ISSN: 2637-6067 DOI: 10.6918/IJOSSER.202411_7(11).0037

Application of the Presumption Rule in The Identification of Infringement of Trade Secrets Related to Production Methods

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Abstract

The allocation of the burden of proof is a key factor influencing the outcome of trade secret infringement cases. The 2019 Anti-Unfair Competition Law introduced Article 32, which pertains to the allocation of the burden of proof. Although this provision ostensibly lowers the evidentiary burden for the rights holder, it does not fully address practical needs due to issues such as ambiguous meanings and logical problems, especially concerning technical secrets. In the "Supreme People's Court Intellectual Property Court Rulings," the court introduced a presumption rule for the misuse of trade secrets in the vanillin case. This presumption rule has inherent rationality and offers an effective approach for refining the evidentiary standards under Article 32. For trade secrets related to production methods, this presumption can serve as a key to triggering the burden-shifting mechanism under Article 32, thereby reducing the evidentiary burden for rights holders.

Keywords

Trade Secrets, Burden of Proof, Presumption, Shift of Burden of Proof.

1. Introduction

Trade secrets often represent a substantial capital investment for businesses, playing a central role in achieving competitive advantage in the market. Their importance has grown with the development of market economies and the increase in international trade disputes, leading to a rising number of related cases. As China has progressively emphasized intellectual property protection, the scope of protection for trade secrets has also expanded. For example, the 2020 "Regulations on Several Issues Concerning the Application of Law in Civil Cases Involving Trade Secrets" includes data and customer information as part of business information. In practice, the types of trade secrets are continually evolving, and infringement methods have become more covert in the context of big data, making the traditional civil burden of proof rule—" he who asserts must prove"—inadequate. According to a study by the Intellectual Property Division of the Beijing Higher People's Court, which analyzed 388 civil judgments involving trade secret infringement from 2013 to 2017, the proportion of cases where plaintiffs lost was approximately 65%, significantly higher than the number of successful cases for plaintiffs. The United States has also repeatedly criticized the level of trade secret protection in China in its Special 301 Reports. To address the demands of the China-U.S. trade negotiations, Article 32 was added to the 2019 Anti-Unfair Competition Law to reduce the burden of proof for rights holders (Beijing Higher People's Court Intellectual Property Division, 2019). However, this provision, introduced in response to negotiation needs, was not sufficiently refined, leading to difficulties in its application in determining trade secrets and trade secret infringement. Given the rapid advancements in information technology, there is a need to reassess the evidentiary requirements for trade secret infringement cases under this article, review the presumptive rules adopted in practice, and develop a unified presumption regulation for trade secret infringement to alleviate the difficulties faced by courts and standardize adjudication. This paper will explore this issue further, drawing on foreign legislation and judicial practices related to this article.

2. The Current Situation and Challenges in Identifying Trade Secret Infringement

2.1. Legislative History of Trade Secret Infringement Recognition in China

China's understanding of the allocation of the burden of proof in trade secret infringement cases has evolved through three stages. Prior to 1995, cases involving trade secret infringement followed the general civil procedural rule of "he who asserts must prove," where the plaintiff (the rights holder) was responsible for proving the occurrence of the infringement. This placed a heavy burden of proof on the rights holder and frequently led to difficulties in enforcing trade secret protection.

The second stage began in 1995, when disputes over the allocation of the burden of proof emerged under the principle of "he who asserts must prove." The 1995 "Regulations on Prohibiting Trade Secret Infringement" introduced rules on burden of proof reversal and presumptions of infringement. The 1998 "Supreme People's Court's Summary of the National Intellectual Property Trial Work Conference" mentioned "burden of proof reversal" in cases where evidence was controlled by the opposing party and could not be lawfully collected. It specified that in trade secret infringement cases, the defendant should provide evidence of the methods used, and if the defendant refused, the court could determine infringement based on established facts. However, these were administrative documents rather than formal laws, offering only partial solutions for the difficulties faced in trade secret protection.

The third stage began with the implementation of the 2007 "Supreme People's Court's Interpretation on Several Issues Concerning the Application of Law in Civil Cases of Unfair Competition," which formally addressed the burden of proof in trade secret cases. Article 14 of the Interpretation stipulated that parties claiming trade secret infringement must prove that their trade secrets meet legal conditions, that the information held by the opposing party is identical or substantially similar to their trade secrets, and that the opposing party used unfair methods. This provision abandoned the 1998 conference summary's approach to burden of proof reversal, focusing instead on three requirements for the rights holder but did not address the excessive burden of proof in trade secret infringement cases.

