

Capture without Transfer? Copyright Registration and Platform Enforcement through the Gugu Gaga Meme in China

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ABSTRACT

The article examines how voluntary copyright registration may support platform enforcement where underlying ownership remains unresolved, using the Gugu Gaga case in China. In July 2026, a ByteDance subsidiary registered two entries associated with a penguin-costume meme whose source image originated from an independent online creator, although the precise content of the deposited works remains unavailable. The study employs doctrinal legal analysis within a single-case design, supplemented by qualitative document analysis. It examines legislation, six Chinese judgments, four platform agreements, campaign rules, registration records and complaint guidelines, with online materials preserved as dated captures. The examined agreements do not establish a transfer of copyright ownership to the registrant. Registration supplied a public record and a favourable, rebuttable evidentiary position without resolving the underlying entitlement. The complaint procedures indicate that registration credentials may support enforcement before substantive ownership is adjudicated. No enforcement linked to these registrations was identified during the study period. The article argues that, where registration creates an enforcement-ready credential without resolving underlying ownership, registration may function as 'capture infrastructure' by strengthening a claimant's procedural position while shifting the burden of challenge to others.

1. Introduction

On 2 July 2026, a subsidiary of ByteDance registered two entries in the Chinese works-registration system over a penguin-costume figure it did not originate (China Copyright Protection Center, 2026b). Copyright registration is voluntary in China, and an entry records a claim rather than adjudicating it. The figure had been posted in February by a Bilibili platform creator. They released it to others in a single sentence, and it has since undergone multiple rounds of dissemination. The entries name the company as rightholder and classify the material as a work of fine art.

There is no information in the public records indicating that the copyright has been assigned to the company. The register only publishes the applicant, the title of the work, the category and the date, but not the deposited materials (National Copyright Administration of China, 1994, art. 12). The four agreements involving this person do not grant any title. The entries cover both the two-dimensional and the three-dimensional renderings. In the list of evidence submitted by the complainant for Douyin and Bilibili, the registration certificate is listed first; a complaint supported by such a certificate can secure the removal of content before anyone determines who owns the right (Beijing Douyin Technology Co., Ltd., 2026b, cl. 1.2.2(4); Bilibili Inc., 2026b, para. 1(3)).

The central issue is neither the authenticity of the registration certificate nor the existence of a judicial determination, but whether the registrant possessed a legally sufficient basis for the ownership claim recorded in the register.

The available evidence suggests that the registration authority provides ownership credentials from outside the agreement, while the system used to consume the credentials directly processes these credentials without verification. The registration authority generates the form of ownership declaration, but does not verify its authenticity. The complaint window focuses on whether the complaint is complete, rather than whether the claim is true. The two will convert the collective form into a document of a certain company, and this submission is voluntary and only requires formal review.

This combination inverts the standard case of registration. In the information account, public registration reduces the cost of identifying ownership, while the content it releases serves all those who need to handle the work (Sprigman, 2004, pp. 500–502). In this episode, the public register identifies the recorded claimant but does not disclose the deposited works, limiting the information available to those seeking to assess the claim. This article uses the term ‘capture infrastructure’ to describe a registration system that lowers the cost of asserting ownership through a formal credential while leaving third parties to bear the cost of testing the substantive basis of that claim. Its contribution is to explain how this possibility arises within a system commonly understood to facilitate the identification of rightholders, and how it may acquire practical significance through platform complaint procedures.

The analysis rests on the publicly available entries, the complaint guidelines published by the platforms, four agreements, and Chinese case law on copyright registration. Two issues are unresolved on the record. Whether the source image is protectable and what was actually deposited. This results in four possible configurations, and the arguments revolve around these four scenarios rather than focusing solely on one of them. Throughout the process, six objects are kept separate from each other, which are typically discussed together, namely game characters, creator images, internet memes, displayed assets, registered titles, and deposited files. The comparison materials are used as conceptual tools rather than as authoritative references of the Chinese legal system.

Three limits on the argument should be stated at the outset. The article does not claim that this credential has been used against anyone, nor does it make any such claims about its use. It does not propose to make copyright protection in China conditional on registration, as this is not allowed by the Berne Convention. Moreover, it does not

advocate abolishing the notification and deletion system, because complainants who hold genuine evidence of infringement are unaffected by the calibrations proposed in the Conclusion.

Section 2 reviews the literature on memes as collective forms, on fan creation and tolerance, on the copyrightability of AI-assisted images in Chinese law, on formalities and registration, and on enforcement at scale. Section 3 sets out the method. Section 4 fixes the facts without making arguments, raises the two unresolved issues and analyses the resulting four configurations, and shows that the agreements supply permissions and control but convey no ownership. Section 5 explains what registration produced, namely a public record and a favourable evidentiary position rather than a transfer, and traces the credential into the systems built to consume it. Section 6 places the episode in the context of formalities and proposes three calibrations.

1.1. Research Objectives

This article has three objectives: first, to determine whether the contractual chain transferred any copyright interest to the registrant; second, to assess the legal and evidentiary effects of the registrations; and third, to examine how registration credentials may operate within platform complaint mechanisms.

2. Literature Review

2.1. Memes as Collective Cultural Forms

A meme is not a single piece of art but a group composed of related variations. Shifman (2014) defines a meme as a set of digital content that shares common characteristics in terms of content, form, and stance, and is consciously created and disseminated by multiple participants. Therefore, the unit of cultural meaning is the group rather than any single item, and no single rendering can represent the whole.

The cultural literature discussed here emphasises the community participation and collective communication through which memes develop. It gives less attention to how copyright ownership is allocated within that process. Although copyright may subsist in a particular rendering, such protection does not necessarily amount to ownership of the broader meme, which consists of multiple related variations created and circulated by different participants. A legal record identifying the owner of a particular rendering therefore concerns a narrower object than the collective cultural phenomenon described in this literature.

2.2. Fan Creation, Tolerance, and Profit

A large amount of literature addresses the legal status of fan works. Wu (2008) introduced the concept of tolerated use, which describes technically infringing activity that the rightholder knowingly declines to enforce against, and which he distinguishes from licensed use. Tolerated use establishes no permission; it reflects only a decision not to act. He (2017) examines Chinese fan productivity, specifically situating it within a jurisdiction whose formal doctrine is restrictive but whose enforcement practice has been uneven. Thomas (2023) documents how video game companies have moved from toleration to structured monetization, bringing fan production inside platform-defined rules and profit themes.

Together these accounts describe a trajectory from unenforced infringement, through tolerance, to formalised participation. What they do not address is whether the ownership has quietly shifted when this trajectory is completed.

2.3. Copyright Issues of AI-Assisted Images in Chinese Law

Whether images produced with generative tools attract copyright is contested in Chinese scholarship and unsettled in the courts. Wang (2017, 2023) argues across two extended treatments that such content falls outside copyright because it lacks the intellectual creation of a natural person, the generative system rather than the user supplying whatever appears expressive in the output. Y. Huang (2024) takes the opposite position, arguing that AI-generated content constitutes work with a recognizable human creative contribution and the user is the original rights holder; the analysis locates originality in the user's selection and adjustment (pp. 79–81), and subsequently develops the ownership account (pp. 85–87).

