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Universitat Autònoma de Barcelona

**CHINESE JUDGES' ATTITUDES
TOWARDS COMPANION ANIMALS:
THROUGH COURT DECISIONS
FROM 2003 TO 2022**

DOCTORAL THESIS

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Abstract

According to Chinese law, animals are considered as objects and property. However, considering the emotional connection between companion animals and people, it is worth studying how Chinese judges deal with issues related to companion animals in judicial adjudications. The purpose of this study is to explore the attitudes of Chinese judges towards companion animals. To achieve this goal, this dissertation examines the views of the Chinese judges in 138 court decisions in the past 20 years on psychological damages compensation and high medical expenses compensation that exceeded the market value of the animals themselves. The current legal provisions are the main reason why some Chinese judges were limited in adjudicating such cases. However, this study believes that Chinese judges have relatively mild attitudes towards pets. Many judges recognized the emotional connection between pets and people, recognized the companion animal as a special object or special property, or recognized the pet as an object with personal significance or a special memento of personal significance. This study provides a reference for the construction of China's companion animal legal system in the future. Chinese laws should be adjusted or changed to resolve the contradictions encountered by judges in judicial trials. The human-pet emotional bond should be included in the consideration of mental damages, and the legal status of pets as special objects, special property, or objects with personal significance should also be clarified.

Según la ley china, los animales son considerados como objetos y propiedades. Sin embargo, tomando en cuenta la conexión emocional entre los animales de compañía y las personas, vale la pena estudiar cómo los jueces chinos abordan las cuestiones relacionadas con los animales de compañía en las decisiones judiciales. En este contexto, el objetivo de este estudio es explorar las actitudes de los jueces chinos hacia los animales de compañía. Para llegar a esta meta, la presente disertación examina las opiniones de los jueces chinos en 138 decisiones judiciales de los últimos 20 años sobre la compensación por daños psicológicos y la por altos gastos médicos que excedieron el valor de mercado de los propios animales. Las disposiciones legales actuales son la razón principal por la que algunos jueces chinos se vieron limitados a la hora de juzgar estos casos. No obstante, esta investigación cree que los jueces chinos tienen actitudes relativamente moderadas hacia las mascotas. Muchos jueces reconocieron la conexión emocional entre las mascotas y las personas, consideraron al animal de compañía como un objeto especial o una propiedad especial, o identificaron a la mascota como un objeto con

significado personal o un recuerdo especial de significado personal. De esta manera, el presente estudio proporciona una referencia para la construcción del sistema legal de animales de compañía en China en el futuro. Las leyes chinas deberían ajustarse o cambiarse para resolver las contradicciones que encuentran los jueces en los juicios judiciales. El vínculo emocional humano-mascota debe incluirse en la consideración de daños mentales, aclarándose el estatus legal de las mascotas como objetos especiales, propiedad especial u objetos con significado personal.

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INTRODUCTION

Just like every country is unique, China is also unique in the world. Is the law of China also unique? The Western world once believed that Western legal values were particularly universal, while Chinese legal values were universally particular.¹ Specifically speaking of Animal Law, Chinese law regards animals, including companion animals, as objects. In fact, legislation that regards animals as objects is not unique. This is the path that many countries have taken or are taking.

However, due to the special attention that humans pay to companion animals, or in other words, because there is a special emotional bond between humans and companion animals, those pets have some certain particularities. Some countries or regions therefore legislated for companion animals. For example, the United Kingdom enacted the Pet Animals Act in 1951;² European countries passed the European Convention for the Protection of Pet Animals in 1987;³ the United States implemented the Pet and Women Safety Act of 2017 in 2019;⁴ New South Wales, Australia, implemented the latest revised Companion Animals Act 1998 in 2023.⁵

Interestingly, on the Eastern map of law, South Korea⁶ and Japan⁷ have passed

¹ Ruskola, T. *Legal Orientalism: China, the United States, and Modern Law*, (Harvard 2013), p. 9.

² See the website of GOV. UK, *Animal welfare Legislation: Protecting Pets*, <https://www.gov.uk/guidance/animal-welfare-legislation-protecting-pets#the-pet-animals-act-1951-as-amended-in-1983>

³ See the website of Council of Europe, *European Convention for the Protection of Pet Animals*, <https://rm.coe.int/168007a67d>

⁴ See the website of Congress. Gov, <https://www.congress.gov/bill/115th-congress/house-bill/909/text>

⁵ See the website of the NSW Legislation, <https://legislation.nsw.gov.au/view/whole/html/inforce/current/act-1998-087#sec.1>

⁶ There is special chapter devoted to companion animals in the Animal Protection Act of South Korea. See the website of Korean Law Translation Center, https://elaw.klri.re.kr/eng_mobile/viewer.do?hseq=60704&type=part&key=25

⁷ The Act on Welfare and Management of Animals of Japan is mainly concerned with companion animals.

See the website of Ministry of the Environment of Japan Government, https://www.env.go.jp/nature/dobutsu/aigo/1_law/files/aigo_kanri_1973_105_en.pdf.

They also have the Veterinary Nurses for Companion Animals (VNCA) Act in Japan, see the website of Ministry of the Environment of Japan Government, https://www.env.go.jp/nature/dobutsu/aigo/kangoshi/outline_en.pdf

laws to protect companion animals to varying degrees, and even Hong Kong⁸, Macau⁹ and Taiwan¹⁰ have laws to protect companion animals. Since South Korea, Japan, Hong Kong, Macau and Taiwan share the same culture with mainland China, the protection of companion animals is not related to a special cultural background.¹¹ In addition, ancient China had a rich awareness of animal protection.¹² For example, during the Tang Dynasty, China had formed a mature legal system to ban slaughter;¹³ in the 1930s, Nanjing and other places had already risen up in a vigorous animal protection movement, and animal protection legislation, including the management norms for companion animals, even became the central regulations of the Nationalist government during the Kuomintang period.¹⁴ Therefore, the protection of animals, including companion animals, should not be limited to the times and social ideology, or be considered an old traditional practice.

This leads to a question: What is the legal status of companion animals in China in the 21st century? In fact, under the legislative framework that regards animals as objects, Chinese law does not explicitly mention the status of companion animals, but the treatment of companion animals in reality is not without trace. It is possible to examine how Chinese judges treat companion animals in their judgments, whether they consider the emotional connection between people and pets, and whether they give companion animals special treatment different from that of ordinary objects.

⁸ Hong Kong Dogs and Cats Ordinance, See the website of Hong Kong e-Legislation, https://www.elegislation.gov.hk/hk/cap167!en@2007-07-01T00:00:00?INDEX_CS=N&xpid=ID_1438402767967_001

⁹ The Animal Protection Law of Macau is mainly concerned with dogs and cats. See the website of Official Printing Office of Government of the Macao Special Administrative Region, https://bo.io.gov.mo/bo/i/2016/30/lei04_cn.asp

¹⁰ There are special regulations devoted to companion animals in the Animal Protection Act of Taiwan. See the website of Laws & Regulations Database of Taiwan, <https://law.moj.gov.tw/ENG/Index.aspx>

¹¹ Li, P. J. *Animal Welfare in China: Culture, Politics and Crisis* (Sydney 2021) p. 31-62.

¹² Li, P. J. *Animal Welfare in China: Culture, Politics and Crisis* (Sydney 2021) p. 63-108.

¹³ Su, D. *Study on the legal system of animal slaughter prohibition in the Tang Dynasty* (2020).

¹⁴ Xu, Z. *Unfinished Career: The Research of Protection of Animals during the Republican China – From the Perspective of China Society for the Protection of Animals* (2015).

1. Description of the Topic

This dissertation aims to explore the attitudes of Chinese judges towards companion animals. To achieve this goal, it is necessary to collect a large number of Chinese judgments, and to sort out, summarize and analyze relevant cases and contents. Guided by this purpose, the main research question of this dissertation is that under the legal framework that animals are objects, what attitude do Chinese judges have towards companion animals in their judgments? More specifically, do they regard companion animals as objects, or not objects, or both? If both, which side has the upper hand? What are the specific manifestations and what is the significance? To answer these questions, this dissertation chooses the legal treatment of companion animals in China as the research perspective and the Chinese judgments as the research objects to explore the attitudes of Chinese judges towards companion animals.

1.1 China's Perspective: China's Uniqueness

A country's legislation reflects the interests, values and institutions that dominate that country. China's economy has gained rapid development and people's living standards have improved dramatically in the past 46 years since its reform and opening up, which were great achievements that have been witnessed by the whole world. However, it is undeniable that China's reform politics underlie the animal welfare crisis.¹⁵ Peter Li observed that China's economic modernization program has justified that the nature of Chinese politics is pro-business and pro-growth¹⁶, and this development-centered politics is linked to animal welfare issues. Under the development orientation, "(i)deas, groups and activities perceived to obstruct or

¹⁵ Li, P. J., Davey, G. Culture, reform politics, and future directions: A review of China's animal protection challenge in *Society & Animals*, 21(1) (2013) p. 34-53.

¹⁶ Li, P. J. *Animal Welfare in China: Culture, Politics and Crisis* (Sydney 2021) p. 23.

derail growth are to be neutralised or prevented. In contrast, individual behaviours or corporate actions conducive to short-term gains and fast growth, even if they have an adverse long-term impact on the environment, public health, social morality or sustainable growth, are tolerated or embraced, particularly by the authorities most pressured to produce growth.”¹⁷ “Social injustices, environmental devastation and animal abuse are considered ‘necessary evils’, to be addressed after the economy improves.”¹⁸ The question raised here is whether Chinese judges are influenced by this development orientation and whether they lean towards the former when economic development conflicts with animal welfare. In particular, from the perspective of the universality of human emotions, do Chinese judges have special attitudes towards companion animals? The latter is the question that this dissertation will address.

1.2 Companion Animal Perspective: Commonalities of Emotion

Studying the attitudes of Chinese judges from the perspective of companion animals is another perspective of this dissertation. China is special to the world, and companion animals are also special in the animal world. The particularities of pets lies in the emotional bond they form with humans. However, this emotional relationship is universal regardless of country or region, which forms an invisible conflict with China’s speciality. Therefore, interweaving the universal human-pet emotional bond with the special legal treatment of pets in China will lead to an interesting research journey. Consideration of human-pet emotional bond will be an indispensable element of this journey.

The fact that companion animals are integrated into human families, forming multi-species or interspecies families, has become increasingly common, which has

¹⁷ Li, P. J. *Animal Welfare in China: Culture, Politics and Crisis* (Sydney 2021) p. 23.

¹⁸ Li, P. J. *Animal Welfare in China: Culture, Politics and Crisis* (Sydney 2021) p. 28.

raised new questions and challenges for the law.¹⁹ Although not formally recognized by law, the multi-species or interspecies families have been recognized by the Collegiate Administrative Court of Mexico City through a judicial decision.²⁰ What prompts people to distinguish companion animals from other animals and treat them differently is human emotion, or the emotional connection between humans and companion animals.

In the relationship between humans and companion animals, human emotions are more complicated. On the one hand, considering the impact of commercialization on animal breeding, sale and abandonment, the general property status of companion animals meets the needs of human nature.²¹ On the other hand, pets are regarded as "family members" by most pet-raising families. Therefore, companion animals have both family-member and commercial characteristics.²² According to reports, in 2022, the number of pet (dog and cat) owners in urban areas in China exceeded 70.43 million, the number of urban pet dogs and cats reached 116 million, and the pet market size was about RMB 311.7 billion.²³ With the improvement of living standards, more and more Chinese people realize that companion animals can bring emotional and social benefits to individuals and families.²⁴ The research results of Su and Martens showed that Chinese companion animal raisers have a high degree of attachment to their animals, which means that in China, there is a good relationship between companion animals and their

¹⁹ Oliva, M. O. Familia multiespecie. Estudio de las recientes resoluciones judiciales en Colombia y España in DALPS (Derecho Animal-Animal Legal and Policy Studies) 2 (2024) p. 442-459.

²⁰ Ortiz, A. R. Reconocimiento a las familias multiespecies en México. Análisis a la sentencia de amparo directo 454/2021 del tribunal colegiado en materia administrativa in DALPS (Derecho Animal-Animal Legal and Policy Studies), 2 (2024) pp. 460-477.

²¹ White, S. Standards and Standard-Setting in Companion Animal Protection in Sydney Law Review 38 (2016) p. 463-469.

²² Fox, M. Veterinary Ethics and Law in Veterinary & Animal Ethics: Proceedings of the First International Conference on Veterinary and Animal Ethics (2011) p. 245, 247

²³ The pet economy is prevalent, how to make the industry standardised. People's Net. (2023) http://paper.people.com.cn/zgcsb/html/2023-04/24/content_25977192.htm

²⁴ Zhou, J. A cultural reflection on animal welfare and its implication for modern Chinese society in Animal Research and One Health 2(1) (2024) p. 114.

owners.²⁵ The "2022 Chinese Pet Harmony Research Report"²⁶ mentioned that: The vast majority of pet owners regard their pets as family and friends, 91.91% of pet owners said that their pets are like their family members, and 37.29% of pet owners said that pets are like friends; only 2.46% and 1.49% of pet owners think that pets are just toys or just animals. Even for people who do not keep pets, 63.2% of respondents believe that pets are family members, and 68.75% believe that pets are friends. This shows that pets are very close companions for people who keep pets or not, and are life partners who are like both relatives and friends. Especially for pet owners, pets are not only like family members and lovers, but also a part of the pet owner himself, and an extension of his own life. The relationship between pet owners and pets is not a simple relationship between raisers and pets, but a family-like relationship. Pets play an indispensable role in the lives of pet owners.

Emotions constitute an integral part of human life and are equally shared by all human beings. However, having emotions is not the same as simply and arbitrarily expressing subjective tendencies. Emotions precisely connect us closely to the external value system that can create our own organic unity.²⁷ To understand the emotional bond formed between people and companion animals, it is necessary to take into account objective factors such as social background and personal life experience. Using the law as a tool to understand this human-pet emotion, or in other words, using the human-pet emotions as a lens to observe Chinese judgments,

²⁵ Su, B., Martens, P. Chinese companion animal caretakers' attachment influences their attribution of emotions to their animals in *Society and Animals* 30(2) (2022) p. 131-150.