The fourth stage started with the 2019 Anti-Unfair Competition Law, which added Article 32. This amendment adjusted the burden of proof allocation in trade secret infringement cases. According to the second paragraph of Article 32, if the rights holder provides "preliminary evidence reasonably indicating infringement" and evidence of "access and substantial similarity" or "disclosure, use, or risk of disclosure by the rights holder," the burden of proof shifts from the plaintiff to the defendant. This provision established a mechanism for shifting the burden of proof after the rights holder presents relevant evidence, creating an "active denial obligation" for defendants, and aims to alleviate the imbalance in burden of proof in trade secret infringement cases.

2.2. Challenges and Practical Exploration in Identifying Trade Secret Infringement in China

Article 32 of the Anti-Unfair Competition Law (hereinafter referred to as Article 32) reflects an awareness of the excessive burden of proof on rights holders in trade secret infringement cases. However, it still faces several issues. First, there is a problem of redundant provisions. According to the regulation, in the model of "preliminary evidence reasonably indicating infringement" + "trade secret has been disclosed, used, or poses a risk," proving the latter naturally implies that the former is also proven, leading to logical redundancy. Second, the

ISSN: 2637-6067 DOI: 10.6918/IJOSSER.202411_7(11).0037

language of the provision is somewhat vague and requires further clarification. Terms such as "preliminary evidence reasonably indicating" and "evidence indicating risk" in Article 32, Paragraph 2 are ambiguous, making the judge's discretion crucial in determining whether the evidence meets the standard of "reasonable indication."

Most trade secret infringements occur internally within the infringing party, requiring the rights holder to provide evidence of internal activities of the infringing company. This is extremely difficult, even without considering the infringer's countermeasures. If this provision is vague about the degree of evidence required and leaves it entirely to judicial interpretation, it risks becoming ineffective. Therefore, whether this provision fundamentally addresses the challenge of proving trade secret infringement remains to be seen.

To address these practical issues, the Supreme People's Court Intellectual Property Court distilled key cases from 3,460 cases concluded in 2021 to form the "Supreme People's Court Intellectual Property Court Rulings (2021)." In the vanillin case, it was pointed out that if the rights holder proves that the defendant unlawfully obtained complete technical secret information, such as the product process or production equipment, and the defendant has actually produced identical products, the court can infer that the defendant used all the technical secrets based on the preponderance of evidence and common experience. This ruling introduced a presumption rule for the use of unlawfully obtained trade secrets, seeking to balance the burden of proof in trade secret infringement cases under the prevailing "he who asserts must prove" principle (Supreme Court Ruling, 2020).

It is worth noting that in this case, although the appellate court used the presumption rule to determine the defendant's infringement, the revised 2019 Anti-Unfair Competition Law could not be applied due to the principle of non-retroactivity. However, in the case involving Zhejiang Ji's New Energy Vehicle technology secrets (Supreme Court Ruling, 2023), the judge continued the approach from the vanillin case, noting that "this case involves organized and large-scale infringement activities targeting new energy vehicle technology resources. Since Weimar produced related products in a significantly shorter time than required for independent development and had access to the involved trade secrets, the burden of proof for the rights holder should be reduced. The court directly presumed that Weimar committed infringement without needing to compare each specific piece of trade secret information." This further reduced the rights holder's burden of proof based on Article 32.

3. Examination of the Presumption Rule for Trade Secret Infringement in Foreign Jurisdictions

3.1. Judicial Rules for Trade Secret Presumptions in Japan

The presumption rule established in the Vanillin case has parallels in Japanese legislation. In 2015, Japan amended its Unfair Competition Prevention Act to include Article 5-2, which introduces a presumption system for the use of trade secrets related to technology by those who have improperly acquired or produced such secrets.

Specifically, the requirements for this provision are as follows:

Scope of Application: This provision applies exclusively to production methods (including methods for producing products and improving production efficiency) and other information specified by Cabinet Order (currently referring to information evaluation or analytical methods). The burden of proof for trade secret use generally lies with the aggrieved party in Japan. However, the presumption rule is an exception to this principle, resulting in a strict limitation on its application.

Malice or Gross Negligence Requirement: The provision only applies to cases where the acquisition of trade secrets involves malice or gross negligence as defined by Japanese law

ISSN: 2637-6067 | DOI: 10.6918/IJOSSER.202411_7(11).0037

concerning unfair competition. If there is no malice or gross negligence at the time of acquisition, the likelihood of misappropriation is considered lower, and thus the presumption does not apply.

