers to build reasonable expectations on REFJ in China.

The Case List is continually updated with new reports. Case information, comments, and suggestions are most welcome. Please feel free to contact Ms. Meng YU via e-mail at meng.yu@chinajusticeobserver.com.

*We would like to thank the following persons/institutions that shared thoughts and valuable information with us:

Dr. Bélig Elbalti, Associate Professor, Graduate School of Law and Politics,

Osaka University, Japan; Dr. ZHANG Wenliang, Associate Professor, School of Law, Renmin University of China; Dr. SU Xiaoling, Lawyer at Beijing DHH Law Firm; Mr. WANG Chengjie, Lawyer at Allbright Law Offices (Shanghai); Wonbanglaw; Ms. Renee M Wong, Attorney at Goldberger and Dubin PC (New York); Dr. WANG Yahan, Associate Professor, Henan University School of Law; Mr. Angus Ni, Litigation attorney at AFN Law PLLC (Seattle); Asian Business Law Institute; Ms. Dawei Gongsun, Partner at DGW Kramer LLP (New York).