²⁶ This report was the result of a joint investigation conducted by Shenzhen Ruipeng Charity Foundation & Central University of Finance and Economics in 2022. The study aimed to collect multi-layered information at the individual, family and community levels through surveys on the concept of human-pet harmony among pet owners, pet-owning families, non-pet-owning people and communities in major cities across China, obtain relevant data on the changes in the relationship between people and pets in Chinese society, and provide an effective data source and scientific basis for building a harmonious society between people and pets. This survey on human-pet harmony included both human-pet relationship among pets and the owners, and the relationship between pet owners and non-pet owners, covering 31 provinces, municipalities and autonomous regions in mainland China, and some overseas pet owners also participated, and a total of 5,214 valid documents were collected.

https://mp.weixin.qq.com/mp/appmsgalbum?__biz=MzA4MTMyMjI0Ng==&action=getalbum&album_id=2598077869445267457&scene=173&from_msgid=2247492781&from_itemidx=1&count=3&nolastread=1&devicetype=iOS15.4.1&version=18001d38&lang=zh_CN&nettype=WIFI&scene=78&fontScale=100&wx_header=3

²⁷ Nozick, R. *Emotions in Examined Life: Philosophical Meditations* (New York 1990) p. 88-90.

can allow us to deeply and vividly understand the values of the Chinese judge group.

1.3 Judges' Decisions as the Research Objects

Under the legal framework that treats animals as objects, it is challenging to recognize and accept the emotional bond between people and companion animals in the judicial process. This is because it is the opposite of the “persistent cultural script of judicial dispassion”, and Thomas Hobbes declared in the mid-16th century that the ideal judge should be “divested of all fear, anger, hatred, love, and compassion”.²⁸ Therefore, under the profound influence of the “animals as property” paradigm, when companion animals were injured or killed, the owner's emotional reasons for requesting mental damage compensation were usually difficult to support. For example, in the case of *Petco Animal Supplies Inc v Schuster*, the plaintiff's dog escaped while being led for a walk by the clerk of the defendant pet grooming shop and died in traffic. The plaintiff claimed compensation for \$ 645,000 in mental anguish, \$ 280,000 in "intrinsic value" loss of companionship, and more than \$ 1 million in exemplary damages. The Texas Court of Appeals rejected these claims on the grounds that the dog in question was property and the plaintiff could only claim the fair market replacement value of the dog.²⁹

However, a judge is first a person and then a judge, and “a good judge ... [is] one who is capable of fancy and sympathy, can imagine pain and suffering and understand what it means to be oppressed and excluded...”³⁰ There are also early decisions in Florida, USA, indicating that a pet owner may be awarded compensation for emotional distress due to the death of a companion animal.³¹ In

²⁸ Maroney, T. A. The Persistent Cultural Script of Judicial Dispassion in *California Law Review* 99 (2011) p. 629.

²⁹ *Petco Animal Supplies Inc v Schuster* 144 SW 3d 544 (2004). <https://caselaw.findlaw.com/court/tx-court-of-appeals/1334137.html>

³⁰ Ward, I. The Echo of a Sentimental Jurisprudence in *Law and Critique* 13(2) (2002) p. 123.

³¹ *Wertman v Tipping* 166 So 2d 66 (1964) & *Levine v Knowles* 197 So 2d 329 (1967), <https://www.animallaw.info/cases/us/florida?order=title&sort=desc>
Johnson v Wander 360 So 2d 37 (1978), <https://www.scribd.com/document/311285839/Animals-as-Property->

other words, although “animals are property”, the judges recognized and accepted the emotional relationship between people and companion animals in their judicial actions, and made flexible decisions.

The truth is that different judges may make different, even diametrically opposed decisions on whether the death of a pet generates compensation for emotional damage. Whether the emotional factors involved are recognized and acknowledged is related to the judge's own emotional state, because emotions can reflect different beliefs or different values.³²

Under the legal framework that regards animals as objects, do Chinese judges see the human-pet emotional bond? Faced with the potential conflict that may arise from the fact that companion animals have the characteristics of both family members and commodities, how do Chinese judges deal with it? How do the judges who believe that pets are family members reconcile the conflict of emotions and the legal concept of “animals are objects”? By sorting out and analyzing the relevant Chinese judgments, it is possible to get the answers to these questions.

2. Interest of the Topic

The legal status of animals is a classic question in Animal Law that has never been forgotten. The legal status of animals as things is not new to countries around the world. Some countries have always done so, while others have changed their attitudes towards animals. Article 13 of the Treaty on the Functioning of the European Union (TFEU) refers to animals as “sentient beings”, and its impact is well known.³³ Based on this article, many European countries have amended their laws.

Under-the-Law

³² Maroney, T. A. Judicial emotion as vice or virtue: perspectives both ancient and new in Aristotle on Emotions in Law and Politics (2018) p. 17.

³³ Giménez-Candela, M. Animal. Una aproximación biojurídica in DALPS (Derecho Animal-Animal Legal and Policy Studies) 1 (2023) p. 14.

For example, Article 333 bis of the Spanish Civil Code stipulates that: “1. Los animales son seres vivos dotados de sensibilidad. Solo les será aplicable el régimen jurídico de los bienes y de las cosas en la medida en que sea compatible con su naturaleza o con las disposiciones destinadas a su protección. 2. El propietario, poseedor o titular de cualquier otro derecho sobre un animal debe ejercer sus derechos sobre él y sus deberes de cuidado respetando su cualidad de ser sintiente, asegurando su bienestar conforme a las características de cada especie y respetando las limitaciones establecidas en ésta y las demás normas vigentes.”³⁴ These practices, which view animals as special beings between objects and humans and in need of special treatment, have legally improved the status of animals.

In fact, before the revision of the Spanish Civil Code in 2021, when animals were still regarded as ordinary objects, Spanish judges gave special legal treatment to pets in judicial decisions because of the emotional bond between people and pets.³⁵ The revised Spanish Civil Code not only recognizes the sentience of animals, but also stipulates that the interests of companion animals should be considered in disputes such as mortgages, inheritance, and divorce, as provided in Article 90. 1.

³⁴ Real Decreto de 24 de julio de 1889 por el que se publica el Código Civil de España.
[https://www.boe.es/eli/es/rd/1889/07/24/\(1\)/con](https://www.boe.es/eli/es/rd/1889/07/24/(1)/con)

³⁵ There are two examples here. The first one is a judgment in Córdoba, Spain, 2018. (SAP_CO_494_2018. <https://www.poderjudicial.es/search/indexAN.jsp>) When the plaintiff's dog was bitten to death by the defendant's dog, the court upheld the plaintiff's claim for mental damages. The judge held that: “Y en la cantidad reclamada de 3000 €, que se estima proporcionada y adecuada para el resarcimiento del daño moral causado a la demandante por el fallecimiento de su perro. Apreciándose efectivamente, conforme al parte de asistencia por ansiedad -folio 68- y su estado en el propio acto de la vista un importante impacto psicológico, máxime cuando el fallecimiento se produjo en circunstancias tan violentas, y una indudable e irreparable pérdida conforme a los fuertes lazos de lealtad y afectividad recíproca que cabe comprender en tales situaciones.”

In another appeal case in 2019 in Palmas de Gran Canaria (Las), Spain (SAP_GC_1908_2019. <https://www.poderjudicial.es/search/AN/openDocument/61a7ab1d20da2645/20200401>), where a dog was lost in a veterinary hospital, the judge upheld the dog owner's claim against the veterinarian for non-material damages. In the judgment, the judge held that: “SEGUNDO.- El recurso debe, al menos en parte, ser estimado. Ha de partirse de un dato fundamental ignorado en la sentencia apelada: no puede identificarse la pérdida de una mascota con un puro perjuicio "patrimonial" por más que el animal tenga un valor económico - ignorando que, además, existe una relación emocional entre el dueño (o cuidador) y su mascota que por lo general reporta amplios beneficios psicológicos...En el supuesto enjuiciado es evidente el desasosiego del actor a raíz de la pérdida de su mascota utilizando cartelería, grupos de búsqueda, acudiendo a radio y televisión. Todo ello evidencia una importante relación afectiva entre dueño y mascota y revela que el daño psicológico se ha producido.”

b) bis: “El destino de los animales de compañía, en caso de que existan, teniendo en cuenta el interés de los miembros de la familia y el bienestar del animal...”³⁶ The legislators explained the reasons for the amendment by saying: “...se modifica el artículo 605 de la Ley 1/2000, de 7 de enero, de Enjuiciamiento Civil, para declarar absolutamente inembargables a los animales de compañía en atención al especial vínculo de afecto que les liga con la familia con la que conviven.”³⁷

A passage in the Animal Protection Law of the Autonomous Community of Aragon, Spain, provides an illustration of this “special relationship”, with the following preamble: “PREÁMBULO VI ...pero debe tenerse presente que el Título II, «De los animales de compañía», se inspira sustancialmente en la protección de los animales de compañía que con mayor habitualidad viven con el hombre y, probablemente, hacia los que éste siente una especial y mayor sensación de afecto, como es el caso de los perros y gatos, manifestándose ello en el hecho de que se recogen preceptos que tienen como único destinatario al perro.”³⁸ It can be seen that the strong emotional connection between companion animals and humans is an unavoidable social issue. The Spanish Civil Code has chosen to face up to and accept this fact, and use legal means to regulate related behaviors and social relations. This approach not only meets the needs of the people, but is also a necessity for legal evolution and progress. A provision closely related to the topic of this dissertation also explains the legal recognition of the emotional connection between people and pets. Article 333 bis of the Spanish Civil Code stipulates that: “4. En el caso de que la lesión a un animal de compañía haya provocado su muerte o un menoscabo grave de su salud física o psíquica, tanto su propietario como quienes convivan con el animal tienen derecho a que la indemnización comprenda

³⁶ Real Decreto de 24 de julio de 1889 por el que se publica el Código Civil de España.
[https://www.boe.es/eli/es/rd/1889/07/24/\(1\)/con](https://www.boe.es/eli/es/rd/1889/07/24/(1)/con)

³⁷ Ley 17/2021, de 15 de diciembre, de modificación del Código Civil, la Ley Hipotecaria y la Ley de Enjuiciamiento Civil, sobre el régimen jurídico de los animales. <https://www.boe.es/buscar/doc.php?id=BOE-A-2021-20727>

³⁸ Ley 11/2003, de 19 de marzo, de Protección Animal en la Comunidad Autónoma de Aragón.
<https://www.boe.es/buscar/pdf/2003/BOE-A-2003-8225-consolidado.pdf>

la reparación del daño moral causado.”³⁹ In short, Spanish law recognizes the special status of companion animals, distinguishing them from ordinary objects, and this special status is related to the emotional connection between humans and pets. In other words, Spanish civil law recognizes the fact that companion animals have emotional significance based on the existence of human emotions towards pets.

Compared with the reform of the legal status of animals in Spain, in the current Chinese legal system, the legal status of animals has always been objects or property. However, more and more Chinese people have developed emotional bond with their pets, and this emotional connection does not vary due to differences in race, ethnicity, region, gender, wealth, occupation and educational background. Considering the universality of the human-pet emotional bond, China's legal professional community inevitably faces challenges when dealing with legal issues related to companion animals. Are the judges loyal to the current law and despise the emotional bond? Or on the contrary, do the judges break through the existing law by considering the emotional connection between people and pets, in other words, the special nature of pets? Or do the judges strike a balance between the two by using interpretation skills? This will be an interesting question worth exploring. Due to China's large population, vast territory, uneven development of various regions, conflicts of various social concepts associated with rapid economic development, and the diversity of knowledge, experience and values of the huge group of judges themselves, the answer to this question is even more uncertain. It can be imagined that all three situations described by the above three question marks may occur. The key is, what proportion do these three account for. The different proportions reflect not only the attitudes of Chinese judges towards pets, but also their deeper significance lies in the expectations and actions for China's future legislation. Therefore, it is crucial to present the true attitudes of judges

³⁹ Real Decreto de 24 de julio de 1889 por el que se publica el Código Civil de España.
[https://www.boe.es/eli/es/rd/1889/07/24/\(1\)/con](https://www.boe.es/eli/es/rd/1889/07/24/(1)/con)

towards companion animals in their decisions, which is the aim of this dissertation.

3. Impact

Studying Chinese judges' attitudes toward companion animals from an emotional perspective, with a focus on the judges' specific views on compensation for mental damages and high medical expenses caused by the death or injury or loss of pets, is new in China and will be a new contribution to academic bibliography.

In China, animals are objects and property, and the Civil Code of the People's Republic of China, adopted in 2020, still adheres to this position.⁴⁰ However, the Chinese academic community has recognized the special nature of animals and formed a mainstream view that animals should be treated as special things, which are different from ordinary things in the application of legal rules.⁴¹ As a mainstream view, it has reference significance both in theory and in guiding judicial practice, but it is limited to a general discussion of the legal status of animals, and does not distinguish and pay attention to the special nature of companion animals among animals, and the status of human emotions that produce this special nature in the law.

In fact, in China, Animal Law is in a very weak position in both teaching and research. From the perspective of the subject and major setting for universities from the Ministry of Education of China, there is no Animal Law major in China's legal education, whether at the undergraduate or graduate level, and no Animal Law degree can be awarded. This directly or indirectly affects the number of teachers engaged in Animal Law teaching. There are more than 600 universities in China that

⁴⁰ Xu, G. On the Four Kinds of Resets of the Civil Law Status of Animals and the Choice of Chinese Civil Code in *Journal of Swupl* 2 Vol.25 (2023) p. 81-109.

⁴¹ Chen, B., Zhou, P. A Research on the Legal Status of Animals in *China Legal Science* 6 (2022).
Yang, L., Zhu, Z. The Denial of the Legal Personality of Animals: Also on the Legal "Wu Ge" of Animals in *Chinese Journal of Law* 5 (2004) p. 97-99.