Production of Related Products or Other Actions: The infringer must have produced products related to the trade secret held by the rights holder, or engaged in other actions specified by Cabinet Order (currently referring to the use of information evaluation or analytical methods, or providing services using such methods). Related products are defined as those that are the same as or substantially similar to those produced using the trade secret (allowing for minor differences) to prevent misuse or overly restrictive application of the presumption.

Meeting these three requirements constitutes a presumption of infringement, eliminating the need for the rights holder to provide additional evidence such as proof of identity. The accused infringer has the right to provide counter-evidence, such as proving that the product was independently created or that although the trade secret was acquired, it was not used.

Prior to this provision, plaintiffs had to prove three points for such infringement cases: the defendant's improper acquisition of trade secrets, improper use of the secrets by the defendant, and actual damages suffered by the plaintiff. After the enactment of this provision, in cases involving trade secrets related to manufacturing methods, the requirement to prove improper use was suspended, and the burden of proof was shifted to the defendant, requiring them to provide counter-evidence (Landman, 2019). This provision significantly reduces the evidentiary burden for rights holders of trade secrets related to manufacturing methods. However, the strict scope of application has led some scholars to suggest that expanding the scope could enhance the provision's effectiveness and universality. The latest amendment to Japan's Unfair Competition Prevention Act addresses this concern (Liu, 2021) by broadening the scope of liable parties from those with "malice at the time of acquisition" to "persons with knowledge after acquisition" (Japan Patent Office, 2023). This reflects Japan's commitment to protecting trade secret rights holders and provides a reference for developing trade secret infringement presumption rules in other jurisdictions.

3.2. The Inevitable Disclosure Rule in the United States

In the determination of trade secret infringement, U.S. judicial practice often relies on indirect evidence and presumption rules, among which the "inevitable disclosure" rule is prominent. The inevitable disclosure rule is a type of factual presumption rule that can be summarized as "contact plus inevitable disclosure", which was established earliest in Eastman Kodak Co v. Powers Film Prods. Inc. 1919, in New York. The core idea of this rule is based on the inseparability of the plaintiff's trade secrets and the specific skills of a departing employee. When a former employee moves to a new employer in competition with the plaintiff and takes on a similar position, it is presumed that the former employee will inevitably use and disclose the plaintiff's trade secrets, indicating a high likelihood of misappropriation. There are differing views in academia regarding this rule. Proponents argue that only timely and appropriate preemptive injunctions can effectively prevent the disclosure of trade secrets. Conversely, critics argue that the rule impedes free market competition and stifles the dissemination of new designs, processes, and technologies. As noted by Peng (2003), "everyone has the fundamental right to seek employment in an industry where they have received the best training." This perspective should be viewed dialectically. In China, there is currently no preemptive relief system for trade secrets, and it is necessary to explore the application of this rule to prevent trade secret infringement based on a reasonable consideration of its underlying facts (Zhao, 2014).

ISSN: 2637-6067 DOI: 10.6918/IJOSSER.202411_7(11).0037

4. Theoretical Analysis of Presumption and Allocation of Burden of Proof

4.1. Burden of Proof Shifting and Burden of Proof Reversal

Burden of proof shifting and burden of proof reversal are exceptions designed to balance the evidentiary challenges faced by the parties involved. To assess their impact, it is essential to avoid defining the burden of proof solely as the responsibility of one party to face adverse consequences in cases of unclear facts. Instead, the burden of proof should be viewed as encompassing both the presentation of evidence and the bearing of adverse outcomes. Some scholars categorize it into result-based burden of proof and behavior-based burden of proof (Tang, 2002). Burden of proof reversal involves assigning both behavior-based and result-based burdens to the opposing party, a concept that is generally agreed upon. However, there are differing opinions on burden of proof shifting. Some view burden of proof as solely linked to adverse outcomes, thus considering it non-transferable, while others define “burden of proof shifting” as the transfer of the behavioral burden of proof, where the party still legally bound to bear the result-based burden faces the risk of losing when facts are unclear (Shen & Huang, 2021). Additionally, some propose a partial burden of proof shifting, differentiating between shifting burdens for essential versus non-essential facts, where the former remains with the party bearing the burden and the latter only reduces the standard of proof for the plaintiff (Cheng, 2008). This paper supports the view that burden of proof shifting pertains to the behavioral burden of proof, without altering the result-based burden. As previously mentioned, the principle of “who asserts must prove” is generally applied. Whether through burden of proof reversal or shifting, these mechanisms are intended to adjust the litigation balance between the parties. The result-based burden of proof, being fundamental, must be explicitly prescribed by law. Burden of proof shifting, however, is typically applied by courts during proceedings based on the specifics of the case, facilitating the exchange of arguments between prosecution and defense. If result-based burdens are also shifted, there would be no substantive difference between shifting and reversal, which could endow judges with powers akin to legislative bodies, potentially undermining judicial fairness.

