

# 72

## Jiang Sishen v. Qiao Xuezhu

*Citation: The Jiangsu Higher People's Court's Civil Judgment No. Minchuzi 292/1984*

*Date of judgment: April 15, 1985*

### **Procedure history**

In April 1984, Jiang Sishen sued Qiao Xuezhu in the Nanjing Gulou District People's Court, and the suit was reported to the intermediate and the higher peoples' courts in the same place. On October, 12, 1984, the Jiangsu Higher People's Court heard and settled the case.

### **Issue**

Hearing of the first lawsuit involving copyright dispute before the promulgation of the General Principles of the Civil Law and the Copyright Law

### **Facts**

Qiao Xuezhu was the author of the novel entitled *Diary Forgotten on the Patient's Bed*.

Qiao Xuezhu and Jiang Sishen worked together on the adaption of said novel into a movie play entitled *No. 16 Ward*.

Both their names were indicated when the movie play was sent for censorship, but only the name Qiao Xuezhu was indicated when the movie was shown to the public.

### **Holding**

In the Civil Mediation Award, the court affirmed what had been agreed on between the two parties

as followed:

1. The play No. 16 Ward had been adapted mainly by Qiao Xuezhong, with cooperation with Jiang Sishen; the copyright therein should be owned by the two parties;
2. The author's remuneration and reward, deducting the payment made for the original work, were to be divided between Qiao (60%) and Jiang (40%);
3. On any copy of the movie to be produced and manuscripts to be published in the future should be indicated the names of the two parties. Qiao mentioned to publish a collection of movie plays, with the play in suit included; Jiang agreed not to put his name on, but the book should be published three years later;
4. Neither party should publicize any remarks on the dispute in any manner contrary to the provisions and spirit of this Agreement; and
5. Qiao and Jiang each pay RMB 10 yuan for the litigation fee amounting to RMB 20 yuan.