Judicial practice has not resolved this disagreement so much as distributed it across the evidence. In one case, records of repeated prompt revision and parameter adjustment were treated as evidence of the claimant's creative choices, and the image was held on that basis to be a work (Beijing Internet Court, 2023). A later decision accepted that reasoning but limited its reach, holding that a claimant must show that the intellectual contribution relied on reached the particular expression for which protection is sought. General testimony about prompts, parameter adjustments and reference images did not suffice where the original generation records were unavailable and the randomness of the process meant the claimant could not reproduce how the disputed images had been made (Zhangjiagang People's Court, 2024). A third court held an image generated in Midjourney and edited in Photoshop to be a work while assessing its originality as low, and confined the resulting right to the artwork annexed to the registration certificate (Changshu City People's Court, 2024). What differs across these decisions is less the doctrinal test than the evidence each claimant could produce about the process of making.

This debate was almost entirely conducted at the level of substantive protectability. It asked whether such images constituted works. It did not inquire about what would happen administratively in the event that the issue remained open, which is precisely the starting point of this study.

2.4. Formalities, Registration and the Information Account

International copyright law prohibits formalities as conditions of protection, but the prohibition is narrower than it is often taken to be. Article 5(2) of the Berne Convention governs protection claimed in a Union country other than the work's country of origin, and does not constrain a state's treatment of works originating within its own territory; declaratory measures concerning ownership are not formalities in the prohibited sense (Ricketson & Ginsburg, 2022). Registration systems may therefore exist, and do, provided they are not constitutive of the right. What such systems disclose to the public varies: some publish the material deposited with an application, while others record only its particulars.

What such systems accomplish has been analysed most fully by van Gompel (2011), who distinguishes constitutive from declaratory formalities and identifies their functions as

filtering, demarcation, signalling, evidence and information. He observes that demarcation is achieved through three mechanisms working together: the applicant's own claim, an examination testing that claim, and challenge by third parties through opposition or litigation. Sprigman (2004) advances the normative case, arguing that registration, notice and recordation generated ownership information that possession of a copy alone could not, reducing the cost of identifying right holders and clearing rights, and filtering commercially inert works away from exclusive control.

This literature is predominantly optimistic. Registration appears in it as infrastructure serving the public interest in reliable information. The possibility that the same functions might operate asymmetrically has received little attention.

2.5. Enforcement Infrastructure and Scale

A separate literature examines how intellectual property claims are processed online. Seng (2021) describes the migration of marketplace enforcement to automated detection operating at a scale no human review could match, and observes that the Chinese E-Commerce Law's remedy for erroneous notices (which the European regime lacks), obliges intermediaries to evaluate incoming notices while leaving unclear what evaluation an operator could realistically perform. Boyle (2003) supplies the wider frame, describing a second enclosure movement in which intangible resources previously held in common are brought within exclusive control.

This literature treats enforcement as a problem of volume and error. It does not connect enforcement infrastructure to the administrative records on which enforcement claims are founded.

2.6. The Gap

Each of these literatures is well developed in isolation. Memes are studied as collective cultural forms without reference to ownership records. Fan creation is studied as a problem of permission and tolerance. The copyrightability of AI-assisted images is debated as a question of substantive doctrine. Registration is analysed as information infrastructure and assessed largely favourably. Enforcement is examined as a matter of scale and error rate.

The gap lies at the intersection of these literatures, particularly in the relationship between unresolved copyright entitlement, voluntary registration and the procedural use of registration credentials in platform enforcement. The present study examines that relationship through a single documented case, and argues that the functions the optimistic account attributes to registration can operate in the opposite direction. Accordingly, this article asks how a voluntary copyright registration system operates when entitlement remains substantively uncertain, and what procedural consequences follow when the resulting credential is relied upon within platform enforcement systems.

3. Research Methods

3.1. Research Design

This study employs doctrinal legal analysis within a single-case design. Doctrinal research explains legal rules, principles and systems to clarify their meanings and applications (Hutchinson & Duncan, 2012). Making its methodological assumptions explicit also helps explain and justify legal research to readers from other disciplines (Hutchinson & Duncan, 2012; Van Hoecke, 2011). In this study, that explanation is particularly relevant because the analysis draws on the understanding of memes as collective cultural forms and on the concepts of information infrastructure and enclosure. These perspectives help interpret the cultural and institutional setting of the dispute, while questions of copyright entitlement are examined through Chinese legal sources.

The research design consists of three elements. First, doctrinal legal analysis is used to interpret relevant Chinese copyright legislation, judicial decisions and administrative rules. Second, qualitative document analysis was conducted on platform agreements, administrative records and campaign rules, treating these materials as primary documentary sources (Bowen, 2009). This documentary analysis also examines the published platform complaint guidelines. Third, the single-case study traces the documented development of the Gugu Gaga episode and examines the relationship between community circulation, copyright registration and the available platform enforcement procedures (Yin, 2018).

3.2. Case Selection

The case was selected purposively rather than for statistical representativeness. Four features make it suitable for use in the proposed problem. Its sequence is exceptionally complete, starting from the first release of the February 2026 image, going through months of community dissemination and adaptation, to the completion of two copyright registrations in July 2026, and the launch of monetised creative activities in the same month. Registration information can be independently traced in the publicly searchable register. The contract chain of the underlying game characters, the platform used for the dissemination of materials, and the generation tools used to create variants have all been fully disclosed and publicly accessible. The creator's statements regarding file submission and permission to use have also been recorded in the public archive.

The purpose of this case study is therefore analytical rather than representative: it seeks to explain how the relevant legal and institutional mechanisms operate, not how frequently this configuration occurs (Flyvbjerg, 2006; Yin, 2018). The documented sequence and available materials make the case informative for examining the relationship between registration and platform enforcement procedures. This article does not claim that the configuration is universally applicable; Section 3.7 specifies the evidentiary limits and the questions that remain unresolved.

3.3. Materials

The corpus comprises five classes of material. The first is legislation and administrative rules, principally the Copyright Law, the Trial Measures for the Voluntary Registration of Works, the Civil Code provisions on network service providers, the Regulations on the

Protection of the Right of Communication through Information Networks, and the E-Commerce Law. The second is judicial material, comprising the Supreme People's Court's interpretation on civil copyright disputes and six decisions of Chinese courts, ranging from basic-level and district courts to the Supreme People's Court. The judicial decisions were selected purposively for their relevance to copyright registration, AI-assisted authorship, evidentiary presumptions and platform enforcement, while the agreements were selected because they governed the principal stages of the factual chain examined in the case study. The third is contractual: four user-facing agreements governing the game, the two circulation platforms and the generative tool, together with the rules of the creation campaign. The fourth is administrative: the two registration entries and the results of contract-recordal searches. The fifth is platform enforcement material, comprising the published infringement-complaint guidelines of the two platforms.

Agreements and guidelines were consulted in the versions publicly available on the dates stated in the text. All Chinese-language materials were consulted in the original; translations are the author's own, and reference-list entries give romanised titles with English translations.

3.4. Preservation of Online Materials

A substantial part of the primary material is held on platforms that revise their pages without notice and without version history, and some of it has since been deleted at source. Legal scholarship has documented the resulting instability of online citation. According to the study of Zittrain et al. (2014), more than seventy per cent of the URLs cited in leading law reviews, and approximately half of those in decisions of the United States Supreme Court, no longer resolved to the material originally cited. Preservation is accordingly treated here as part of the method rather than as an incidental precaution (Rogers, 2013).