Shi, Y. On the Legal Status of Animals and the Legal Way to Protect Them in *Journal of CUPL* 3 (2020) p. 128.

offer law majors, but as far as I know, only one of them offers an Animal Law course for undergraduates to take. Since legal journals also publish relatively few papers on Animal Law, under the evaluation mechanism of Chinese universities, there are also very few people engaged in Animal Law research. In turn, the small number of researchers also leads to a small number of Animal Law papers and publications. This forms a vicious circle. An exception is that there are relatively more people engaged in wildlife protection law research in China, and the results are relatively rich. This is mainly because China has a special Wildlife Protection Law.⁴² As for the research on companion animal law, there is no special companion animal protection law in China, which leads to few papers and almost no books that deeply study this field. This article takes Chinese case law as the research objects and discusses the attitudes of judges towards companion animals, which will fill the gap in this area of Chinese companion animal legal research.

From a global perspective, the Animal Law academic community is making efforts and contributions to the development of the new discipline of Animal Law, and Chinese Animal Law scholars also belong to this community. Animal Law research is still in its infancy in China, and it is necessary to learn from the mature experience of Animal Law from other countries and regions; conversely, the formation of the global Animal Law academic community can be relatively more complete after the addition of local Chinese experience. However, the world rarely hears voices from or speaking about Chinese Animal Law. Among these few voices, scholars such as Deborah Cao, Jiwen Chang, Lihong Gao, Peter J. Li, Zhiping Liang, Yefang Qian etc., have made important contributions. However, their works also rarely specifically involve the field of companion animals. The research topic of this dissertation focuses on the local experience of Chinese companion Animal Law,

⁴² The Wildlife Protection Law of the People's Republic of China was promulgated in 1998. After entering the 21st century, it has undergone five revisions or amendments in 2004, 2009, 2016, 2018 and 2022. Each revision or amendment became a hot topic for research.
https://www.mee.gov.cn/ywgz/fgbz/fl/202302/t20230220_1016885.shtml

intending to contribute to the improvement of the global Animal Law.

With economic development and the disintegration of the traditional extended family, companion animals are playing an increasingly important role in providing emotional comfort and companionship for more and more Chinese people. Without changing the legal framework of subject-object dichotomy, pets should undeniably be classified as non-ordinary objects. In other words, companion animals are special objects with emotional value and personal significance. The emotional connection between humans and pets should also be recognized and protected by law. The research conclusion of this dissertation has reference value for Chinese judicial practice. It can not only inspire the judges to treat pets differently in judicial decisions, but also enable lawyers, legal scholars and other legal professionals to pay attention to and use the close emotional bond between humans and pets, so as to promote legislative progress and improve the legal status of companion animals in China.

4. Difficulties

The implementation of this study faced the following two difficulties.

Firstly, technical difficulty. The number of judicial precedents in China is very large, but there is no effective way to obtain all of them. This dissertation relies on the PKU.COM Database. This database is an intelligent legal information retrieval system jointly launched by the Peking University Legal Artificial Intelligence Laboratory and Beijing Peking University Yinghua Technology Co., Ltd. It is a case retrieval system commonly used by Chinese teachers and researchers in the law field. The cases in this database are all derived from “selected various types of judgments published by people's courts at all levels across the country, mainly including guiding cases issued by the Supreme People’s Court and the Supreme People’s Procuratorate, cases published in the bulletins of the Supreme People’s

Court and the Supreme People's Procuratorate since the first issue, and judgments from more than 100 case books published nationwide, as well as hot cases, case reports and arbitration cases that have attracted high social attention".⁴³ In other words, the cases in this database are "selected", "carefully edited and processed" by the PKU.COM Editorial Team with the aim of "enhancing the reference value of the cases".⁴⁴ This gives the database an advantage in competing with similar products. However, the cost of "selection" is that the number of cases is reduced, and the subjectivity of its "selection" criteria may also make a certain type of case underrepresented. These may constitute its disadvantages. This disadvantage limits the number of cases collected in this dissertation and the possibility to collect all relevant cases. In addition, because the search terms cannot be accurate to the topics and keywords required for this study, it is necessary to manually eliminate irrelevant cases one by one in a large number of judicial documents, which also brings a lot of trouble to this study.

Secondly, methodological difficulty. This dissertation is an empirical study based on a wide range of Chinese judgements. How to identify whether the judge's decision took into account the emotional factors between humans and pets or the particularity of pets is a difficult methodological problem. If the judge directly stated in the judicial document that there existed emotional factors or special nature of pets, it is easy to make a choice. But the difficulty is that many judicial documents did not directly state these information but used some other expressions to implicitly imply the existence of human-pet emotional bond or pets' particularity. This "implicit implication" may take on many faces, so there may be a certain amount of subjectivity in identifying the emotional factors and the special nature of pets in these judgment document.

⁴³ PKULAW.COM. Peking University Law Help Center: Judicial Case Database. <https://www.pkulaw.com/helpcenter/commonText/0702>.

⁴⁴ PKULAW.COM. Peking University Law Help Center: Judicial Case Database. <https://www.pkulaw.com/helpcenter/commonText/0702>.

5. Methodology

This dissertation is an empirical research project on Chinese judgements, which studies the attitudes of Chinese judges towards companion animals. To this end, it is necessary to collect a large number of relevant judgments of Chinese courts and classify the views and attitudes of judges by analyzing the contents.

Considering the leading position and good reputation of PKU.COM Database in the Chinese market, this study chose to use this database to collect the judgment. Starting from June 15th, 2000, when the “Administrative Measures for the Publication of Judgment Documents of the Supreme People’s Court”⁴⁵ were issued and implemented, the publication of judgment documents of Chinese courts began to progress gradually. On November 28th, 2013, the Supreme People’s Court issued the “Regulations on the Publication of Judgment Documents by People’s Courts on the Internet”⁴⁶ to comprehensively promote the publication of judgment documents online. The above-mentioned reality objectively makes it difficult to find cases before 2000 on the Internet. Considering this fact, this dissertation is limited to the maximum time range of cases that can be accessed (i.e. from 2003 to 2022), and the relevant judgment documents of these 20 years are used as the analysis objects.

Claims for emotional distress caused by the death or injury or loss of companion animals best reflect the human-pet emotional bond. In 2006, in the case of *Ferguson v Birchmount Boarding Kennels Ltd*, the court in Ontario, Canada ruled that the defendant should compensate the plaintiff for emotional distress caused by the death of his companion dog.⁴⁷ However, in Australia, courts are unlikely to be

⁴⁵ Administrative Measures for the Publication of Judgment Documents of the Supreme People's Court
[https://wenku.baidu.com/view/b041e7e84a649b6648d7c1c708a1284ac85005ad.html?_wks_=1719071274503&bdQ uery=最高人民法院裁判文书公布管理办法&needWelcomeRecommand=1](https://wenku.baidu.com/view/b041e7e84a649b6648d7c1c708a1284ac85005ad.html?_wks_=1719071274503&bdQ uery=最高人民法院裁判文书公布管理办法&needWelcomeRecommand=1)

⁴⁶ Regulations on the Publication of Judgment Documents by People’s Courts on the Internet
<https://www.chinacourt.org/article/detail/2013/11/id/1152212.shtml>

⁴⁷ *Ferguson v Birchmount Boarding Kennels Ltd* (2006) 79 OR (3d) 681.
<https://www.animallaw.info/case/ferguson-v-birchmount-boarding-kennels-ltd>

prepared to compensate for loss of companionship or emotional distress caused by the death of companion animals. This is because the paradigm of “animals are property” has been firmly established, and when pets are damaged due to negligence or malice, the damages need only be assessed based on the fair market value of the animal.⁴⁸ In similar cases in China, there are also a large number of claims for emotional damages. What attitudes Chinese judges take towards such claims is one of the focuses of this study.

It is also common for companion animals to be sent to the hospital for treatment after being injured. If medical expenses far exceeded the market price of the pet during the treatment, this was not uncommon in relevant Chinese judgments. Whether to recognize and support such excessive medical expenses compensation may also be related to the judges' attitudes towards the special nature of pets or the emotional connection between people and pets. The attitudes of Chinese judges towards such cases is also worth studying.

Therefore, this dissertation adopts a typological research method. Starting from the above two topics, this study sorts out the judges' opinions and decisions on mental damages and excessive medical expenses compensations claimed by pet owners in the selected cases caused by pet injuries, deaths and losses, and classifies and analyzes the reasons why the judges supported or did not support these two claims, in order to explore the attitudes of Chinese judges towards companion animals. In addition to these two types of claims, some pet owners also made other claims in the judgements, such as compensation for the pets' funeral expenses. This claim may also reflect the human-pet emotional connection and highlight the particularity of pets, and should also be included in the research scope of this dissertation. However, given that there are too few such claims in the collected cases, this dissertation does not include the issue of compensation for pets' funeral expenses

⁴⁸ Bruce, A. *Animal Law in Australia: An Integrated Approach* (2018) p. 133.

when the above two types of claims are sufficiently representative.

6. Description of Contents

This article will structurally study the attitudes of judges in the two types of claims. Chapter 1 mainly discusses the legal status of animals/companion animals in China and introduces the main legal provisions involved in this study. Chapter 2 studies the views of judges who supported claims for compensation for mental damages. Due to the close connection between compensation for mental damages and human emotions, this chapter will intuitively show the attitudes of Chinese judges towards pets. Chapter 3 will present the main points of judges' attention by sorting out the different reasons for not supporting claims for mental damage compensation. Chapter 4 focuses on the situations in which judges supported and did not support compensation for excessive medical expenses, finds the decisive factors, and also lists two special cases. The conclusion is that these Chinese judges showed different views towards companion animals. Although the current law does not reflect or attach importance to the special significance of pets, the attitudes presented by Chinese judges through these judgments reflected their recognition and emphasis on the emotional connection between people and pets, and in a sense, actually changed the legal status of animals in China. This is inspiring for China's future animal legislation.

The following is a brief overview of this study.

In October 2022, I searched for keywords such as “animals”, “pets”, “companion animals”, “dog”, “cat”, “casualties”, “death”, and “loss” on the Chinese legal case database PKULAW.COM⁴⁹, and collected a total of 123 cases. These 123 cases include 138 verdicts, and the cases were concluded in the past 20 years, from 2003

⁴⁹ www.pkulaw.com

to 2022. Geographically, it covers 4 centrally-administered municipalities, and 59 prefecture-level cities in 20 provinces in mainland China⁵⁰, which is representative to a certain extent.

All of these cases started when the owners sought compensation for the injury, death, or loss of a companion animal. In addition to the common pets like dogs and cats, the companion animals involved in the cases also include chinchillas and rabbits. Of these, 108 cases involved dogs, 13 cases involved cats, 1 case involved rabbits and chinchillas, and 1 case involved chinchillas. It can be seen that the pets' species are relatively limited, and there are few exotic pets involved. However, through the examination of these cases, an interesting discovery is that: In many cases, although companion animals are classified as objects or property under Chinese law, many pet owners claimed that there was a definite emotional connection between them and the pets. This emotional connection was the key reason why pet owners treated their pets differently from ordinary property. Moreover, in many cases, pet owners claimed that they suffered psychological damage due to the injury, death or loss of their pets. Whether Chinese judges recognized this emotional connection, or even whether they distinguished pets from ordinary property, was an important reason for these divergent verdicts.

⁵⁰ There are 34 provincial-level administrative regions in the People's Republic of China. Excluding Hong Kong, Macao and Taiwan, there are 31 provincial-level administrative regions in mainland China.

Table 1: Key Information on the Cases

Summary of the Case (Time Span)	Number of the Cases	Number of the Judgements	Number of Judgements Claiming Mental Damages Compensation Based on Injury or Death of the Pets (% of Total Number of Judgements)	Number of Judgements Upholding Mental Damages Compensation (% Proportion of Judgements in Which Mental Damages were Claimed)	Number of Judgements Claiming Compensation for Medical Expenses in Excess of the Market Value of the Pet Itself	Number of Judgements Upholding High Medical Expenses Compensation (% Proportion of Judgements Claimed for High Medical Expenses)
Category I: Vehicle Hitting Animal Causing Injury or Death (2003-2022)	42	44	35 ⁵¹	16	11	10
Category II: Dogs Injuring Dogs (2009-2022)	28	32	27 ⁵²	13	21 ⁵³	21

⁵¹ Among them, the plaintiff first claimed compensation for mental damage, and then withdrew the claim in the (2018)Zhe 0106 Min Chu No.5450 Judgement; and the plaintiff claimed compensation for mental damage when filing the lawsuit, but gave up this claim during the trial in the (2020)Nei 2922 Min Chu No.539 Judgement.

⁵² Among them, the (2021)Zhe 1023 Min Chu No.210 Judgement did not obtain mental damage compensation because the court considered that the plaintiff and defendant were not the registered keepers of the pets in the case, so they were not qualified, and the court dismissed the lawsuit. There are two other "dog injuring dog" judgments that are not included in the statistics where mental damage were claimed, and the two judgements are classified as not claiming mental damage based on pet injuries and deaths. The first one is the (2019)Wan 01 Min Zhong No.7260 Judgement. The plaintiff's dog was seriously injured by the defendant's dog, and the plaintiff's hand was also bitten by the same dog, but the plaintiff did not clearly state whether the cause of compensation for mental damage included injury to the pet. The court of first instance did not support compensation for mental damage on the grounds of "lack of factual and legal basis". In addition, from the order of its writing, the court of first instance's analysis of compensation for mental damage only considered the situation of human injury, and the court of second instance did not conduct any analysis either. The second one is the (2014)Tie Dong Min Er Chu Zi No.464 Judgement. The plaintiff and the plaintiff's bichon frise dog were both bitten by the defendant's dog. The plaintiff filed a claim for mental damage, but did not explicitly state whether it was based on the injury to the pet. The judge supported the claim for mental damage on the grounds that the plaintiff's own bite was severe enough to result in a 10th-degree disability, and the grounds for support were not related to the pet's injury. As the plaintiffs in these two cases did not explicitly state that their claims for mental damages were based on the injuries suffered by their pets, and no positive inference could be drawn from the content and outcome of the judgement, they are not counted here.