4.2. The Impact of Presumption on the Allocation of Burden of Proof

When considering the division between behavioral and result-based burdens of proof, it is important to note that presumption rules for the improper acquisition of trade secrets should avoid directly altering the result-based burden of proof, maintaining a clear boundary from burden of proof reversal. The relationship between presumption and burden of proof shifting can be complex. Both mechanisms appear not to affect the result-based burden but adjust the responsibility for presenting evidence, showing significant similarity. Some scholars argue that “no presumption can shift the already allocated burden of proof; however, one effect of presumption is to shift the responsibility to provide evidence rather than the burden of proof or persuasion” (Ye & Ye, 2002). This view reflects a misunderstanding by not distinguishing between the two different categories of burden of proof. Other scholars, considering the process of presumption, suggest that “the application of presumption does not necessarily alter the burden of proof between parties. The party against whom the presumption is applied can choose to acknowledge or deny the presumed facts. The burden of proof only genuinely shifts when the party exercises procedural rebuttal to deny the presumed facts” (Zhang, 2014). This perspective sees rebuttal as a necessary condition for a change in the burden of proof. In reality, regardless of rebuttal, the presumption shifts part of the burden of providing evidence from the plaintiff to the defendant. This paper argues that the main difference between presumption and burden of proof shifting lies in the nature of the facts being proven. Burden of proof shifting reflects the exchange of evidence between the prosecution and defense, aligning the facts presented by both parties with those recognized by the court. In contrast, presumption involves

ISSN: 2637-6067 DOI: 10.6918/IJOSSER.202411_7(11).0037

inferring fact B from basic fact A. The evidence provided by the plaintiff supports basic fact A but does not suffice to prove fact B, creating a discrepancy between the evidence and the court's recognition of facts. In other words, the difference between presumption and burden of proof shifting is that presumption requires less proof of basic facts than burden of proof shifting, with this discrepancy depending on the court's standard for recognizing basic facts. When the standard for recognizing basic facts is low, the apparent difference between presumption and burden of proof shifting may be minimal.

5. Application of Presumption Rules in Trade Secrets Infringement Cases

5.1. Qualitative Analysis of Article 32, Paragraph 2 of the Anti-Unfair Competition Law

Article 32, Paragraph 2 of the Anti-Unfair Competition Law addresses the burden of proof in trade secrets infringement cases. It stipulates that once the trade secrets holder provides preliminary evidence reasonably indicating an infringement and presents relevant evidence, the accused infringer must prove the non-existence of the infringement. There is scholarly debate regarding this provision's impact on the burden of proof. Some scholars argue that this provision represents a legislative response to the high evidentiary burden faced by trade secrets holders, effectively instituting a burden of proof reversal (Lin, 2021). The provision shifts the responsibility to present evidence while not altering the result-based burden of proof (Cui, 2020). Others view this provision as a rebuttable presumption, where rebuttal triggers a shift in the burden of proof (Hong, 2020). Currently, the prevailing view is that this provision constitutes a burden of proof shift. As previously discussed, burden of proof shifting and burden of proof reversal are distinct. Viewing this provision as a burden of proof reversal would disrupt the balance of advantages in litigation. In trade secrets cases, where the trade secrets holder possesses all relevant information, applying a burden of proof reversal could unfairly shift the adverse consequences of unclear facts to the defendant, significantly reducing the trade secrets holder's litigation costs and potentially encouraging abuse of the legal process to interfere with competitors. Distinguishing between burden of proof shifting and presumption rules can be challenging. This paper argues that according to Article 32, Paragraph 2, the element that the rights holder needs to prove is the infringement of trade secrets by the accused. Once this point is established, no further presumption is needed by the court, and the burden of proof shifts to the accused to demonstrate the non-existence of the infringement. Therefore, Article 32, Paragraph 2 should be classified as a burden of proof shift.