Each online item relied on was preserved at the time of consultation as a dated screenshot or video frame. Each preserved file was fingerprinted using a SHA-256 cryptographic hash and anchored to an independent dated record, so that the state of the file at the time of capture can be demonstrated subsequently. Where a stable public address exists it is cited with a retrieval date; where none exists, as with material accessible only within a mobile application, the access path is described instead. Figures 1 to 3 reproduce the items on which the analysis depends most directly, including material that has since been removed from its original location. Full-resolution captures and the corresponding integrity records are retained by the author and are available on request.

3.5. Analytical Framework

At present, there are two issues that remain unresolved. The first issue is whether the source image qualifies as a protected work under the Chinese Copyright Law. The court has reached different conclusions on this issue in similar disputes. The second issue is what content the registrant actually submitted, as the register only discloses the title, category, registration owner and date of the entries, but does not specify the submitted documents.

This framework is an analytical tool for testing the conditions, rather than a conclusion on which configuration actually holds true. The framework combines two unresolved variables: whether the source image is copyright-protected and whether the deposited material consists of the source image or newly created renderings. These variables produce four possible configurations, each carrying different requirements for a valid copyright claim. For each configuration, the analysis identifies those requirements and examines whether the available evidence establishes that they are met. The framework tests the conditions for a valid claim without assuming which configuration actually applies.

3.6. Ethical Considerations

The study involves no human participants and no personal data collected from individuals. All materials analysed were publicly available at the time of consultation. Individual creators are identified only by the public account names or pseudonyms under which they published the material discussed, and no attempt has been made to establish or disclose their legal identities. Corporate parties are identified by their registered names, which appear in the public register and in the published agreements.

3.7. Limitations

Four (4) limitations should be stated. First, the deposited files corresponding to the two registration entries are not publicly accessible, so the analysis proceeds on what the register discloses rather than on the deposits themselves; this constraint is itself analytically significant and is discussed in Sections 5.1 and 5.2. Secondly, no enforcement activity connected to the registrations was located during the study period, so the article describes the capacity that the registrations confer rather than any exercise of it. Thirdly, a single case cannot establish how frequently the configuration described arises, and no such claim is made (Flyvbjerg, 2006). Fourthly, the uploader identity of one preserved item remains unconfirmed and is flagged where it is relied on.

4. Results

4.1. One Meme, Four Agreements, Two Registrations

Gugu Gaga is an internet meme built around a cartoon image of a girl in a penguin costume. In five months, from February to July 2026, it travelled from a single fan image to a widely circulating meme on the Chinese internet, acquired a prominent Douyin presence, and became the subject of two entries in the CPCC works-registration system. This section maps that sequence, with the governing instrument and principal evidence at each node; it argues nothing, and fixes only the factual base on which the rest of the article stands.

The chain begins with a game character made public before the game itself. Arknights: Endfield, developed by Hypergryph, was publicly released on 22 February 2026, having been promoted in a video shown on 16 January (Hypergryph Network Technology Co., Ltd., 2026a). Among its cast is a female Administrator character, who wears no penguin costume (17173.com, 2026b). On 19 February, three days before the game's public release, a Bilibili creator posting under the handle Jiantu Sishungai (Jiantu Sishungai) posted an AI-generated cartoon image placing that character in a penguin costume; the costume is the creator's addition, not the game's. They invited other internet users to re-

creation this image in one sentence: gai xingxiang 100% you AI shengcheng, yongyu AI shipin dangran ye shi 100% keyi de (this image is 100% AI-generated, and using it for AI videos is of course 100% acceptable) ('this image is 100 per cent AI generated; using it for AI videos is of course also 100 per cent fine') (Know Your Meme, 2026). Two agreements are relevant to that act. Hypergryph's game licence and service agreement defines game content to include character images and reserves all intellectual property to the company; whether it bound this pre-release creator is addressed in Section 4.3 (Hypergryph Network Technology Co., Ltd., 2026b, cls. 1.7, 9.1). Bilibili's user agreement governed the upload: the uploader warrants lawful copyright or corresponding authorisation, and the platform takes rights to display, promote and process the content, including adaptation. No identified clause transfers ownership of user content to Bilibili, and the agreement itself does not determine ownership of the uploaded content (Bilibili Inc., 2026a, cls. 4.2–4.3, 8.1, 8.5).

Figure 1. The source image posted on 19 February 2026, reproduced from the creator's published working file, in which the creator states that the image is entirely AI generated.



What followed was ordinary meme dynamics at unusual speed. The image acquired a name, an onomatopoeia of a honking cry (Gugu Gaga), and a life of its own. Its identity and origin story were documented on Know Your Meme by mid-May, well before any registration (Know Your Meme, 2026). A March explainer video had already traced its history for Chinese viewers (Gengxuetang, 2026). Community renderings multiplied. On 3 April, a widely viewed Bilibili video already presented the character as a polished three-dimensional model (Xu Toso, 2026). Gugu Gaga variants also circulated through platform AI-generation tools; where Douyin's or Jimeng's functions were used to make them, those services' agreements formed part of the architecture at that node (Shenzhen Lianmeng Technology Co., Ltd., 2025, cls. 9.1–9.7). Table 1 maps the chain, the relevant legal instrument and the principal evidence at each node.

The creator's position shifted twice. In late February they asserted copyright against merchandise sellers, reportedly demanding a ten per cent fee from at least one, and put their own keychains on sale. They separately stated that they had applied to register the image as an adapted work, expressly acknowledging Hypergryph's rights in the underlying character; on their own account this was an application, not a completed registration (17173.com, 2026a). The assertion met substantial community backlash. On 7 March they published an apology, undertook to stop asserting copyright in the image,

and removed their Gugu Gaga content; whether the application was ever granted is not publicly confirmed (Jiantu Sishungai, 2026).

From late June, the meme acquired a prominent presence on Douyin. A Douyin account under the name Gugu Gaga appeared, whose profile attributes the character's prototype to Hypergryph's Arknights: Endfield and whose content is built around a three-dimensional model shown in a video of 28 June (Gugu Gaga, 2026). Between 1 and 15 July the account fronted a co-branded prize activity listed under the official Endfield channel, inviting creations under paired hashtags for cash rewards in five tiers, from 3,000 yuan for first place to 500 yuan for ranks 21 to 65 (Beijing Douyin Technology Co., Ltd., 2026d). The public materials identify the account as the activity's initiator.

On 2 July 2026 the register entered the story. The Copyright Protection Centre of China (CPCC) records two registrations in the name of Beijing Zitiao Network Technology Co., Ltd. (Beijing Zitiao), a ByteDance subsidiary company, for works titled Gugu Gaga-2D and Gugu Gaga-3D, both categorised as meishu zuopin (works of fine art), under the consecutive numbers Guo Zuo Deng Zi (national works registration) No. 2026-F-00157780 and -00157779. The register discloses the titles, the category, the recorded owner and the date of registration; it does not disclose the deposited files (China Copyright Protection Center, 2026b). Press reports place these within a larger batch of meme registrations by the same company, not verified against the register and not pursued here (17173.com, 2026b). Registration under the scheme is voluntary, with formal examination only (National Copyright Administration of China, 1994, arts. 2, 12).