⁵³ Of these, there are three judgements, which are (2020)Yu 0112 Min Chu No.1695, (2021)Yu 1082 Min Chu No.5585, and (2021)Su 0508 Min Chu No.10373, did not specify whether the medical costs of the pets exceeded the market value of the pets themselves. Firstly, based on a comparison of the market price of the poodle in question (RMB 2,000) in (2019)E 0111 Min Chu No.6934 Judgement, the author reasoned that the medical expenses of the pet poodle (RMB 4,440) in (2020)Yu 0112 Min Chu No.1695 Judgement clearly exceeded its market value. Secondly, according to the investigation of China's pet market price, the author holds that the medical costs of pets in (2021)Yu 1082 Min Chu No.5585 and (2021)Su 0508 Min Chu No.10373 Judgements are not less than their market prices.

Category III: Animal Medical Disputes (2017-2022)	10	11	11	6	※ ⁵⁴	
Category IV: Custodial Contracts (2015-2022)	Shipping 2	2	2	1	0	0
	Mating 4	4	3	1	0	0
	Pet Grooming Services 6	7	7	1	1	1
	Pet Behaviour Training 3	4	4	2	0	0
	Foster Care 13	16	14 ⁵⁵	7	3	3
	Subtotal 28	33	30	12	4	4
Category V: Possession of Someone's Animal (2016-2020)	3	5	5 ⁵⁶	2	0	0
Category VI: Injury, Death or Loss of An Animal Caused by A Neighbour (2015-2022)	7	8	7 ⁵⁷	5	2 ⁵⁸	1
Category VII: Other causes (2015-2021)	5	5	5	0	0	0
Total	123	138	120 (86.96%)	54 (45%)	38	36 (94.74%)

⁵⁴ Cases in the category of Animal Medical Disputes generally do not involve disputes over high medical bills. Animal medical disputes are generally litigation disputes arising from inadequate medical treatment by animal hospitals. Generally, the court decides whether or not to compensate or refund the medical fees based on whether the animal hospital is at fault and the degree of fault and the proportion of responsibility of each party. Among the similar cases in this thesis, there were no disputes involving whether the medical expenses exceeded the pets' market price.

⁵⁵ One of the cases in which mental damage were not awarded was the (2020)Jin 0104 Min Chu No.1216 Judgement, in which the plaintiff filed a claim for mental damage. The defendant's objection to the court's territorial jurisdiction was upheld, the case was transferred to another court.

⁵⁶ Among them, the (2016)Hei 01 Min Zhong No.3320 Judgement did not award mental damage. The court of second instance quashed the judgement of first instance on the grounds that the plaintiff had wrongly chosen the defendant in the first instance. The security guard took away the plaintiff's dog when he was at work. This act should be regarded as an act of duty, so the court of second instance held that the plaintiff should choose the Property Company as the defendant instead of the security guard himself.

⁵⁷ One of the cases in which no compensation for mental damages was awarded was the (2019)Ji 1082 Min Chu No.4560 Judgement, in which the judge ruled that the three defendants were not liable because they were minors, who were either persons with limited capacity for civil conduct or persons having no capacity for civil conduct.

⁵⁸ One of the cases in which no high medical costs compensation was awarded was the (2019)Ji 1082 Min Chu No.4560 Judgement, in which the judge ruled that the three defendants were not liable because they were minors, who were either persons with limited capacity for civil conduct or persons having no capacity for civil conduct.

Based on the premise of the emotional connection between people and companion animals in these cases, I mainly examine two issues. Firstly, how many pet owners, on the basis of the emotional damage caused by the injury or death of their pets, claimed for mental damage compensation, how many judges upheld them, and what were their reasons for upholding or not? Secondly, in cases where pets required medical attention, how many pet owners sued for compensation because they had incurred medical expenses in excess of the market value of the animal itself, how many judges upheld compensation for such expenditures (the key is whether it was worth spending so much money on treating their pets), and what were their reasons for upholding or not? By analyzing these information, I try to sort out the main attitudes of Chinese judges towards animals, i.e. whether pets are fully equivalent to ordinary objects or property, and what is the role of human emotions in these judgements.

Depending on the causes of the case, these judgments can be divided into the following categories.

The first category is Vehicle Hitting Animal Causing Injury or Death. There are a total of 44 judgments involving 42 cases with case completion dates ranging from 2003 to 2022. The plaintiffs in 35 judgements claimed psychological damages, of which 16 were upheld. In 11 judgements, pet owners claimed property damages for incurring high medical expenses in excess of the market value of the animal itself, of which 10 were upheld.

In the second category, Dogs Injuring Dogs, there are 32 judgements involving 28 cases, with case completion dates ranging from 2009 to 2022. There are 27 judgements in which the plaintiffs claimed mental damages, of which 13 were upheld. In 21 judgements, pet owners claimed property damages for incurring high medical expenses in excess of the market value of the animal itself, and all 21 were upheld.

The third category is Animal Medical Disputes. There are 11 judgements in 10 cases with case completion dates from 2017 to 2022. There are 11 judgements in which the plaintiffs claimed mental damages, of which 6 were upheld. Such cases generally did not involve disputes over claims for medical expenses in excess of the market value of the pet itself.

The fourth category is cases arising from Custodial Contracts. Specifically, there are five reasons for entering into custodial contracts, including Shipping, Mating, Pet Grooming Services, Pet Behavior Training, and Foster Care. There are 33 judgements in this category, involving 28 cases with case completion dates ranging from 2015 to 2022. The plaintiffs in 30 judgements claimed psychological damages, of which 12 were upheld. There are 4 judgements in which pet owners claimed property damages for incurring medical expenses in excess of the market value of the animal itself, and all 4 were upheld.

In the fifth category, Possession of Someone's Animal, there are a total of 5 judgements involving 3 cases with case completion dates ranging from 2016 to 2020. There are 5 judgements in which the plaintiffs claimed mental damages, 2 of which were upheld. No pet owner claimed property damages for incurring high medical expenses.

The sixth category is Injury, Death or Loss of An Animal Caused by A Neighbour. There are 8 judgements involving 7 cases with case completion dates ranging from 2015 to 2022. The plaintiffs in 7 judgements claimed psychological damages, of which 5 were upheld. In 2 judgements, pet owners claimed property damages for incurring high medical expenses, of which 1 was upheld.

In the seventh category, Other Causes of the Injury, Death or Loss of An Animal,

there are a total of 5 judgements involving 5 cases with case completion dates ranging from 2015 to 2022. There are 5 judgements in which the plaintiffs claimed mental damages and 0 cases were upheld. No pet owner claimed property damages for incurring high medical expenses.

A comprehensive examination of these 7 types of judgements reveals the following key points.

Firstly, the plaintiffs in 120 of the 138 judgements, i.e., the owners of the injured or killed companion animals, claimed psychological damages for their mental injuries, representing 86.96 % of the total number of judgements. In the other 18 judgements, the plaintiffs did not claim psychological damages, especially did not claim on the basis of the pet's injury or death. The discrepancy may have arisen out of a difference in people's understanding of the law or out of negligence on the part of the lawyers. This also reflects the fact that while not the entire population of pet owners has an awareness of the value of the emotional connection between humans and companion animals, a significant proportion of the population associates their psychological well-being with human-pet emotional connection.

Secondly, the most crucial information I would like to examine is: 1. The number of judgements in which the judge upheld mental damages totaled 54, or 45 % of the number of judgements in which psychological damages were claimed. 2. Of a total of 38 judgements in which pet owners claimed property damages for incurring high medical expenses that exceeded the market value of the animal itself, 36 (94.74 %) were upheld by the judge to varying degrees, with the amount of compensations to be determined on the basis of the proportion of responsibility of both parties. These two sets of data seem to indicate that Chinese judges' attitudes towards companion animals were not as harsh and unforgiving as some may think, and that some changes and influences may have been taking place.

The attitude of Chinese judges towards such cases is well worth exploring. Whether or not they supported the compensation for mental damages, or the high medical expenses in excess of the market value of the animal itself, their reasons were diverse. I will specifically analyze their different views below.

CHAPTER 1 MAINLY RELATIVE LAWS AND REGULATIONS

Before entering into the judgements analysis, it is necessary to introduce the relative laws and regulations involved.

1. The Status of Companion Animals in Chinese Civil Law

Neither the predecessor of China's Civil Code nor the Civil Code itself, which came into force from 2021, directly express the legal status of animals. The provision commonly used to determine the legal status of animals is Article 115 of the Civil Code. This article existed in China's Property Law before 2021. The article states that "Things include immovables and movables. If rights are the objects of any real rights in accordance with any laws, such laws shall apply." This article does not expressly state whether animals are objects. If viewed from the perspective of the subject-object dichotomy, according to this article, animals would be categorized as objects, using the rules of the Civil Code on objects. On the contrary, leaving aside the perspective of subject-object dichotomy, this non-expression also leaves room for interpretation of the definition that animals are not things. However, the former is the view that is generally accepted in Chinese legal practice.

2. Relevant Laws and Judicial Interpretations Applicable in China's Judicial Practice

Above all, it is necessary to clarify the the special nature of China's judicial interpretations. China is a civil law country and the Chinese judges should use statutory law as the only clear standard in their judicial decisions. However, the judicial interpretations in China can also guide the judges in deciding cases. But by

their very nature, the judicial interpretations are different from the judicial precedents of common law countries. Most people may think that a judicial interpretation is an interpretation made by a judge in the judgment of a specific case, and the interpretation is only applicable to a specific case. The specialty of Chinese judicial interpretations is that they are made by the Supreme People's Court, not by the judges in specific cases. In addition, the judicial interpretations of Chinese courts are not specific to individual cases. To the contrary, they are highly abstract and can be applied repeatedly in different cases. In fact, the status of judicial interpretations in Chinese courts is very special, and judges attach more importance to these judicial interpretations than the statutory law. Therefore, to study Chinese law, we must pay attention to the Chinese judicial interpretations, and the study of animal law is no exception.

The implementation of the Civil Code of China in 2021 was a time division point. Before and after that, the laws and judicial interpretations that judges used to adjudicate cases in which pet owners sought compensation for psychological damages due to the injury, death or loss of their pets changed. There are also a few judges who ignored this change. However, it can be seen that the important principles of relevant laws and judicial interpretations have not changed much.

2.1 Before the Civil Code Came into Force

The main laws and judicial interpretations applicable in judicial practice include the following.

Tort Law⁵⁹

Article 22 Where any harm caused by a tort to a personal right or interest of another person inflicts a serious mental distress on the victim of the tort, the victim of the tort may require compensation for the infliction of mental distress.

Generally speaking, the condition for obtaining compensation for mental damage is that the personal rights or interests are violated. Since animals belong to the category of property, causing injury or death or loss to someone's companion animal is often not directly considered as a violation of the owner's personal rights or interests. Therefore, in practice, the judges should base their judgments on the following judicial interpretations.

Interpretation of the Supreme People's Court on Problems regarding the Ascertainment of Compensation Liability for Emotional Damages in Civil Torts (came into force from 2001)⁶⁰

Article 4 The people's court shall accept according to law cases arising from any tortious act that causes permanent destruction or damage to a special memento of personal significance, and brought to the court by the owner of the memento for claiming emotional damages.

Article 8 The People's court shall generally not sustain claims for emotional damages based on tortious acts that cause mental suffering without serious consequences; it may however, according to the circumstances, give the

⁵⁹ The Tort Law was in force from 1st July 2010 to 31st December 2020. https://www.gov.cn/flfg/2009-12/26/content_1497435.htm

⁶⁰ Fa Shi [2001] No.7, (in force from 10th March 2001 to 31st December 2020), China National People's Congress website, http://www.npc.gov.cn/zgrdw/huiyi/lfzt/qzrfca/2008-12/21/content_1462862.htm

infringer an order for cessation of infringement, rehabilitation of reputation, elimination of ill effects and/or extension of apology.

In case of tortious acts causing mental suffering with serious consequences, the people's court may, in addition to the order of cessation of infringement, rehabilitation of reputation, elimination of ill effects and/or extension of apology, and according to the claim of the victim, order a proper compensatory sum for emotional damages.

The question in relation to animals is whether causing the casualty or loss of someone's pet infringes the personal rights or interests of that person, or whether the animal killed, injured or lost is a "special memento of personal significance". If the answer is yes, and if there are serious consequences, the court may award psychological damage. If not, the court will not uphold it.

2.2 After the Implementation of the Civil Code from 2021

Civil Code⁶¹

Article 1183 Where an infringement upon the personal rights and interests of a natural person causes serious mental distress thereto, the infringed person has the right to request compensation for pains and suffering.

Where, owing to an actor's intentional or grossly negligent act, an object of personal significance of a natural person is infringed upon, which causes serious mental distress to the person, the infringed person has the right to request compensation for pains and suffering.

⁶¹ The Civil Code (English Version),
<http://www.npc.gov.cn/englishnpc/c23934/202012/f627aa3a4651475db936899d69419d1e/files/47c16489e186437eab3244495cb47d66.pdf>

Interpretation of the Supreme People's Court on Problems regarding the Ascertainment of Compensation Liability for Emotional Damages in Civil Torts (2020 Amendment)⁶²

Article 1 If a natural person or a close relative thereof brings a case to the people's court, claiming damages for mental distress on the ground of harm to the personal rights or an object of personal significance, the people's court shall accept the case according to the law.

The same logic as before 2021 can be used here. If the lost companion animal is "an object of personal significance," and causes serious mental damage, the court may award mental damage. Conversely, if it is not, the court will not uphold it.

The similarity between the pre-2021 statute and the post-2021 statute lies in the consistency of the logic of application, while they are different in their expressions. The former emphasizes "a special memento" and the "personal significance", while the latter underlines "an object" and the "personal significance". However, neither of the two judicial interpretations provides guidance on how to judge the "personal significance", which leaves a lot of room for interpretation in judicial application practice, and it also leads to chaos in the decisions of Chinese courts on the issue of psychological damage compensation involving pet injury, death, or loss. In addition, the emphasis in Interpretation 2001 on "a special memento" is an obstacle to its application to pets, but in practice there were some judges who disregarded this expression.

⁶² Fa Shi [2020] No.17, (came into force from 1st January 2021), <http://law.pkulaw.com/chinalaw/349741.html>

CHAPTER 2 REASONS TO SUPPORT COMPENSATION FOR PSYCHOLOGICAL DAMAGES

1. Existence of Emotional Connection or Mental Damage

The first reason Chinese judges supported pet owners' claims for psychological damages for injuries and deaths suffered by their pets is that they recognized the emotional connection between humans and pets or the psychological damage suffered by owners as a result of pet injuries or deaths. 17 judgements occurring between 2015 and 2022 reflected this attitude.