5.2. Justification for the Application of Presumption Rules in Trade Secrets Infringement Cases

As previously discussed, the presumption rule regarding the use of misappropriated trade secrets predates the enactment of Article 32, Paragraph 2 of the Anti-Unfair Competition Law. However, this does not imply that the presumption rule becomes obsolete after the introduction of Article 32. In the case of Zhejiang Ji's New Energy Automotive Technology Secrets, the judge also applied the presumption method to determine the existence of infringement.

For instance, in the Vanillin case, the court used the presumption rule to infer that the defendant used the trade secrets based on the fact of misappropriation and the production of identical products. Under the framework of Article 32, Paragraph 2, in addition to establishing the elements of trade secrets and providing preliminary evidence of infringement, it is necessary to meet one of three conditions: (1) evidence showing that the alleged infringer had access to or opportunity to acquire the trade secrets and that the information used is substantially the same as the trade secrets, (2) evidence showing that the trade secrets have been disclosed, used,

ISSN: 2637-6067 DOI: 10.6918/IJOSSER.202411_7(11).0037

or have a risk of disclosure or use by the alleged infringer, or (3) other evidence indicating infringement by the alleged infringer. Condition (1) contrasts sharply with the presumption rule in the Vanillin case, where the court infers the use of trade secrets based on provided evidence, rather than requiring the rights holder to prove it. Consequently, Article 32, Paragraph 2 imposes a heavier burden of proof on the rights holder compared to the presumption rule. Additionally, the vague terms in Article 32, such as “preliminary evidence” and “reasonable indication of infringement,” create uncertainties about whether the same evidence will suffice under Article 32.

The application of presumption rules in trade secrets infringement cases is rational for several reasons. Presumptions are based on experiential rules, the preponderance of evidence, and principles of social justice.

Experiential rules are derived from everyday experiences and reflect probable causal relationships. In the case of misappropriated trade secrets, while obtaining trade secrets does not necessarily mean they will be used, the use of improper means to acquire them and the subsequent production of related products heightens the likelihood of their use, justifying the presumption of use.

The preponderance of evidence rule involves comparing the strength of evidence presented by both parties, favoring the more persuasive evidence. According to Article 73 of the Evidence Regulations, if parties present contradictory evidence but neither sufficiently negates the other’s evidence, the court should recognize the evidence with greater probative value. If the opposing party’s evidence is weaker or lacking, the presumption rule supports confirming the rights holder’s claims.

From the perspective of litigation efficiency and social justice, it is often easier for plaintiffs to prove their claims than for defendants to refute them. However, in some cases, proving infringement can be as challenging as proving negative facts due to the internal nature of trade secrets’ use. Requiring the infringer to bear some burden of proof for non-infringement can enhance litigation efficiency. Additionally, overly burdensome proof requirements on rights holders can discourage the enforcement of trade secrets and increase the incidence of infringement cases.

5.3. Constructing the Presumption Rule for Trade Secrets Infringement

Based on foreign legislation and domestic judicial practice, under the conditions of “improper acquisition of trade secrets,” “production of identical or similar products,” and “failure of the defendant to rebut,” it is possible to directly presume that the defendant has committed trade secret infringement. However, several points need to be emphasized and refined:

Firstly, the scope of trade secrets subject to the presumption rule should be limited to avoid excessive protection of trade secret holders. Japan initially restricted this to trade secrets related to production methods, which is reasonable. In such cases, it is overly burdensome to require plaintiffs to investigate the trade secrets used by the defendant in their production process. If the defendant has improperly obtained trade secrets and produced identical or similar products, the likelihood of infringement is high. However, for trade secrets like computer programs or failed experimental data, which are more covert and where the results may not be obviously similar to the original products, the applicability of the presumption rule requires further examination.

Secondly, defendants must be granted the right to rebut the presumed facts. The presumption rule builds a bridge between basic and presumed facts through reasonable bases such as experience rules and the rule of preponderance of evidence. Defendants should be able to present evidence to counteract the basic facts, the presumed facts, or the reasonable bases like experience rules. Successful rebuttal would overturn the presumed facts.