Figure 2. The China Copyright Protection Centre register entry for Gugu Gaga-2D, recorded to Beijing Zitiao Network Technology Co., Ltd. on 2 July 2026. The entry discloses the title, category, recorded owner and date, and not the deposited material.



Two questions that the public record cannot answer sit at the centre of what follows. The first concerns the source: is the source image a protected work at all? The creator's own description of it as 100 per cent AI generated bears on that question without settling it. The second concerns the deposit: what did Zitiao actually submit, the source image itself, or newly produced renderings? The registered titles carry the meme's name; no official work in the source image's flat idiom has been located, and the deposited files remain unavailable. The two questions combine into a compact grid of four configurations. For now the position is this: the record establishes a sequence of circulation, platform adoption and registration; it does not establish the copyright status of the source image, nor the identity of the works actually deposited. Section 4.2 takes up both questions and tests each configuration in turn. Section 4 then asks a different question: whether any of the agreements relevant to this chain conveyed title to anyone.

Table 1. The Gugu Gaga chain and its governing instruments

Date	Fact at the node	Governing instrument	Principal evidence
16 Jan 2026	Arknights: Endfield promoted in a video; the female Administrator character carries no penguin costume	Hypergryph game licence and service agreement, cls. 1.7, 9.1	Promotional material; game agreement
19 Feb 2026	Creator posts an AI-generated image placing the Administrator in a penguin costume on Bilibili, three days before public release; free-use statement for AI videos	Bilibili user agreement, cls. 4.2 to 4.3 (no ownership transfer identified; uploader warrants lawful copyright or authorisation; grants display, promotion and processing incl. adaptation)	Originating post (KYM-archived frame); Bilibili agreement
22 Feb 2026	Arknights: Endfield publicly released	Hypergryph game licence and service agreement	Launch coverage
late Feb to 7 Mar 2026	Creator asserts copyright, states an adaptation registration was filed, then apologises and withdraws	Creator's own statements (not a platform instrument)	Creator's registration statement and apology; 17173 report (10 Mar 2026)
Mar to Jun 2026	Meme circulates as Gugu Gaga; documented on KYM (May); community 3D video (3 Apr); variants generated via platform AI tools	Jimeng AI user service agreement, cls. 9.1 to 9.7; Douyin user service agreement, cls. 10.1 to 10.6 (where those AI functions were used)	KYM entry; explainer video; community 3D frames (Figure 3)
28 Jun to 15 Jul 2026	A Douyin account under the name Gugu Gaga presents a 3D model (video of 28 Jun) and fronts a co-branded prize activity listed under the official Endfield channel	Account profile; activity rules (co-branded; operator not identified)	Account profile; activity page and rules (Figure 4); official 3D frame (Figure 3)
2 Jul 2026	CPCC records two registrations to Beijing Zitiao for works titled Gugu Gaga-2D and Gugu Gaga-3D (meishu zuopin (works of fine art)); deposited files not disclosed	Trial Measures for the Voluntary Registration of Works (voluntary registration regime)	Registry entries Guo Zuo Deng Zi Nos. 2026-F-00157780 and -00157779 (Figure 2)

4.2. Two Questions, Four Configurations

This section further takes the four configurations the above two questions generate and asks, for each, what Zitiao would need to establish for the registration to stand there, and how demanding that showing is. The following below does not adjudicate which configuration is true, because the record does not permit a choice; what the record permits is an exact description of the burden each configuration carries.

The first question is whether the source image satisfies the threshold for copyright protection under Chinese law, namely independent creation accompanied by a minimum degree of intellectual creativity (National People's Congress, 2020b, art. 3; State Council of the People's Republic of China [State Council], 2013b, art. 2). For images made with AI tools, *Li v Liu* case located the answer in the human-being's intelligence creation: the plaintiff's prompt design, parameter adjustments and selections are regarded as intellectual input, resulting in a personalised expression. Therefore, this image constitutes a work and the plaintiff is the author (Beijing Internet Court, 2023). A judgement from Zhangjiagang has further refined this doctrine in the opposite direction. If humans merely provide simple prompts, they are not sufficient to achieve "intellectual input". Instead, more attention should be paid to the recording of the generation process (Zhangjiagang People's Court, 2024). Chinese scholarship divides along the same line the records does: one said, content generated by AI as falling outside copyright for want of a human-being's intellectual creation, while another treats it as a work wherever an identifiable human-being's creative contribution is present, and would vest the resulting copyright in the user (Y. Huang, 2024, pp. 79–81, 85–87; Wang, 2017, 2023). The creator's statement that the image was "100% AI-generated" (gai xingxiang 100% you AI shengcheng) is not legally determinative (Know Your Meme, 2026). It is a non-technical description of the production process and does not establish whether sufficient human intellectual contribution was involved to satisfy the authorship requirement recognised in Chinese case law. Similarly, the creator's later description of themselves as the "author" of an adapted work does not determine authorship as a matter of law; the relevant question remains whether identifiable human creative choices shaped the protected expression. Neither statement resolves that question, and the available public record does not provide the generation records needed to assess the creator's contribution. The copyright status of the source image therefore remains unresolved. They merely leave the open status of the image source, and nothing else on the public record closes it: whatever generation records exist have never been published.

The second question concerns the identity of the deposited work. The public register discloses the title, category, recorded rightholder and registration date, but not the work actually deposited (China Copyright Protection Center, 2026b). This distinction is important because the scope of any copyright claim depends on the protected expression contained in that deposited material. Zitiao may have deposited the source image itself or newly created renderings; the publicly displayed assets do not establish which material was submitted. Both possibilities therefore remain within the analytical framework. The significance of identifying the protected expression is illustrated by *BanXin*, in which the Changshu court confined protection to the flat artwork annexed to the registration certificate and held that it did not extend to a three-dimensional installation of the same concept (Changshu City People's Court, 2024).

One feature colours all four configurations, namely that whatever the source image is, it is a derivative of someone else's character. Hypergryph's Administrator precedes it; the creator's addition is the penguin costume and the rendering, while the character's identity is retained. The creator described their own filing as an adaptation, attributed the underlying character to Hypergryph and claimed nothing in it; they did not give the creation a name of their own. Additionally, their apology conceded that no authorisation had been given. Copyright in a work created by adaptation belongs to the adapter, but its exercise must not infringe the copyright in the pre-existing work (National People's Congress, 2020b, art. 13). This is the recurrent situation of fan works under Chinese copyright, in which a fan creator's own contribution may add protectable expression while the work stays dependent on, and limited by, the pre-existing work's rightholder's material (He, 2017, p. 128). The consequence runs through every cell. Even if the grid yields a registrable work, the registration would attach to the expression on an unauthorised derivative base. As a result, its exercise is conditioned accordingly. The limitation is not only for one cell but qualifies all of them.

Take first the configuration in which the source image is a work and the deposit is that image. The register then records as owner a company that did not author the work. Only a conveyance from the author could justify that, and Chinese law channels conveyances through form: transfer of the economic rights requires a written contract (National People's Congress, 2020b, art. 27). However, in the Gugu Gaga case, there is no specific checkable public supplies materials. Searches of the contract-recordal announcement on CPCC, against the game company's name and against the meme's own name, return no results (China Copyright Protection Center, 2026a). In addition, since the recordal is voluntary, this proves only absence from the record. Whether any of the four agreements in the chain amounts to such a conveyance is the question addressed in Section 4.3. In this section, it is enough that this cell stands or falls on one.