Table 2: Judges' Reasons

No.	Judgements	Reasons
1	Ping Yuxia v. Chen Xingjiu, Dispute over Return of Possession, the Primary People's Court of Xiangfang District, Harbin City, Heilongjiang Province, (2015)Xiang Min Er Min Chu Zi No.725, Civil Judgement of First Instance	“With respect to the plaintiff's claim against the defendant for RMB 10,000 for the plaintiff's mental damages: The plaintiff lost the family pet dog which have been kept for many years. She is very affectionate with the dog. So the loss of the dog does make the plaintiff mental and emotional suffering. The plaintiff claims compensation for mental damages in accordance with the provisions of the law, the court shall support. On the amount of mental damages: The plaintiff has the duty of care on her pet dog and she

		is negligence on the loss of the dog. She herself bears some responsibility. So the court according to both parties' degree of fault and taking into consideration the circumstances, support for the plaintiff's mental damages of RMB 7,000.”
2	Chen Aiyong v. Li Hongbao et al., Motor Vehicle Traffic Accident Liability Dispute, the Primary People's Court of Panlong District, Kunming City, Yunnan Province, (2015)Pan Fa Pai Min Chu Zi No.1399, Civil Judgement of First Instance	“About psychological compensation of RMB 29,000: It is clear from the trial that the plaintiff has a deep bond with the dog and that the death of the dog caused the plaintiff great emotional damage. Although money may not be enough to heal the trauma suffered by the plaintiff, it can nevertheless provide a degree of comfort to the plaintiff for the psychological and emotional harm she has suffered. However, the amount claimed by the plaintiff is too high. The court, according to the circumstances, supports the amount of RMB 500 for mental damages.”
3	Chen Aiyong v. Li Hongbao et al., Motor Vehicle Traffic Accident Liability Dispute Appeal Case, the Intermediate People's Court of Kunming City, Yunnan Province, (2016)Yun 01 Min Zhong No.3102,	The original judgment was maintained in the second instance on the same grounds.

	Civil Judgement of Second Instance	
4	Yu Zhongyong v. Zhang Qingmin et al., Motor Vehicle Traffic Accident Liability Dispute, the Primary People's Court of Futian District, Shenzhen City, Guangdong Province, (2016)Yue 0304 Min Chu No.5980, Civil Judgement of First Instance	“With regard to the mental damage compensation of RMB 20,000: The plaintiff had been keeping the poodle as a pet for a long time. The dog, although it belongs to the category of property, does have a special significance for the plaintiff's emotional support. This court, taking into consideration the circumstances, supports for mental damages of RMB 2,000.”
5	Fu X v. Wu X, Liability Dispute Case for Damage Caused by Raising Animals, the Primary People's Court of Chaoyang District, Beijing City, (2017)Jing 0105 Min Chu No.3641, Civil Judgement of First Instance	“As to mental damages: According to the medical record submitted by the plaintiff dated 19 January 2017, the plaintiff did complain therein that ‘the patient recalled that in March 2016, her dog was bitten by someone's dog through six holes and had a broken leg. The patient's condition was aggravated as a result and tried to commit suicide.’ However, the date of the medical record was already in the course of the proceedings in this case. From the Plaintiff's medical record dated 22 April 2016 after the incident in question, the Plaintiff's condition at that time was that she was ‘still

		<p>depressed, wanting to die, and feeling being alive is a burden to others', which did not show any change in her condition, nor did it show that there was a direct correlation between the continuation of her condition and her dog's bite injury. The medical record dated 22 July 2016 also showed that the plaintiff was in stable condition. And from the time of the dog bite, until the plaintiff's chief complaint on 19 January 2017 that her condition had worsened as a result of the dog bite, the plaintiff was on regular medication. Therefore, based on the available evidence, it is difficult for this court to find that the dog bite resulted in a significant change in the plaintiff's mental illness condition. However, taking into account the plaintiff's age and illness, the court finds that the plaintiff did suffer some degree of emotional shock when she witnessed the circumstances at the scene of the dog bite. And according to the defendant's statement, at the time of the dog bite incident, the one who was handling the defendant's dog still holding his dog on a leash without stopping it. Therefore, according to the circumstances, the defendant is ordered to pay the plaintiff RMB 500 for mental damages."</p>
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6	<p>Chao Yu v. Shi Feng et al., Property Damage Compensation Dispute, the Primary People's Court of Bao'an District, Shenzhen City, Guangdong Province, (2016)Yue 0306 Min Chu No.24457, Civil Judgement of First Instance</p>	<p>"The plaintiff claimed RMB 5,000 in mental damages. This court believes that the receipt submitted by the plaintiff shows that he has kept the pet dog in question for 7 years, and the pet dog is a specific object with certain spiritual value. Therefore, this court supports RMB 3,000 in mental damages according to the circumstances."</p>
7	<p>Luo Meiru v. Guangzhou Bowei Animal Clinic Company Limited, Property Damage Compensation Dispute, the Primary People's Court of Haizhu District, Guangzhou City, Guangdong Province, (2017)Yue 0105 Min Chu No.1209, Civil Judgement of First Instance</p>	<p>"Mental damages Compensation: The plaintiff claimed that the defendant lost his pet dog which he had kept for 2 years, thus causing her mental damage. Considering the emotional factor of the plaintiff's attachment to the pet dog, the loss of the pet dog would inevitably cause some emotional damage to the plaintiff. The Court affirms that it is appropriate for the defendant to pay RMB 500 for emotional distress according to the circumstances."</p>
8	<p>Pan Yurou v. Guangzhou Tianhe</p>	<p>"RMB 500 for mental damages compensation: Pan Yurou kept the pet for</p>

	<p>Dongtang Wuniwo Pet Grooming Shop et al., Contract Dispute, the Primary People's Court of Tianhe District, Guangzhou City, Guangdong Province, (2017)Yue 0106 Min Chu No.15522, Civil Judgement of First Instance</p>	<p>about six months and she is emotionally attached to it. Since the death of the pet does cause mental harm to the keeper, it is reasonable for Pan Yurou to claim compensation of RMB 500 for her mental loss from Wuniwo Pet Grooming Shop. The Court is in favour of this.”</p>
9	<p>Tian Yue, Zhao Yun v. Zigong Hi-Tech Zone Yichong Pet Paradise, Commission Contract Dispute, the Primary People's Court of Ziliujing District, Zigong City, Sichuan Province, (2018)Chuan 0302 Min Chu No.2812, Civil Judgement of First Instance</p>	<p>“The plaintiff has had the pet for over a year and has invested heavily both emotionally and financially. The death of the pet did cause some emotional harm to the plaintiff. Considering the market price of the bulldog, the cost to the plaintiff of raising the pet, and the emotional harm to the plaintiff caused by the death of the pet, and taking into account the facts of this case, the court finds, according to the circumstances, that the defendant is liable to the plaintiff in the amount of RMB 14,680.”</p>
10	<p>Appellants Tian Yue, Zhao Yun v. Appellee Zigong Hi-Tech Zone Yichong Pet Paradise, Property Damage Compensation</p>	<p>“Tutu is a pet dog purchased by the appellee. After being fed by the appellee for a period of time, the feeder developed a certain affection for the pet. Therefore, it is not appropriate to determine the amount of compensation for the pet on the basis of its</p>

	Dispute, the Intermediate People's Court of Zigong City, Sichuan Province, (2018)Chuan 03 Min Zhong No.1047, Civil Judgement of Second Instance	general market price. The court of first instance, on the basis of the facts found, clarified the degree of responsibility of each party and, according to the circumstances, found that the appellant was required to compensate the appellee for RMB 14,680, which amount was reasonable, and that the court of first instance had not acted improperly.”
11	Zhang Kaiwen v. Li Yanjun, Liability Dispute Case for Damage Caused by Raising Animals, the Primary People's Court of Wanli District, Nanchang City, Jiangxi Province, (2018)Gan 0105 Min Chu No.196, Civil Judgement of First Instance	The judge found that since the plaintiff had begun treatment for depression prior to the dog bite. “Based on the available evidence, it is difficult for the court to find that the bite of Tiantian resulted in a significant change in the plaintiff's mental illness. However, taking into account the relationship between the plaintiff and Tiantian and the plaintiff's illness and other factors, the court considers that Tiantian's injurie indeed gave the plaintiff a certain degree of psychological shock. Therefore, according to the circumstances, the defendant is required to compensate the plaintiff in the amount of RMB 1,000 for emotional distress.”
12	Cao Shuyu v. Xu Haijun, Hongyi Trade Company Limited of Qingcheng County et al., Motor Vehicle	“Senshi (a tibetan mastiff) is a living animal, kept by the plaintiff and is the property of the plaintiff...With respect to the price of compensation, based on this court's investigation, it should be determined to be

	Traffic Accident Liability Dispute, the Primary People's Court of Xifeng District, Qingyang City, Gansu Province, (2017)Gan 1002 Min Chu No.3248, Civil Judgement of First Instance	RMB 75,000. The plaintiff had kept Senshi for more than a year and had built up a certain emotional relationship with it, and its sudden death will inevitably cause the plaintiff a certain amount of mental harm. Therefore, the plaintiff's request for the defendant to compensate him for his mental relief is supported, and the amount is RMB 600.”
13	Luo Haoyu v. Liang Xi, Liability Dispute for Damage Caused by Raising Animals, the Primary People's Court of Yuexiu District, Guangzhou City, Guangdong Province, (2019)Yue 0104 Min Chu No.11443, Civil Judgement of First Instance	“Mental damage compensation: In the long-term relationship between pet owner and the pet, they will inevitably develop feelings and emotional dependence. The sudden and abnormal death of the pet will inevitably cause mental harm to the owner. The poodle in question had been Luo Haoyu's pet for many years. Now that the dog has died as a result of the accident, Luo Haoyu has indeed suffered mental and emotional damage. However, RMB 10,000 claimed by Luo Haoyu is too high. This court decides that the compensation for mental damage is RMB 3,000.”
14	Zhou Qiannan v. Zeng Yangdan, Property Damage Compensation Dispute, the Primary	“On the question of whether and how the defendant should compensate the plaintiff for property and mental damage : The plaintiff has suffered from a disease and the cat served as the plaintiff's spiritual support.

	People's Court of Hengnan County, Hunan Province, (2020)Xiang 0422 Min Chu No.2159, Civil Judgement of First Instance	The death of the cat did have a certain impact on the plaintiff's spirit. The plaintiff's cat was a gift from a friend, and the plaintiff could not provide proof of the purchase price. This court can only take into account the market price and decide that the defendant should compensate the plaintiff for property losses of RMB 1,000 and mental damage of RMB 2,000.”
15	Appellant Zeng Yangdan v. appellee Zhou Qiannan, Property Damage Compensation Dispute, the Intermediate People's Court of Hengyang City, Hunan Province, (2021)Xiang 04 Min Zhong No.761, Civil Judgement of Second Instance	“In the long-term relationship between pet owner and the pet, they will inevitably develop feelings and emotional dependence. The sudden and abnormal death of the pet will inevitably cause mental harm to the owner. Zhou Qiannan suffers from a depressive disorder, and her original intention of keeping the pet cat was to relieve her mental stress. The death of the pet cat also had a certain impact on the recovery of her illness. The court of first instance ruled that Zeng Yangdan should compensate Zhou Qiannan for mental damage of RMB 2,000, which is consistent with the facts of this case.”
16	Liu Di v. Yang Yuedong et al., Liability Dispute Case for Damage Caused by Raising Animals, the Primary	“In this case, Liu Di claimed to be compensated for his economic losses of RMB 10,000, including RMB 4,000 for food expenses for 17 years, RMB 1,000 for mental damage, and RMB 5,000 for buying

	<p>People's Court of Tiedong District, Anshan City, Liaoning Province, (2021)Liao 0302 Min Chu No.4511, Civil Judgement of First Instance</p>	<p>the dog. Liu Di failed to provide evidence of the actual market value of the dogs he kept. Taking into account the life expectancy of the dog kept by Liu Di, the emotional relationship between the family members and the dog, and Liu Di's own fault, this court, according to the circumstances, decides that Dai Cuihong should compensation Liu Di for RMB 1,000, and the other parts of Liu Di's claims will not be supported."</p>
17	<p>Wang Wenjing v. Lan Mei, Property Damage Compensation Dispute, the Primary People's Court of Hanyang District, Wuhan City, Hubei Province, (2022)E 0105 Min Chu No.726, Civil Judgement of First Instance</p>	<p>"Considering that the death of the cat did cause Wang Wenjing a great deal of mental anguish, this court has the discretion to award her RMB 1,000 in compensation for mental damage."</p>

In the above 17 judgments, the judges mainly considered emotional factors when deciding whether to support the pet owner's mental damages. There are three situations here.

The first category of judges recognized the emotional connection between human and pet. For example, a judge found that the pet "does have a special significance

for the plaintiff's emotional support”⁶³. Some judges found that “the emotional relationship between the family members and the dog”⁶⁴ was a factor to be considered. Some judges also believed that “After being fed by the appellee for a period of time, the feeder developed a certain affection for the pet. Therefore, it is not appropriate to determine the amount of compensation for the pet on the basis of its general market price.”⁶⁵ And also ‘the pet dog is a specific object with certain spiritual value’⁶⁶.

The second category of judges recognized the emotional harm or psychological anguish caused to the owner as a result of the pet's injury or death: For example, the judge found that owners did suffer some degree of emotional shock⁶⁷ when they witness their pets being injured. Another judge also stated that one of the reasons for his judgement in favour of mental damage was that he took into account the fact that “the death of the cat did cause Wang Wenjing a great deal of mental anguish”⁶⁸.

The third category of judges (and the majority), recognized both the emotional connection between people and pets and the emotional harm to owners caused by pet's injury or death: For instance: “...the plaintiff has a deep bond with the dog and that the death of the dog caused the plaintiff great emotional damage...”⁶⁹ “The plaintiff had kept Senshi for more than a year and had built up a certain emotional relationship with it, and its sudden death will inevitably cause the plaintiff a certain amount of mental harm.”⁷⁰ “In the long-term relationship between pet owner and the pet, they will inevitably develop feelings and emotional dependence. The sudden and abnormal death of the pet will inevitably cause mental harm to the owner. The poodle in question had been Luo Haoyu's pet for many years. Now that the dog has

⁶³ See the (2016)Yue 0304 Min Chu No.5980 Judgement.