ISSN: 2637-6067 DOI: 10.6918/IJOSSER.202411_7(11).0037

Lastly, in terms of compatibility with existing systems, since the presumption rule currently applies only to trade secrets related to production methods, it cannot replace the burden of proof shift stipulated in Article 32 of the Anti-Unfair Competition Law. This paper suggests using judicial interpretation to apply the presumption rule as a method to satisfy the burden of proof under Article 32 for trade secret holders of production methods, thus initiating the burden of proof shift. Of course, trade secrets come in various forms, and further systematization and clarification of the proof standards in Article 32 through a typological approach to trade secrets will depend on future practical developments.

6. Conclusion

The issue of burden of proof in trade secret infringement cases is critical, with ongoing legislative and practical efforts to address it. Article 32(2) of the Anti-Unfair Competition Law aims to alleviate the burden on rights holders through a shift in burden of proof but faces challenges due to vague terms like “preliminary evidence” and “reasonably indicating infringement,” complicating judicial interpretation. The Vanillin case, which introduced the presumption rule for improper acquisition and use of trade secrets, offers a new direction for refining Article 32. Limiting the rebuttable presumption to production method trade secrets can act as a key to activating Article 32’s burden-shifting provisions, aligning with the goal of reducing the burden on rights holders. Future research should focus on developing proof standards for non-production method trade secrets through judicial practice, refining Article 32 by categorizing trade secrets.

References

[1] Intellectual Property Division Research Group, Beijing Higher People’s Court. Research Report on Judicial Adjudication of Trade Secrets after the Amendment of the Anti-Unfair Competition Law. Electronic Intellectual Property, 2019, Issue 11.

[2] Supreme Court of China, Civil Judgment No. 1667, 2020.

[3] Supreme Court of China, Civil Judgment No. 1590, 2023.

[4] Landman, T. Trade Secret Protection in Japan and the United States: Comparison and Recommendations. Brooklyn Journal of International Law, 2019, 44(2), p. 756.

[5] Liu, J. Research on the Burden of Proof Rules in Trade Secrets Infringement Litigation—Understanding and Application of Article 32 of the Anti-Unfair Competition Law. Xiangtan University, 2021.

[6] Japan Patent Office. Act on Partial Revision of the Unfair Competition Prevention (Act No. 51 of June 14, 2023). https://www.jpo.go.jp/system/laws/rule/hokaisei/sangyozaisan/fuseikyousou_2306.html

[7] Eastman Kodak Co v. Powers Film Prods. Inc. 179 N. Y. S. 325. 1919.

[8] Peng, X. Revisiting the Inevitability Disclosure Principle—Remedies for Potential Trade Secrets Infringement under U.S. Law. Intellectual Property, 2003, Issue 6.

[9] Zhao, C. Study and Reference of the U.S. ‘Inevitable Disclosure’ Principle. East China University of Political Science and Law, 2014, p. 10.

[10] Tang, W. On the Reversal of the Burden of Proof in Civil Litigation. Application of Law: Journal of the National Judges College, 2002, Issue 6.

ISSN: 2637-6067 DOI: 10.6918/IJOSSER.202411_7(11).0037

[11] Shen, S., Huang, P. Application of Presumption Rules in Proving the 'Secrecy' of Trade Secrets—Also Discussing Article 32 of the Anti-Unfair Competition Law. Changzhou University Journal (Social Science Edition), 2021, Vol. 22, Issue 5.

[12] Cheng, C. Allocation of the Burden of Proof, Reversal of the Burden of Proof, and Transfer of the Burden of Proof—A Study on Civil Litigation. Modern Jurisprudence, 2008, Issue 2.

[13] Ye, F., Ye, Z. Impact of Presumptions on the Distribution of the Burden of Proof. Legal Studies, 2002, Issue 3.

[14] Zhang, H. Reconsideration of the Legal Effects of Civil Presumptions—From the Perspective of Changes in Litigants' Rights. Jurist, 2014, Issue 5.

[15] Lin, W. On the Reversal of the Burden of Proof in Trade Secrets Infringement Cases—Also Commenting on Article 32 of the Anti-Unfair Competition Law. Jilin University of Business and Technology Journal, April 2021, Vol. 37, Issue 2.

[16] Cui, G. Allocation of the Burden of Proof in Trade Secrets Infringement Litigation. Jiao Tong Law Review, 2020, Issue 4.

[17] Hong, Z. Study on Legal Presumptions in Two-Punishment Regulations—Focusing on Presumed Negligence under Trade Secrets Law Section 13-4. Shixin Law Review, 2020, Issue 2.

[18] Cui, G. Allocation of the Burden of Proof in Trade Secrets Infringement Litigation. Jiao Tong Law Review, 2020, Issue 4.