The second configuration is the demanding one. If the source image is a work and the deposit consists of Zitiao's own renderings, two authorisations must stack. First, the renderings must be works in the registrant's hands: some natural person's creative choices must be identifiable, and must reach the company by a recognised route, whether employment, commission, or the legal-person deeming rule with its test of auspices, will and responsibility (National People's Congress, 2020b, art. 11). Second, the renderings must then be lawful adaptations, and adapting a protected source needs the source author's authorisation (National People's Congress, 2020b, art. 13). That link is open at both ends. Creator's public permission was expressly framed around use in AI videos and may support a limited, non-exclusive permission for uses within that scope. It does not clearly authorise the production and commercial exploitation of separate two- or three-dimensional renderings, and it transfers no title to Zitiao. The later undertaking to stop asserting copyright supplies neither additional permission nor ownership. Behind the creator remains the separate Hypergryph rights layer (He, 2017, p. 128).

The third configuration is different in kind. If the source image is not copyright-protected and the deposited material is the source image itself, the registration would concern subject matter in which copyright does not subsist. In that configuration, neither evidence of transfer nor authorisation could cure the absence of protectable subject matter. What the configuration explains instead is the registry. the registry is *required* to check, cannot effectively do so under formal examination (National Copyright Administration of China, 1994, art. 5), and builds in cancellation because it

expects to be wrong (National Copyright Administration of China, 1994, art. 6). However, the register has accepted images of this kind while the question was still open, because it does not wait for the law to settle. BanXin, made with Midjourney and edited in Photoshop, was registered as a work of fine art in April 2023, months before any Chinese court had held such images protectable; the question was answered only in litigation the following year, when the Changshu court held that the image was a work (Changshu City People's Court, 2024).

The fourth configuration presents the narrowest potentially valid basis for protection. If the source image is unprotected but the registrant deposited newly created renderings, copyright may subsist only in the original expression contributed to those renderings, subject to any upstream rights in the underlying game character, and their exercise must not infringe those upstream rights (National People's Congress, 2020b, art. 13). This requires identifiable human creative contributions and a legally recognised basis for attributing the resulting rights to the registrant. Copyright in a particular rendering does not establish ownership of the broader meme, which comprises related variations created and circulated by multiple participants (Shifman, 2014, p. 41). Earlier community renderings do not themselves defeat originality, but may bear on whether the deposited rendering was independently created. The public record includes a community three-dimensional model published on 3 April, before the registrations (Xu Toso, 2026).

This section is not for establishing a winner. Instead, in this section, every configuration attaches a different requirement to the same register entries. In the first, a valid route by which copyright in the source image reached Zitiao; in the second, rights in the new renderings together with any authorisation required for their use of the protected source image and Hypergryph's Administrator character; in the third, a protectable work, which the assumptions of that configuration exclude; and in the fourth, independently created original expression in the new renderings, narrowly protected and still subject to upstream rights. None of the necessary links is established by the public record, and the evidence does not permit the section to choose among the four configurations. The decisive gaps in the first two cells concern the chain of rights. If those links exist, they would ordinarily be evidenced by an assignment, licence, employment or commissioning arrangement, or another recognised basis by which rights reached Zitiao. The originating upload may also have conflicted with the creator's contractual warranty to Bilibili. Section 4.3 therefore examines the agreements relevant to the chain and asks whether any of them supplies the missing links, conveys title, grants only limited permission, or instead creates powers of use and control without ownership.

4.3. Contractual Permissions and the Absence of Copyright Transfer

The contractual chain is relevant because several of the four configurations identified above require either a transfer of title or authorisation to create derivative works. Four agreements governed the chain mapped in Table 1. This section therefore examines whether any of the relevant agreements transferred copyright ownership or merely granted permissions to use the content.

The upstream instrument is the least generous of the four. Hypergryph's licence and service agreement grants the player access to the game and little else: clause 1.7 defines game content to include names, designs and character images, whether independently

protectable. Clause 9.1 indicates all of the aforementioned contents AND all intellectual property rights belong to the company and forbids reading the agreement as transferring or licensing anything to the user unless it expressly says so (Hypergryph Network Technology Co., Ltd., 2026b, cls. 1.7, 9.1). Clause 9.2 goes further in the same direction, vesting rights in UGC game data in the company (Hypergryph Network Technology Co., Ltd., 2026b, cls. 9.2, 9.4–9.5). Nothing in this instrument could carry title to anyone outside Hypergryph. It is drafted to prevent exactly that.

Bilibili's user agreement does not transfer copyright ownership in uploaded content. Instead, it grants the platform broad permissions to display, process and adapt that content. These contractual permissions amount to a licence, not a transfer of title: "Bilibili may perform the required processing of displayed content (including but not limited to translation, compilation, adaptation, etc.) for the displayed content either by itself or through a third party" (Bilibili Inc., 2026a, cls. 4.1–4.3, 10.2). The agreement does not expressly determine who owns the uploaded content, but no identified clause transfers that ownership to Bilibili. Clause 4.3 permits processing through third parties, and clause 10.2 permits transfer of service-related assets and contractual rights or obligations, but neither turns the platform's permission into ownership of the uploaded work. Its standard terms therefore give the platform a licence, not title. Bilibili could pass copyright title onward only if it had first acquired it through some separate valid arrangement. No such arrangement is identified in the public record, but the point should not be put as proof that none exists: the creator used a pseudonym, contract recordal is voluntary, and any separate agreement could remain undisclosed (National People's Congress, 2020b, art. 25).

One further feature for both Hypergryph and Bilibili. The first instrument in the chain already contained a clause that the creator arguably breached. Bilibili's user agreement requires uploaders to bear the responsibility for ensuring legal copyright or corresponding authorisation. Additionally, it prohibits the uploading of infringing content and assigns the liability and compensation obligations to the uploaders (Bilibili Inc., 2026a, cls. 4.1–4.2, 5.5(4)). According to the existing records, the creators cannot invoke any of these clauses, because their copyrights do not cover the administrators, and their own apologies also admit that there is no authorisation from Hypergryph. From the first minute of creator's upload, the source image sat inside contracts of Bilibili and Hypergryph that they are not satisfy.

Hypergryph's apparent non-enforcement against early circulation of Gugu Gaga on Bilibili may be characterised as tolerated use. Such non-enforcement, however, does not by itself establish an implied licence and cannot amount to a transfer of ownership (Wu, 2008, pp. 617–619). Such tolerance can even allow the early Gugu Gaga to monetise on the Bilibili platform through creators and other second-tier creators by accepting advertisements and other means (Thomas, 2023). Therefore, without any upstream threat, Bilibili did not previously use its contract to prevent it. However, since there is no contract involved, of course, this tolerance cannot be regarded as a transfer of ownership, and then to exploit it.