⁶⁴ See the (2021)Liao 0302 Min Chu No.4511 Judgement.

⁶⁵ See the (2018)Chuan 03 Min Zhong No.1047 Judgement.

⁶⁶ See the (2016)Yue 0306 Min Chu No.24457 Judgement.

⁶⁷ See the (2017)Jing 0105 Min Chu No.3641 and (2018)Gan 0105 Min Chu No.196 Judgements.

⁶⁸ See the (2022)E 0105 Min Chu No.726 Judgement.

⁶⁹ See the (2015)Pan Fa Pai Min Chu Zi No.1399 and (2016)Yun 01 Min Zhong 3102 Judgements.

⁷⁰ See the (2017)Gan 1002 Min Chu No.3248 Judgement.

died as a result of the accident, Luo Haoyu has indeed suffered mental and emotional damage.”⁷¹ “Pan Yurou kept the pet for about six months and she is emotionally attached to it. Since the death of the pet does cause mental harm to the keeper...”⁷² “Considering the emotional factor of the plaintiff’s attachment to the pet dog, the loss of the pet dog would inevitably cause some emotional damage to the plaintiff.”⁷³ “The plaintiff has had the pet for over a year and has invested heavily both emotionally and financially. The death of the pet did cause some emotional harm to the plaintiff.”⁷⁴ “The plaintiff lost the family pet dog which have been kept for many years. She is very affectionate with the dog. So the loss of the dog does make the plaintiff mental and emotional suffering.”⁷⁵ “The plaintiff has suffered from a disease and the cat served as the plaintiff’s spiritual support. The death of the cat did have a certain impact on the plaintiff’s spirit.”⁷⁶ “In the long-term relationship between pet owner and the pet, they will inevitably develop feelings and emotional dependence. The sudden and abnormal death of the pet will inevitably cause mental harm to the owner. Zhou Qiannan suffers from a depressive disorder, and her original intention of keeping the pet cat was to relieve her mental stress. The death of the pet cat also had a certain impact on the recovery of her illness.”⁷⁷ Based on the dual recognition of emotional connection and emotional harm, these judges held that the negative impact of the pet’s injury or death on the owner was obvious and did not need to be proved, and that the compensation for mental damages should be upheld.

2. Emotional Factors + Special Property/Special Things

In addition to recognizing the emotional element of the relationship between human

⁷¹ See the (2019)Yue 0104 Min Chu No.11443 Judgement.

⁷² See the (2017)Yue 0106 Min Chu No.15522 Judgement.

⁷³ See the (2017)Yue 0105 Min Chu No.1209 Judgement.

⁷⁴ See the (2018)Chuan 0302 Min Chu No.2812 Judgement.

⁷⁵ See the (2015)Xiang Min Er Min Chu Zi No.725 Judgement.

⁷⁶ See the (2020)Xiang 0422 Min Chu No.2159 Judgement.

⁷⁷ See the (2021)Xiang 04 Min Zhong No.761 Judgement.

and pet, judges also characterized the pet as a special property or a special object on the basis of which psychological damages were upheld. 10 judgements occurring between 2015 and 2021 reflected this attitude.

Table 3: Judges' Reasons

No.	Judgements	Reasons
1	Zhang Junfeng v. Xing Pengfei, Property Damage Compensation Dispute Appeal Case, the Intermediate People's Court of Binzhou Prefecture, Shandong Province, (2015)Bin Zhong Min Yi Zhong Zi No.314, Civil Judgement of Second Instance	<p>The court of first instance supported the compensation for mental damage: “Although the pet has no personality, it is different from ordinary property. It is not only the property of their owners, but most importantly, it is an object with a special emotional relationship with its owner. The pet has an irreplaceable position in its owner's emotional feelings. Therefore, the plaintiff's request for mental damage is supported. The plaintiff's claim for mental damage of RMB 3,000 is too high and is determined to be RMB 300.”</p> <p>The court of second instance upheld the original judgment: “Pet owners do have invested emotionally in the process of raising pets. Pet dogs also have a very important emotional position in the minds of their owners. The judgment of first instance of RMB 300 for mental damages for the death</p>

		<p>of the pet dog is in line with the legal provisions of our country's civil tort on mental damages.”</p>
<p>2</p>	<p>Liang X, Cui X v. Su X, Tort Liability Dispute, the Primary People's Court of Baohe District, Hefei City, Anhui Province, (2015) Bao Min Yi Chu Zi No.03620, Civil Judgement of First Instance</p>	<p>“5. Compensation for mental damage: This court believes that although Zuoluo is just a dog, the plaintiff raised Zuoluo as a pet dog with the purpose of having Zuoluo to accompany his life and bring him joy. Pet dogs are living, spiritual family animals that can form emotional connections and spiritual dependence with people. The most important feature that makes it different from other ordinary property is that it has life and spirituality, and can develop emotional connection, affective interaction and spiritual support with its owner. Raising Zuoluo took a lot of effort and emotion on the part of the plaintiff. Zuoluo accompanied the plaintiff for more than 9 years, bringing the plaintiff a lot of happiness, and also made the plaintiff develop a deep affection and spiritual dependence on Zuoluo. The defendant's infringement ended the plaintiff's happiness and dependence, and indeed caused mental harm to the plaintiff, which should be given some</p>

		<p>mental relief. As the plaintiff's demand of RMB 50,000 is too high, this court comprehensively considers the degree of fault of both parties, the consequences of the tortious behaviour and other factors, in order to fully reflect the functions of mental damages as compensation, consolation and punishment, this court decides that RMB 5,000 is appropriate.”</p>
<p style="text-align: center;">3</p>	<p>Zhao Zunming v. Long Hong, Property Damage Compensation Dispute, the Intermediate People's Court of Changsha City, Hunan Province, (2016)Xiang 01 Min Zhong No.355, Civil Judgement of Second Instance</p>	<p>The court of first instance ordered the defendant to pay mental damages. The court of second instance reduced the amount of compensation at its discretion: “This court believes that: Although the pet has no personality, it is different from ordinary property. It is not only the property of their owners, but more importantly, it is an object with a special emotional relationship with its owner(与主人有特殊感情的物). The pet has an irreplaceable position in its owner's emotional feelings. Therefore, Long Hong's request for Zhao Zunming to pay a certain amount of mental damage compensation is in line with the legal provisions of our country's civil tort on</p>

		<p>mental damage compensation. However, the trial court's ruling that Zhao Zunming compensates Long Hong RMB 50,000 based on the certificate of indebtedness was inappropriate for the following reasons: 1. Long Hong claimed that the dog was worth RMB 28,000 but did not provide any evidence to prove it. 2. With reference to Compensation Standards for Mental Damages for Personal Injury of Hunan Province, RMB 50,000 as mental damages compensation is too high in this case. 3. Long Hong was also at fault for the occurrence of the damage as he failed to obtain the "Dog Raising License". Therefore, taking into account the general market price of the dog kept by Long Hong, the degree of fault of the tortfeasor, as well as the process of the issuance of the certificate of indebtedness and its content, this court believes that the trial court's determination of RMB 50,000 in mental damage was inappropriate. This court adjusts the amount to RMB 30,000 at discretion."</p>
4	Ji Meiyi v. Xu Xingquan,	The plaintiff claimed RMB 20,000 for

	<p>Guangzhou Municipal Property Management Company Limited, Guangdong Branch of China Ping'an Property and Casualty Insurance Company Limited, Property Damage Compensation Dispute, the Intermediate People's Court of Guangzhou City, Guangdong Province, (2016)Yue 01 Min Zhong No.8592, Civil Judgement of Second Instance</p>	<p>mental damage, and the court of first instance upheld RMB 2,000 at its discretion. "With regard to mental damages: Pet dogs are companion animals, unlike ordinary objects. There could be a deep bond between the pet dog and the owner, and a certain emotional dependence do exist. The death of the pet dog is bound to be a big shock to Ji Meiyi's psychology. In addition, Xu Xingquan drove away from the scene after the accident, delayed medical treatment to the dog and failed to actively deal with the follow-up matters of the accident, which also aggravated the mental injury to Ji Meiyi. Therefore, Ji Meiyi's claim for mental damage was upheld by the trial court, but his claim was too high and was reduced to RMB 2,000 at the discretion of the trial court."</p> <p>The court of second instance upheld the judgement of first instance: "On the issue of mental damage: In the process of raising the dog involved in the case, Ji Meiyi established a deep emotional relationship with the dog. The dog involved in the case was</p>
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		<p>killed by the car driven by Xu Xingquan, which did cause mental damage to Ji Meiyi. Therefore, the trial court's determination of RMB 2,000 in mental damage was not improper, and this court upholds it.”</p>
5	<p>Chen Lini v. Gao Shucheng et al., Property Damage Compensation Dispute, the Primary People's Court of Tiexi District, Shenyang City, Liaoning Province, (2017)Liao 0106 Min Chu No.5052, Civil Judgement of First Instance</p>	<p>“With regard to the plaintiff's claim for compensation for mental damage of RMB 20,000: Pet dogs belong to companion animals and are different from the ordinary objects. Pet dogs and their owners can develop a deep emotional relationship and a certain affective dependence between them. The loss of the pet dog is bound to cause a great shock to the plaintiff's psychology. Therefore, the plaintiff claimed mental damage, the court shall support. But the amount claimed is too high, combined with the degree of fault of both parties, this court decides the compensation for RMB 2000.”</p>
6	<p>Lu Xiaomei v. Suzhou Danshenwang Trade Company Limited, Property Damage Compensation Dispute, the Intermediate People's Court of Suzhou</p>	<p>The Court of First Instance did not support mental damage: “As a special living individual, the pet dog is likely to establish an extremely intimate connection with the owner over a long period of time, and become one of the</p>

	<p>City, Jiangsu Province, (2019)Su 05 Min Zhong No.3039, Civil Judgement of Second Instance</p>	<p>owner's emotional and spiritual support. However, considering that in this case, the dog was purchased by Lu Xiaomei, who kept it in the clothing store she runs rather than at home, and the time from the purchase of the dog to its death was relatively short, even if the death of the pet dog did cause mental damage to Lu Xiaomei, it would not be enough to reach the serious consequences stipulated in the law. Therefore, the court of first instance did not support her claim for compensation for mental damage.”</p> <p>The court of second instance supported the mental damage compensation: “Regarding the mental damage claimed by Lu Xiaomei: The pet dog involved in the case is different from ordinary property. It has life characteristics. Long-term breeding will establish a close relationship between the breeder and the dog, and the dog can become the breeder’s emotional support. Therefore, the death of the pet dog does cause emotional trauma to the owner in addition to financial loss, and the mental loss claimed by Lu Xiaomei</p>
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		<p>should be taken into consideration. However, Lu Xiaomei did keep the dog for only a short time, considering the degree of fault of the Danshenwang Company, this court decides that it is more appropriate for Danshenwang Company to bear RMB 1,000 in mental damage. "</p>
7	<p>Rao Fuying v. Guangzhou Nansha Wangcai Pet Grooming Store, Property Damage Compensation Dispute, the Primary People's Court of Nansha District, Guangzhou City, Guangdong Province, (2020)Yue 0115 Min Chu No.8422, Civil Judgement of First Instance</p>	<p>"Regarding mental damage compensation... The natural attributes of pet dogs determine that they are different from ordinary property. Pet dogs have lives, and all lives should be respected. Harmonious coexistence between humans and nature, and between humans and animals is the symbol and requirement of modern civilized society. Pet dogs are able to communicate with humans to a certain extent. The ability to communicate with humans enables pet dogs to communicate with humans spiritually and form emotional dependence. Pet dogs are particular, unique and irreplaceable. Rao Fuying started raising the golden retriever and named it Beili in 2017. The golden retriever died in 2020. During the three years, Rao Fuying and the dog established a</p>

		<p>deep emotional relationship. The sudden and abnormal death of the golden retriever caused Rao Fuying certain mental pain, and his claim for compensation for mental damage is reasonable to a certain extent. However, the amount of compensation requested by Rao Fuying is too high, and this court decides that the defendant pay RMB 700 based on the fault liability of both parties.</p>
8	<p>Ma Luoshan v. Fujian Zhiqiu Animal Hospital Company Limited, Tort Liability Dispute, the Intermediate People's Court of Fuzhou City, Fujian Province, (2021)Min 01 Min Zhong No.1865, Civil Judgement of Second Instance</p>	<p>The court of first instance held that: "Article 8 of Interpretation of the Supreme People's Court on Problems regarding the Ascertainment of Compensation Liability for Emotional Damages in Civil Torts states that 'Article 8 The People's court shall generally not sustain claims for emotional damages based on tortious acts that cause mental suffering without serious consequences; it may however, according to the circumstances, give the infringer an order for cessation of infringement, rehabilitation of reputation, elimination of ill effects and/or extension of apology. In case of tortious acts</p>

		<p>causing mental suffering with serious consequences, the people's court may, in addition to the order of cessation of infringement, rehabilitation of reputation, elimination of ill effects and/or extension of apology, and according to the claim of the victim, order a proper compensatory sum for emotional damages.'...With regard to mental damages: Pet cats are different from ordinary property in that they have the characteristics of life, and when they are kept for a long period of time, they establish a close relationship with the owner and become the owner's emotional support. Thus, the death of the pet cats does cause emotional trauma to the owners in addition to property damages. The mental damage claimed by Ma Luoshan should be taken into account. Therefore, Ma Luoshan sued Zhiqiu Hospital for compensation of RMB 1 for mental damage, and the court of first instance supported her claim." The court of second-instance upheld the first-instance judgment.</p>
9	Zhang Yiming v. Foshan	"Pet cats have lives, which are

	<p>Tongle Animal Clinic Company Limited, Property Damage Compensation Dispute, the Primary People's Court of Shunde District, Foshan City, Guangdong Province, (2021)Yue 0606 Min Chu No.19193, Civil Judgement of First Instance</p>	<p>different from ordinary property. The plaintiff must have invested heavily both emotionally and financially in the process of keeping the cat, and he must have established a certain emotional relationship with the cat. The death of the pet cat in this case indeed causes the plaintiff a certain amount of mental suffering, and his claim for mental damage has a certain degree of reasonableness. However, the amount of damages claimed by the plaintiff is excessive. This court comprehensively considers the plaintiff's time and cost of keeping the pet cat involved in the case, the degree of fault of Tongle Animal Clinic, and other factors, and decides to support the mental damage of RMB 1,000.”</p>
<p>10</p>	<p>Liao Ruiqin v. Ye Yangfu, Property Damage Compensation Dispute, the Primary People's Court of Yanping District, Nanping City, Fujian Province, (2021)Min 0702 Min Chu No.5519, Civil Judgement of First Instance</p>	<p>“Regarding compensation for mental damage: Pets are special objects that have multiple values for people. Dogs can understand and interact with people(通人性). If they live with together for a long time, the human being will develop an inseparable emotional and spiritual attachment with dogs. The death of the poodle did</p>

		cause some mental damage to Liao Ruiqin. But Liao Ruiqin's claim is obviously too high, the court decides it should be RMB 500.”
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In the above 10 judgements, on top of the consideration of emotional factors, the judges also characterised pets as special objects/special property. Depending on the clarity of their characterisation, their views can be divided into two types.

The first view: The judges explicitly recognized the legal status of pets as special objects/special property. Some judges simply confirmed that ‘Pets are special objects’⁷⁸, while others defined what kind of special object a pet is in a slightly more specific way, i.e. ‘an object with a special emotional relationship with its owner’⁷⁹.

The second view: The judges, by way of a differentiated interpretation, held that: pets are different from ordinary objects/property⁸⁰. Most judges also analysed the manifestations of this difference, i.e. the particularity of pets as objects/property. If the fact that pets have "life"⁸¹ and "spirituality"⁸² is the starting point of their particularity, then it is the abilities that life and spirituality give pets that make them even more special. As stated in the judgement of (2020)Yue 0115 Min Chu No.8422: “The natural attributes of pet dogs determine that they are different from ordinary property. Pet dogs have lives, and all lives should be respected. Harmonious coexistence between humans and nature, and between humans and animals is the symbol and requirement of modern civilized society. Pet dogs are able to communicate with humans to a certain extent. The ability to communicate with

⁷⁸ See the (2021)Min 0702 Min Chu No.5519 Judgement.

⁷⁹ See the (2016)Xiang 01 Min Zhong No.355 and (2015)Bin Zhong Min Yi Zhong Zi No.314 Judgements.

⁸⁰ See the (2016)Yue 01 Min Zhong No.8592, (2021)Min 01 Min Zhong No.1865, (2021)Yue 0606 Min Chu No.19193, (2019)Su 05 Min Zhong No.3039, (2020)Yue 0115 Min Chu No.8422, (2017)Liao 0106 Min Chu No.5052, (2015)Bao Min Yi Chu Zi No.03620 Judgements.

⁸¹ See the (2021)Min 01 Min Zhong No.1865, (2021)Yue 0606 Min Chu No.19193, (2019)Su 05 Min Zhong No.3039, (2020)Yue 0115 Min Chu No.8422, (2015)Bao Min Yi Chu Zi No.03620 Judgements.

⁸² See the (2015)Bao Min Yi Chu Zi No.03620 Judgement.

humans enables pet dogs to communicate with humans spiritually and form emotional dependence.” Chinese people usually say that an animal “can understand, interact with people (通人性)”⁸³ when evaluating animals that are close to humans, such as dogs, cats, chinchillas, rabbits, tortoises, guinea pigs and other common pets, as mentioned in the previous judgement. By getting along with these pets, the owner invests a lot of time, energy and financial resources, and there will be an “inseparable emotional and spiritual attachment”⁸⁴ between people and pets, forming emotional interdependence. As a result, pets are not simple, ordinary, common property, but “have multiple values”⁸⁵, the most important of which, in addition to property value, is emotional value. However, the emotional bond that forms between an owner and a particular pet is not something that can be easily replicated with that between the owner and another pet, and the emotional trauma that an owner experiences when a pet is injured or dies is difficult to measure or repair. It is therefore not difficult to understand why the judges recognized the particularity⁸⁶, uniqueness⁸⁷ and irreplaceability⁸⁸ of pets.

In short, the logical line of argument in favour of pets being special things/special property is like this: Pets are alive and have spirituality, they have the ability to communicate and interact with humans and form intimate emotional interdependence. The special relationship between humans and pets makes pets particular, unique and irreplaceable. Therefore, pets should be separated from the scope of ordinary objects/common property and be regarded as special objects/special property with both property and sentimental value.

3. Emotional Factors + A Special Memento of Personal Significance/ An Object of

⁸³ See the (2021)Min 0702 Min Chu No.5519 Judgement.

⁸⁴ See the (2021)Min 0702 Min Chu No.5519 Judgement.

⁸⁵ See the (2021)Min 0702 Min Chu No.5519 Judgement.

⁸⁶ See the (2020)Yue 0115 Min Chu No.8422 Judgement.

⁸⁷ See the (2020)Yue 0115 Min Chu No.8422 Judgement.

⁸⁸ See the (2016)Xiang 01 Min Zhong No.355, (2015)Bin Zhong Min Yi Zhong Zi No.314, (2020)Yue 0115 Min Chu No.8422 Judgements.

Personal Significance

In addition to recognizing the emotional relationship between people and pets, judges also recognized the nature of pets as “a special memento of personal significance” or “an object of personal significance”, and accordingly upheld compensation for psychological damages. 15 judgements occurring between 2017 and 2022 reflected this attitude.

Table 4: Judges' Reasons

No.	Judgements	Reasons
1	Li Jiahui et al. v. Guangjing Animal Hospital of Yuexiu District, Guangzhou City, Property Damage Compensation Dispute Appeal Case, the Intermediate People's Court of Guangzhou City, Guangdong Province, (2017)Yue 01 Min Zhong No.16190, Civil Judgement of Second Instance	The court of first instance found that the plaintiff's claim for mental damage was insufficiently grounded and did not support it. The court of second instance upheld the mental damages: “Mental damage compensation: In reality, pets are kept without realizing that they are treated by their owners as part of their lives and members of the family. The owners will develop a strong emotional attachment to their pets. Once a pet dies due to illness or other accidents, it will indeed cause great psychological harm and mental anguish to the keeper. In this case, the appellant, Li Jiahui, was still crying in the Court of Second Instance more than a year after the death of Tangtang, so it is evident that the death of Tangtang had caused her mental damage.

		<p>In view of the facts of this case, this court decides that the compensation is RMB 3,000."</p> <p>In addition, at the end of the judgment, the judge specifically wrote: "In a sense, all lives are equal. Animals are the friends of humans, and domestic pets are even in close contact with humans and become part of their emotional support. A doctor should have a kind heart. Whether treating human beings or animals, the organizations or individuals engaged in the relevant industries should, apart from adopting a cautious attitude and mastering superb techniques, also have a compassionate heart and be full of awe for life. A small mistake may lead to the loss of a living life, which will bring sorrow during the day and worry at night. Moreover, the birth and death of all things is also a law of nature, and neither human beings nor animals can escape the law of birth-aging-sickness-death. The loss of a 'friend' or 'mate' can lead to emotional damage. But life is unpredictable, and we should have a moderate degree of tolerance and open-mindedness."</p>
2	Shen Zhihua v. Zhang Xinwang et al., Motor	"On the issue of compensation for mental damage: The pet dog Naonao is an object

	<p>Vehicle Traffic Accident Liability Dispute, the Primary People's Court of Xinzhou District, Shangrao City, Jiangxi Province, (2017)Gan 1102 Min Chu No.2604, Civil Judgement of First Instance</p>	<p>of personal significance or spiritual and emotional value to the plaintiff's family, which meets the provisions of Article 4 of Interpretation of the Supreme People's Court on Problems regarding the Ascertainment of Compensation Liability for Emotional Damages in Civil Torts. This court determines the loss to be RMB 800.”</p>
<p>3</p>	<p>China Southern Airlines Company Limited v. Jin Lei, Air Transport Property Damage Liability Dispute, the Intermediate People's Court of Hangzhou City, Zhejiang Province, (2018)Zhe 01 Min Zhong No.1388, Civil Judgement of Second Instance</p>	<p>The court of first instance supported the compensation for mental damages: “Jin Lei had kept the French bulldog Sangni for many years. Judging from the photos and videos he provided, Jin Lei and his dog have a deep bond. Jin Lei regards the dog as a family member and an indispensable part of his life. The French bulldog Sangni has a specific significance in Jin Lei's heart and Jin Lei also has a special affection for the dog. The accidental death of the French bulldog Sangni caused Jin Lei mental damage. Therefore, the trial court found in its discretion that Southern Airlines should compensate Jin Lei RMB 3,000 for mental damage.”</p> <p>The court of second instance upheld the verdict of first instance: “Regarding the mental compensation: Based on the photos and videos provided by Jin Lei and the</p>

		<p>records of food consumption of the French bulldog involved in the case, it can be determined that after several years of keeping, Jin Lei and the French bulldog Sangni have established a relatively deep emotional relationship, and Sangni's death must have caused certain mental damage to the pet dog owner. The trial court's discretion to support RMB 3,000 in mental compensation is not improper."</p>
4	<p>Guangzhou Xingyao Pet Service Company Limited v. Huang Keyang, Property Damage Compensation Dispute, the Intermediate People's Court of Guangzhou City, Guangdong Province, (2019)Yue 01 Min Zhong No.930, Civil Judgement of Second Instance</p>	<p>The court of first instance supported the mental damage compensation: "1. Compensation for mental damages: RMB 10,000. Article 4 of Interpretation of the Supreme People's Court on Problems regarding the Ascertainment of Compensation Liability for Emotional Damages in Civil Torts states that: 'The people's court shall accept according to law cases arising from any tortious act that causes permanent destruction or damage to a special memento of personal significance, and brought to the court by the owner of the memento for claiming emotional damages.' In this case, Huang Keyang and Luo Yuehua applied for a Dog Registration Certificate for the dog Duoduo and sent it to Xingyao Pet Company for foster care and behaviour training. As a pet, the dog</p>

		<p>Duoduo has been anthropomorphized⁸⁹ to a certain extent and has become a specific object with personal significance. Therefore, the death of the dog DuoDuo must have caused mental suffering to Huang Keyang and Luo Yuehua. The trial court discretionarily supported RMB 10,000 for Huang Keyang and Luo Yuehua on this claim.”</p> <p>The court of second instance also supported this claim: “Regarding the mental damage compensation claimed by Huang Keyang and Luo Yuehua: Existing laws and</p>
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⁸⁹ In this case, there is one more detail that could reflect the anthropomorphism and the fact that the puppy has personal significance. Huang Keyang and Luo Yuehua claimed for compensation for the funeral expenses of their dog, which was supported by the court of first instance but not by the court of second instance. The Court of First Instance held that: “5. Funeral expenses: RMB 2,000: According to the relevant provisions of the Guangzhou Municipal Regulations on the Administration of Dog-Raising, dog carcasses shall not be discarded at will, graves shall not be set up for the burial of dog carcasses, and dog carcasses shall be sent to sanitary treatment units for harmless treatment. However, from the fact that Huang Keyang and Luo Yuehua took the initiative to claim for the retrieval of the body of the puppy Duoduo during the mediation, it can be seen that the puppy Duoduo had been anthropomorphized as a pet, and that Huang Keyang and Luo Yuehua had a deep affection for it. Therefore, even if Huang Keyang and Luo Yuehua did not set up a grave to bury its body, it was reasonable for them to adopt a certain form of condolence when they disposed of its body in a harmless manner. Therefore the cost was supported at the discretion of the trial court.”

The Court of Second Instance held that: ‘With regard to the funeral expenses claimed by Huang Keyang and Luo Yuehua:

Funeral expenses refer to the expenses incurred by the relatives of a natural person in dealing with the aftermath of the deceased after his or her death, and generally include the costs of transporting, storing and cremating the body, conducting a farewell ceremony and storing the ashes. Therefore, the provisions of the law and regulations regarding funeral expenses do not apply to the death of an animal. But if the animal owner incurs costs in disposing of the animal carcass, the infringer may also be held liable for compensation. Article 38 of the Guangzhou Municipal Regulations on the Administration of Dog-Raising stipulates that: ‘No unit or individual shall abandon the carcass of a dog at will. Units and individuals unable to properly dispose of the carcasses of dogs on their own shall promptly send the carcasses of dogs to a sanitary disposal units for harmless disposal; the sanitary disposal units shall not charge for the disposal of dog carcasses and shall issue relevant disposal certificates.’ In this case, Huang Keyang and Luo Yuehua did not provide evidence to prove that they incurred expenses in disposing of the body of their puppy Duoduo. Therefore, the trial court’s discretionary judgement that Xingyao Pet Company should compensate Huang Keyang and Luo Yuehua for the funeral expenses lacks a basis in fact and law, and this court corrects this according to law.”

The use of funeral rites for pets is becoming increasingly common in mainland China in recent years, but is not widespread. (See: Ren, G. Pet Funeral: A Decent Farewell and a Realistic Need. Guang Ming Net. 2022. <https://m.gmw.cn/baijia/2022-10/14/36088155.html>)

The different attitudes of the courts of first and second instance in this case towards the claim for compensation for funeral expenses are not only related to whether the judges recognized the anthropomorphism of pets and the personal significance attached to them, but also are in reference to their recognition of the act of funeral rites for pets.