The Douyin agreement shows how platform control can be extensive without ownership. Clause 10.2 states that copyright in uploaded content belongs to the user or original right holder. Clause 10.3 then licence "us" a worldwide, free, non-exclusive and multilayer-sublicensable licence, including adaptation and derivative production; clause 10.4 delegates enforcement; clause 10.5 enables platform-function re-creation; and

clause 10.6 reserves rights in operational data. The corporate sentence matters only to identify who receives those contractual permissions. The agreement defines the terms “we” and “us” as Beijing Douyin Technology Co., Ltd. And its affiliates, and allows services to be provided by affiliates (Beijing Douyin Technology Co., Ltd., 2026c, cls. 10.2–10.6). It is worth noting that this clause implies a single direction license. According to China Business Information Query Platform, Zitiao is an affiliate (Qichacha, 2026). Therefore, according to Douyin's own agreement, Zitiao still cannot obtain ownership by using memes uploaded by community's other users in through re-creation.

Jimeng AI, another affiliates of Zitiao (Qichacha, 2026), repeats the term's design. The agreement is examined as a possible contractual basis for Zitiao's ownership claim, without assuming that the Gugu Gaga re-creations uploaded to Douyin before registration were generated using Jimeng. Clause 9.2 says that any intellectual-property and other proprietary rights in inputs, outputs and published content, if any, belong to the user or lawful right holder (Shenzhen Lianmeng Technology Co., Ltd., 2025, cl. 9.2). Clauses 9.3 and 9.4 grant broad non-exclusive, multilayer-sublicensable permissions to Shenzhen Lianmeng Technology Co., Ltd. and its affiliates, including adaptation, derivative production, promotion and marketing; clause 9.5 delegates enforcement, clause 9.6 permits tool-based reuse, and clause 9.7 claims operational data (Shenzhen Lianmeng Technology Co., Ltd., 2025, cls. 9.3–9.7). Accordingly, the Douyin and Jimeng agreements may confer broad rights of use, adaptation and sublicensing, but they do not establish that copyright ownership in user-generated content was transferred to Beijing Zitiao.

Taken together, the publicly available agreements demonstrate extensive contractual permissions and operational control, but none establishes a written transfer of copyright in the source image or subsequent renderings to Beijing Zitiao. The contractual chain therefore does not, on the available evidence, explain the ownership claim reflected in the registrations.

5. Discussion

5.1. Capture without Transfer

“Capture without transfer” describes a situation in which registration gives an unresolved ownership claim public and evidentiary form without itself supplying the authorship, originality, authorisation or transfer required to establish substantive copyright title.

Registration in China creates neither copyright nor title. Berne article 5(2) points the same way as a matter of comparative principle, prohibiting any formality as a condition on the enjoyment and exercise of Convention rights claimed in a Union country other than the country of origin; it does not itself govern this material, of which China is the country of origin (Berne Convention, 1971, art. 5(2)). The domestic rule is what applies: copyright arises on completion of the work, and registration under the voluntary scheme does not affect the rights so acquired (National Copyright Administration of China, 1994, art. 2; State Council, 2013b, art. 6). A non-constitutive formality may nevertheless perform publicity, information and evidentiary functions. The question is therefore what public and evidentiary effects Zitiao's filings produced while the

substantive basis of its ownership claim remained unresolved (van Gompel, 2011, ch. 2, pp. 25, 31–44).

Two immediate effects followed, and neither is ownership. First, the public entries name Zitiao as the rightholder of Gugu Gaga-2D and Gugu Gaga-3D. Second, a registration certificate is legally usable as evidence of the matters recorded. Article 7 of the Supreme People's Court Interpretation states that a copyright registration certificate may serve as evidence; it does not make every registered statement conclusive or automatically relieve the holder of all further proof. What it does in practice is nonetheless substantial: where a certificate names the holder and no contrary evidence is produced, a court may find ownership on that footing (Supreme People's Court of the People's Republic of China [SPC], 2002, art. 7; SPC, 2023). This evidentiary role must also be kept separate from Copyright Law article 12. The rebuttable rule there concerns the name affixed to the work, whereas Zitiao's name is disclosed by the register (National People's Congress, 2020b, art. 12). The argument therefore rests on the public entry and the evidentiary availability of the certificate, not on registration manufacturing an article 12 presumption.

The credential is possible because the scheme separates substantive eligibility from the depth of the filing-stage inquiry. Articles 4 and 8 require the applicant to identify the asserted basis of entitlement and, where the applicant is not the author, to submit supporting proof (National Copyright Administration of China, 1994, arts. 4, 8). Article 5 requires refusal of subject matter outside copyright protection. In addition, Article 6 requires cancellation where an entry should have been refused, conflicts with the facts or duplicates an earlier registration (National Copyright Administration of China, 1994, arts. 5–6; van Gompel, 2011, pp. 31–37). These are not empty rules, but they operate through a formal documentary process which is not equipped to resolve contested originality, human authorship, lawful adaptation or chain of title on materials submitted by a single applicant. The scheme therefore contains both an entry screen and a later correction mechanism, while leaving room for registration to precede adjudication of the underlying right. The consequence is that a certificate can outrun the right it names, attesting on the register's face to an ownership that the underlying law may not support. That AIGC images pass this way is already on the record, and BanXin was registered in April 2023, before any Chinese court had held such images protectable, and was held to be a work only in litigation the following year. In so holding, the court confined the copyright to the flat artwork annexed to the registration certificate and declined to extend it to a three-dimensional installation of the same conceit, so that the deposited file fixed the scope of the right (Changshu City People's Court, 2024).

A Chinese court has already confronted this configuration. The plaintiff held two registration certificates stating a creation date of 5 September 2020. The defendant produced BMW bear expressions published between 2013 and 2020, and the plaintiff admitted prior awareness of the BMW bears. The Songjiang court held that voluntary registration and the absence of substantive examination meant that the certificates could not, by themselves, establish protectable works. It found the head, facial features, limb proportions and clothing details highly similar, with only minor differences in the hat and collar, and held that the reworking lacked sufficiently distinguishable and substantial change (Shanghai Songjiang District People's Court, 2023). The claims were dismissed, and the Shanghai Intellectual Property Court affirmed (The Paper, 2024). The contrast with BanXin sharpens the point. There the court upheld the claimant's copyright, but it did so on the certificate taken together with the original image, the

publication record and a screen recording of the Midjourney and Photoshop creation process. In the toy-bear case the certificates could not establish protectable works once earlier expression, access and extensive similarity put independent creation in issue. The certificates were formally available in both. Their substantive force depended on the evidence that surrounded them. The parallel here is conditional but meaningful. The community 3D video was published on 3 April, before the registrations of 2 July. The preserved community and Douyin frames appear highly similar in underlying character design; because both are frames from moving videos, pose and facial expression are not reliable distinctions, while the clearest stable differences concern the clothing material and hairpin shape (Xu Toso, 2026). If the registered 3D deposit corresponds to the later Douyin model, the earlier model may be rebuttal evidence concerning access, independent creation and the scope of any later original contribution. Across the configurations set out in Section 4.2, substantive validity and vulnerability vary (Beijing Internet Court, 2023; Zhangjiagang People's Court, 2024); what remains constant is the public entry and the availability of the certificate until successfully challenged or cancelled.

Figure 3. A frame from the community three-dimensional model published on 3 April 2026 (left) and a frame from the model on the official Douyin account published on 28 June 2026 (right).



The episode therefore separates four positions that can coincide but need not, namely the substantive title, the public record, the evidentiary position and operational control. Section 4.3 showed that the agreements supply broad permissions and practical control without demonstrating a chain of title. Registration supplies, from outside those agreements, the ownership credential they did not. It repairs no chain and confers no missing right, and a contractual permission to register is not itself a transfer (SPC, 2023). Pro-formalities accounts praise public ownership records for reducing identification and licensing costs (Sprigman, 2004, pp. 501–502, 554–556). This episode exposes the inverse possibility, in which the recorded claimant gains the signalling advantage while the cost of testing title falls on everyone else.

5.2. Consumption without Adjudication

The next issue is the procedural effect of the registration credential once it enters platform complaint mechanisms. This section examines how complaint channels for online content and commerce act on preliminary evidence of entitlement, and how the procedures for challenging removal may impose greater costs and delays on respondents. These mechanisms can produce practical consequences without a judicial determination of the underlying copyright claim. The analysis does not establish that Zitiao used these channels; it identifies the procedural possibilities created by their design. It also examines the significance of the corporate relationship between Zitiao

and the operator of Douyin, one of the platforms through which such complaints may proceed.

The intake standard is the hinge. One phrase recurs across the three regimes that govern it: preliminary evidence. Under the Chinese Civil Code, a rightholder may notify a network service provider of infringement; the notice has to carry preliminary evidence, and the provider must take necessary measures, with liability for wrongful notices (National People's Congress, 2020a, art. 1195). The copyright regime says the same in more specific procedural detail. The written notice must carry the right holder's particulars, the location of the material, and preliminary evidence of ownership and of infringement; on receiving such a notice the provider must delete the material and forward the notice to the uploader (State Council, 2013a, arts. 14–15). For e-commerce intermediaries, the E-Commerce Law repeats the formula and sharpens the sanctions. It regulates liability for wrongful notices and double liability for bad faith (National People's Congress, 2018, art. 42). Which regime applies depends on what is complained of. Both guides studied here are content-side channels, and Douyin's states twice that a complaint made under it is a notice under the Civil Code. Complaints about goods in the showcase or the shopping cart are routed to a separate portal under a separate standard. The E-Commerce Law therefore reaches the merchandise strand of this episode and not the video strand.

The Supreme People's Court (SPC) has set out what a valid notice must contain and has held that where those requirements are met the operator must forward it whether or not the operator is persuaded by the evidence. The forward is a minimum that does not by itself discharge the duty to take necessary measures. What more is required turns on the contents of the notice, and any measure must be prudent, reasonable and commensurate with the operator's capability. The Court also held that an operator may not sit still merely because the infringement question is hard or because malicious complaints exist (SPC, 2021). Therefore, in China, the registration certificate serves as an initial and rebuttable proof of the registered copyright. It does not settle ownership or title, but it can be regarded as the starting point of ownership in complaints and lawsuits (SPC, 2002, art. 7). Both Douyin and Bilibili expressly recognise a copyright registration certificate as acceptable preliminary evidence of entitlement, alongside other forms of evidence such as original-work links, manuscripts and contracts (Beijing Douyin Technology Co., Ltd., 2026b, s. 1.2.2(4); Bilibili Inc., 2026b). Two features of those lists matter more than the ordering. Each sits under a heading promising preliminary evidence that infringement is constituted, yet every item listed for copyright is a proof of ownership. Bilibili says as much, describing its list as ownership proofs showing that the complainant holds the rights, and asking beyond them only for a specific listing of the infringing act. Douyin's own form shows what the alternative looks like. In the same clause, for patents, it requires a comparison statement setting the right against the accused matter, and for utility models and designs an evaluation report from the patent office. For copyright it requires neither. The platform knows how to ask a complainant to show infringement, and to show that the asserted right is stable. It asks for both where the Supreme People's Court has said platforms may, which is patents, and for neither here. It is not required to decide whether the underlying copyright claim is legally valid. Two qualifications keep this honest. First, the operator is not passive. It assesses what measures a notice warrants, and in the Alibaba case its platform forwarded, verified and was held to have done enough. Although the content of the notification was incomplete, the relevant product information has been withdrawn. Second, at marketplace scale, the assessment is increasingly automated. However, it

sharpens rather than softens the point. This is largely because a comparative study of the same regime notes that intermediaries must assess notices, but the law does not clearly explain what kind of assessment a platform can realistically carry out (Seng, 2021).

The path back is narrower. An uploader (meme community's member) may counter-notify with preliminary evidence of non-infringement. What follows is unsettled. The Information Networks Regulations provide that the provider restores the material at once, forwards the statement, and the complainant may not require deletion again. The Civil Code provides instead that the measures continue until the complainant either escalates or lets a reasonable period pass. The two address the same facts, a copyright complaint about content on a network platform, and which of them governs is contested: the copyright-specific rule has been defended as retaining priority (Wang, 2022), while other commentary treats the Civil Code as having displaced immediate restoration (Liu, 2024), a conflict that turns on how the Legislation Law ranks an earlier special instrument against a later general one (H. Huang, 2025). The E-Commerce Law fixes the equivalent period at fifteen days, but it reaches the merchandise strand only, since it requires goods or services. A respondent therefore cannot tell from the face of the law whether restoration is immediate or follows a wait of unspecified length. The endpoint is not merely unfavourable to them. It is indeterminate (National People's Congress, 2018, art. 43; National People's Congress, 2020a, art. 1196; State Council, 2013a, arts. 16–17). The contractual layer can be harsher than the statute, Douyin's terms reserving a right not to restore deleted content at all (Beijing Douyin Technology Co., Ltd., 2026c, cl. 7.1).

The procedures are asymmetric: a complainant may rely on an existing registration credential, whereas a respondent must prepare a case-specific statement of non-infringement and disclose identifying information in order to challenge the restriction. Under Douyin's published guidance, the respondent's statement may be forwarded to the complainant, who is informed that they may initiate proceedings (Beijing Douyin Technology Co., Ltd., 2026b, s. 2.1). Challenging a removal may therefore require the respondent to pursue restoration while facing the possibility of litigation. A meme is a group of related variations made by many hands. The notice mechanism scales to that fact, while the statement of non-infringement does not. Whatever the doctrine would eventually say, the procedure's default output is removal that sticks and restoration that must be earned. The guidance is silent where the statute is not. Douyin's guide takes the respondent as far as filing the declaration and having it forwarded, and then says nothing about when the measures end, although the Civil Code requires them to end if the complainant does not act. Its withdrawal clause lets the complainant end them at any moment. Bilibili's guide sets out forwarding, the declaration and termination after a reasonable period under its personality rights category, and none of the three under its intellectual property category, where it describes only receipt, a compliance check and removal.

Commerce completes the circuit. Merchandise is the point at which this meme first met enforcement. The creator's February assertions against keychain sellers were informal, made without any certificate, and collapsed within a fortnight under community pressure (17173.com, 2026a). The same commerce is now formally addressable. A notice with preliminary evidence obliges a marketplace to take necessary measures against listings, and a platform that knows or should know of infringement and fails to act is jointly liable. The rule prices inaction and makes compliance-on-notice the rational

default (National People's Congress, 2018, art. 45). The agreements sit on top of the statutes and rebuild the machinery in-app. Everything seems orderly on paper. Douyin's terms route right holders to the complaint guide and the accused to a template declaration (Beijing Douyin Technology Co., Ltd., 2026c, cls. 6.1–6.2); Bilibili's oblige the uploader to indemnify and let the platform delete on complaint (Bilibili Inc., 2026a, cls. 4.1, 13.1); Douyin's generative-AI norms promise strict punishment for AI-generated infringing content (Beijing Douyin Technology Co., Ltd., 2026a, item 7), a lever aimed at exactly the class of re-creations the campaign solicited. Additionally, the guide makes the complainant warrant the truth of the notice and bear the losses that its measures cause to the accused and to the platform. Bilibili's guide does the same and adds reputational harm. The platforms have therefore contracted out of their own exposure, which is why removing too much costs them nothing (Beijing Douyin Technology Co., Ltd., 2026b, s. 1.3; Bilibili Inc., 2026b). Safeguards thus exist at every level, statutory, contractual and procedural, and the SPC has made clear that difficulty is no excuse for inaction. However, none of these safeguards involves anyone examining whether the registered claim is good. They discipline how the machinery runs, not what it runs on. Douyin's own definition of a bad-faith notice reaches impersonation of a rightholder and forged or altered right certificates, and stops there. A genuine certificate resting on a deposit nobody has seen is neither. The corporate relationships are also relevant. The complaint mechanism, campaign, wallet and six per cent settlement operate on Douyin (Beijing Douyin Technology Co., Ltd., 2026d). Its operator, Jimeng's operator and Zitiao, which holds the two registration certificates, are affiliated entities (Qichacha, 2026). The registration, complaint mechanisms and monetisation processes therefore operate within closely affiliated corporate entities, although the available evidence does not establish coordinated enforcement activity.

Figure 4. Clause 6 of the campaign rules, providing that cash rewards issued through Douyin Wallet are settled after deduction of a six per cent platform service fee, and that the amount shown in the wallet is the sum net of that fee. The activity page expired on 15 July 2026; screenshot on file with the author.

6. 如您在本次活动中获得现金奖励且奖励由抖音钱包发放，平台将在结算时扣收**6% 服务费**，你在抖音钱包查看的金额为扣除平台服务费后的收益金额。

What the machinery cannot see is this article's subject matter. A complaint desk processes documents. It does not run the configurations set out in Section 4.2, read the agreements examined in Section 4.3, or open the deposited files; and after BanXin the deposited file is what bounds the right, an object no desk and no respondent can inspect (Changshu City People's Court, 2024). The rebuttal material is public and earlier, namely the source image of 19 February, the months of community renderings, the 3 April community's model. But rebuttal lives in statements of non-infringement and courts, filed item by item, while the entries sit still. Boyle's second enclosure movement describes a fence thrown around an intangible commons. This fence is made of intake forms and timers rather than obtaining the real ownership (acts of appropriation) (Boyle, 2003, p. 37). Section 5.1 called the conversion capture without transfer. The Conclusion takes up what the pairing implies for the design of the register, for the notice systems, and for the optimistic account of formalities as information infrastructure (Sprigman, 2004, pp. 499–502).

6. Conclusion and Recommendations

This study shows that voluntary registration can create an enforcement-relevant credential even where the underlying chain of title remains unresolved. The resulting asymmetry arises because registration and platform complaint systems perform different functions: one records a claim, while the other may act on that claim without adjudicating its substantive validity. Three recommendations address this asymmetry without making registration constitutive or introducing general substantive examination. The following three calibrations address that asymmetry without making registration constitutive or introducing general substantive examination.

The standard information account explains why registration can serve both rightholders and users. A public record can identify a claimant and lower the cost of locating a potential licensor. In systems where protection or renewal depends on compliance, formalities can also signal that protection never arose or has ended. Registration can therefore operate as commons infrastructure because it lowers the information costs faced by everyone who must deal with the work (Sprigman, 2004, pp. 500–502, 519–520).

The Gugu Gaga registrations invert that account. China's voluntary register identifies Beijing Zitiao as the registrant, but it does not disclose the deposited works or explain how copyright reached the company. Because copyright arises on creation, absence from the register says nothing about protection. The entry retains claimant-facing value while withholding information needed to test the claim. It lowers the registrant's cost of presenting ownership and raises the cost of challenging it. In this setting, registration can operate as capture infrastructure.

Neither the Berne Convention nor TRIPS requires China to retain the present design. China may improve disclosure, review and complaint procedures while keeping registration voluntary and non-constitutive. The following reforms therefore strengthen the information available at the point of challenge rather than determining whether copyright exists (Berne Convention, 1971, art. 5(2); Ricketson & Ginsburg, 2022, paras. 6.94, 6.108, 6.110, 6.112; World Trade Organization, 1994, art. 9(1)).

First, introduce conditional disclosure of deposited works. BanXin shows that the deposited file bounds the protected expression, yet the public entry discloses only the title, category, recorded owner and date. Where a registration certificate is relied upon for enforcement, the registrant should be required to disclose the deposited work to the platform and affected respondent, subject to appropriate confidentiality safeguards. This would make comparison possible at the complaint stage without requiring the registry to decide whether the work is protected (Changshu City People's Court, 2024; National Copyright Administration of China, 1994, art. 12).

Second, give anticipated error a procedure. Article 6 requires cancellation where an entry should have been refused or conflicts with the facts, but national law provides no defined third-party route for obtaining a first-instance registry review. An affected third party should be entitled to request administrative review of a registration by submitting prima facie contrary evidence, with the registry required to issue a reasoned decision while retaining the statutory power to cancel an invalid entry. This is a right to ask, not a private right to cancel (National Copyright Administration of China, 1994, arts. 5–6).

Third, calibrate platform intake. A registration certificate should be treated only as preliminary evidence of a recorded claim. It should not, by itself, establish infringement or conclusively establish ownership. The complainant should also provide the deposit and preliminary evidence comparing it with the accused material (Beijing Douyin Technology Co., Ltd., 2026b, cl. 1.2.2; Bilibili Inc., 2026b). The requirement is especially important where the accused material is one variant of a circulating meme. The platform should verify the respondent's identity, but disclose it to the complainant only after formal escalation. Because the Civil Code requires the statement itself to be forwarded, this change would require amendment of the governing rules (Beijing Douyin Technology Co., Ltd., 2026b, cl. 2.1; National People's Congress, 2020a, art. 1196). Platform guidance should also state when restrictions end if the complainant does not act (National People's Congress, 2018, art. 43). These measures would preserve effective complaints supported by evidence while distinguishing evidence of a recorded ownership claim from evidence of infringement (SPC, 2020, arts. 6, 10).

The significance of these findings extends beyond the Gugu Gaga case to other forms of user-generated and collectively developed digital content in which individual protected expressions coexist with broader patterns of participatory creation. Particular contributions may be protected, but one registration does not establish ownership of the circulating form (Shifman, 2014, p. 41). Nothing in this article shows that Beijing Zitiao has used the certificates against anyone. The narrower finding is that the credentials exist and can be consumed by platform systems before the deposited expression, provenance and chain of title are tested. The enclosure is therefore built through forms and procedural timing rather than a demonstrated transfer (Boyle, 2003, p. 37). The proposed calibrations preserve voluntary registration while limiting institutional leverage to the information the register can support.

Ethics Approval and Consent to Participate

This study did not involve human participants or animal subjects, and no ethics approval was required. All materials analysed were publicly available at the time of consultation. Individual creators are identified only by the public account names or pseudonyms under which they published the material discussed, and no attempt has been made to establish or disclose their legal identities.

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Conflict of Interest

The authors declare there are no conflicts of interest.

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