		<p>regulations do not directly stipulate whether a pet owner can claim compensation for mental damage when a pet is harmed. However, the dog DuoDuo, as a pet, has been integrated into the daily life of Huang Keyang and Luo Yuehua. Huang Keyang and Luo Yuehua have become emotionally attached to the dog DuoDuo. From a common sense point of view, this did not violate the law. With reference to Article 4 of Interpretation of the Supreme People's Court on Problems regarding the Ascertainment of Compensation Liability for Emotional Damages in Civil Torts, the trial court found that the death of the dog DuoDuo must have caused the mental suffering of Huang Keyang and Luo Yuehua, and ruled that Xingyao Pet Company should pay Huang Keyang and Luo Yuehua RMB 10,000 in mental damage. The judgement of first instance is not improper, and this court also upholds it according to law.”</p>
5	<p>Zhang Huixiang v. Ke Yaru, Liability Dispute Case for Damage Caused by Raising Animals, the Primary People's Court of</p>	<p>“Ke Yaru claims mental damage: Article 4 of Interpretation of the Supreme People's Court on Problems regarding the Ascertainment of Compensation Liability for Emotional Damages in Civil Torts states that ‘The people's court shall accept according to</p>

	Hongshan District, Wuhan City, Hubei Province, (2019)E 0111 Min Chu No.6934, Civil Judgement of First Instance	law cases arising from any tortious act that causes permanent destruction or damage to a special memento of personal significance, and brought to the court by the owner of the memento for claiming emotional damages.' In accordance with this provision, Zhang Huixiang and her family had kept the dog for many years, and there must have been a major commitment of energy and emotion. The dog is a special memento of personal significance for Zhang Huixiang. This Court determines that Ke Yaru should compensate Zhang Huixiang of RMB 500 for mental damage."
6	Ke Yaru v. Zhang Huixiang, Liability Dispute Case for Damage Caused by Raising Animals, the Intermediate People's Court of Wuhan City, Hubei Province, (2020)E 01 Min Zhong No.7124, Civil Judgement of Second Instance	The court of second instance upheld the judgement of first instance and the grounds were the same as in the first instance.
7	Huang Zhe v. Li Wei, Liability Dispute Case for Damage Caused by Raising Animals, the	The court of first instance held that: "Li Wei's claim of RMB 5,000 for mental compensation is too high. Li Wei had been living with the Shiba Inu for half a year and

	<p>Intermediate People's Court of Nanchang City, Jiangxi Province, (2020)Gan 01 Min Zhong No.111, Civil Judgement of Second Instance</p>	<p>regarded it as one of his family members. The death of the Shiba Inu brought Li Wei mental harm. Therefore, the Court of First Instance decided to support the compensation of RMB 1,000.”</p> <p>The court of second instance held that: “On the issue of mental damage: Although pets are considered as property, the appellee had invested deep emotion in the Shiba Inu, and the appellee's mother witnessed the Shiba Inu being bitten to death, thus, the death of the Shiba Inu must have caused certain mental damage to the appellee and his family. Therefore, the first-instance judgment supporting mental damage at its discretion is not improper and should be upheld.”</p>
8	<p>Liang Xi v. Luo Haoyu, Liability Dispute for Damage Caused by Raising Animals, the Intermediate People's Court of Guangzhou City, Guangdong Province, (2020)Yue 01 Min Zhong No.1240, Civil Judgement of Second Instance</p>	<p>“On the question of whether Liang Xi should pay mental damage to Luo Haoyu: Liang Xi appealed, arguing that she had already euthanized her dog in accordance with Luo Haoyu's request, and that in this way she had already consoled Luo Haoyu's mental damage, so there was no need for her to pay any further mental damage compensation. According to the facts ascertained in this case, Luo Haoyu has kept the poodle for many years. The dog has been integrated into the daily life of Luo</p>

		<p>Haoyu, and Luo Haoyu and the dog have developed emotional interdependence. This dog does have personal significance for Luo Haoyu. Now that the dog has died due to the accident involved in the case, it must have caused certain mental damage to Luo Haoyu. In addition, Liang Xi did not provide direct evidence to prove that she euthanized her dog under Luo Haoyu's instruction, and this method is not a compensation method stipulated by law. On this basis, the trial court's discretionary award of RMB 3,000 for emotional distress was not improper and is affirmed by this court.”</p>
9	<p>Jiang Ronghui v. Xiang Yuxin, Motor Vehicle Traffic Accident Liability Dispute, the Intermediate People's Court of Xinyang City, Henan Province, (2020)Yu 15 Min Zhong No.3202, Civil Judgement of Second Instance</p>	<p>The court of first instance held: “For mental compensation: Considering that the pet dog ‘DuoDuo’, which was killed by car in this case, had accompanied the plaintiff and her family for more than 10 years, and had become an inseparable part of the family, and that its unfortunate death had caused the plaintiff and her family a certain degree of mental injury, this court decides that the mental compensation should be RMB 2,000.”</p> <p>The court of second instance upheld the original judgement: “The appellee Xiang Yuxin's pet dog Duo Duo is a Pekingese. Appellee Xiang Yuxin and her family have</p>

		<p>kept the dog for many years, and they have developed a certain emotional attachment to the dog. The original court, based on the market price of Pekingese dogs, the investment in raising it, and other factors, decided that the appellant should compensate the appellee Xiang Yuxin for property loss of RMB 3,000 and mental damage of RMB 2,000, which was not improper."</p>
10	<p>Ye Yuqing v. Quzhou Muse Animal Hospital Company Limited, Property Damage Compensation Dispute, the Primary People's Court of Kecheng District, Quzhou City, Zhejiang Province, (2020)Zhe 0802 Min Chu No.2787, Civil Judgement of First Instance</p>	<p>"Mental damage compensation: In a sense, all lives are equal. Animals are the friends of humans, and domestic pets are even in close contact with humans and become part of their emotional support. A doctor should have a kind heart. Whether treating human beings or animals, the organizations or individuals engaged in the relevant industries should, apart from adopting a cautious attitude and mastering superb techniques, also have a compassionate heart and be full of awe for life. In reality, pets are kept without realizing that they are treated by their owners as part of their lives and members of the family. The owners will develop a strong emotional attachment to their pets. Once a pet dies due to an accident, it will indeed cause great psychological harm and mental anguish to</p>

		the keeper. In view of the facts of this case, this court decides that the compensation is RMB 1,000.”
11	Han Ruodan v. Liu Beibei, Property Damage Compensation Dispute, the Primary People's Court of Hongqi District, Xinxiang City, Henan Province, (2020)Yu 0702 Min Chu No.5249, Civil Judgement of First Instance	“Han Ruodan also requested RMB 1,000 in mental damage: According to the facts ascertained in this case, it was nearly a year from the time Han Ruodan purchased Gongxi to its death. During this period, Han Ruodan bought a large amount of food, clothes, cleaning supplies and other items for Gongxi. It can be determined that in the long-term relationship between the two parties, Han Ruodan has developed emotional dependance on Gongxi, and Gongxi has also acquired a certain degree of personal significance for Han Ruodan. The death of Gongxi inevitably causes mental pain to Han Ruodan. Therefore, this court supports her above claim.”
12	Mao Fengzhu v. Liu Yixin, Wang Fusheng, Property Damage Compensation Dispute, the Primary People's Court of Heping District, Shenyang City, Liaoning Province, (2020)Liao 0102 Min Chu No.17932, Civil Judgement of First	“With regard to the mental damage claimed by the plaintiff: The plaintiff kept the pet dog for many years and they were together morning and night. The plaintiff not only invested a great deal of time, energy and affection into the dog, but also regarded it as a family member with spiritual attachment. The plaintiff and the dog are witnesses to each other's life journey, and the dog has special emotional value to the plaintiff. After

	Instance	the facts of this case, the plaintiff witnessed with his own eyes that his pet dog, which had been with him for many years, being bitten and seriously injured, and personally experienced the entire progress from the dog's being bitten to its death. The above series of processes inevitably caused damage to the plaintiff's psychology, which was a great shock to him, and caused him to suffer certain pain. Taking the above reasons into consideration, this court supports the plaintiff's claim for the damage and determines the loss to be RMB 5,000."
13	Li Yiwen v. Tao Yazhou et al., Motor Vehicle Traffic Accident Liability Dispute, the Primary People's Court of Luoshan County, Henan Province, (2021)Yu 1521 Min Chu No.3214, Civil Judgement of First Instance	"The plaintiff claimed for RMB 5,000 in mental damage. Considering that the plaintiff has keeping the pet dog for nearly 5 years, thus the dog has indeed become attached with some personal and emotional significance. This court decides that the amount of compensation is RMB 2,000."
14	Lu Haiyan v. Li Zhiqin, Contract Dispute, the Primary People's Court of Shunyi District, Beijing City, (2022)Jing 0113 Min Chu No.686, Civil	"Article 1183, Paragraph 2 of Civil Code of the People's Republic of China stipulates that: 'Where, owing to an actor's intentional or grossly negligent act, an object of personal significance of a natural person is infringed upon, which causes serious

<p>Judgement of First Instance</p>	<p>mental distress to the person, the infringed person has the right to request compensation for pains and suffering.'</p> <p>In the Interpretation of the Supreme People's Court on Problems regarding the Ascertainment of Compensation Liability for Emotional Damages in Civil Torts, Article 1 states that: 'If a natural person or a close relative thereof brings a case to the people's court, claiming damages for mental distress on the ground of harm to the personal rights or an object of personal significance, the people's court shall accept the case according to the law.' Article 5 of the above Interpretation states that: 'The amount of compensation for mental damage shall be determined on the basis of the following factors: (i) the degree of fault of the infringer, except where otherwise provided by law; (ii) the purpose, method, occasion and other specific circumstances of the infringing act; (iii) the consequences caused by the infringing act; (iv) the profits made by the infringer; (v) the economic ability of the infringer to assume liability; and (vi) the average living standard of the locality of the court in which the lawsuit is brought.'</p> <p>In this case, Lu Haiyan started raising the poodle involved in the lawsuit in 2014 and</p>
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		<p>she must have invested a lot of personal affection into the dog during the long life. After the poodle was lost, Lu Haiyan spent a lot of time and money to find it, which shows how much she values and feels for the poodle. Combined with the diagnostic certificate of the Anding Hospital, it can be proved that Lu Haiyan did suffer a certain degree of mental damage due to the loss of the dog. Considering the facts of the whole case, the court confirms that Li Zhiqin pays Lu Haiyan RMB 1,000 in compensation for mental damage.”</p>
15	<p>Geng Meng v. Daqing Hi-Tech Zone Dog Pet Hospital, Property Damage Compensation Dispute, the Intermediate People's Court of Daqing City, Heilongjiang Province, (2022)Hei 06 Min Zhong No.168, Civil Judgement of Second Instance</p>	<p>“On mental damage compensation: The cat is nearly 3 years old and is a pet cat owned by Geng Meng and also is an object of personal significance. Geng Meng keeps several cats. The cat involved in this case is an ordinary cat, and Geng Meng didn't state its special emotional value or personal significance...In view of the above considerations, the court decides to award mental damage of RMB 200...”</p>

In these 15 judgements, in addition to the consideration of emotional factors, the judges also took into account the special “personal significance”. There are two types of views here.

The first view: the judges expressly recognized the “personal significance” of the pet. Some judges directly determined that a pet was of specific personal significance⁹⁰, and the basis for their view was related to how long the pet had been kept (which can be interpreted that long term relationship and companionship was an important factor in confirming that the pet was of personal significance). Some judges, through analyzing the interactions between owners and pets, determined that pets “acquired a certain degree of personal significance”⁹¹, or the pet was “an object of personal significance or spiritual and emotional value”⁹². Although one judge did not make a judgement on the personal significance of the pet, he first cited the relevant provisions in his analysis, and then did not reject the application of these provisions, based on the text order and the logic of the words, it can be concluded that the judge actually acknowledged that the pet is an object of personal significance⁹³. Another judge not only confirmed that pets are specific objects with personal significance, but also described the relevant phenomena and gave further explanations, such as: “Huang Keyang and Luo Yuehua applied for a Dog Registration Certificate for the dog Duoduo and sent it to Xingyao Pet Company for foster care and behaviour training. As a pet, the dog Duoduo has been anthropomorphized to a certain extent and has become a specific object with personal significance...the dog DuoDuo, as a pet, has been integrated into the daily life of Huang Keyang and Luo Yuehua. Huang Keyang and Luo Yuehua have become emotionally attached to the dog Duoduo. From a common sense point of view, this did not violate the law.”⁹⁴ Another similar example is: “Luo Haoyu has kept the poodle for many years. The dog has been integrated into the daily life of Luo Haoyu, and Luo Haoyu and the dog have developed emotional interdependence. This dog does have personal significance for Luo Haoyu.”⁹⁵

⁹⁰ See the (2021)Yu 1521 Min Chu No.3214 and (2022)Hei 06 Min Zhong No.168 Judgements.

⁹¹ See the (2020)Yu 0702 Min Chu No.5249 and (2019)E 0111 Min Chu No.6934 Judgements.

⁹² See the (2017)Gan 1102 Min Chu No.2604 Judgement.

⁹³ See the (2022)Jing 0113 Min Chu No.686 Judgement.

⁹⁴ See the (2019)Yue 01 Min Zhong No.930 Judgement.

⁹⁵ See the (2020)Yue 01 Min Zhong No.1240 Judgement.

The anthropomorphisation of pets is the key to the emotional connection that occurs between people and their pets, and this is also a key that makes pets special from other common objects. The premise of anthropomorphism is that pets are alive and have the ability to understand, interact, and even communicate with humans. Because of this characteristic that makes them different from ordinary objects, pets have the potential to gain a status approximately comparable to that of humans in the daily life of people's families. Coupled with the emotional comfort value derived from the intimate relationship between humans and pets, pets will gradually become an irreplaceable, indispensable and important role in the owner's family life over a long period of daily companionship. For example, in China, the companionship of pets eases the loneliness and monotony of many elderly people; there are also many young office workers who are willing to be 'poop-pickers' just because interaction with the pets can reduce their pressure of work and life; and many families keep pets as the companions of their children.... For families with companion animals, once the pet loses this family role due to an accident, the family members will indeed feel abnormal and uncomfortable. In this sense, the pet has been successfully integrated into someone's life, and gained a role as a quasi-family member. Therefore, in the judgments of the second view, the author sorted out and found that some judges also made some similar descriptions, such as "an inseparable part of the family"⁹⁶, "family member"⁹⁷, "part of their lives and members of the family"⁹⁸, "a family member and an indispensable part of his life"⁹⁹, "the plaintiff and the dog are witnesses to each other's life journey"¹⁰⁰. Based on the expressions of these judges and their views and attitudes, the reader can understand that although the judges did not clearly define the personal significance of pets in writing, in fact, the above expressions are precisely the rigorous, vivid and appropriate descriptions of the special status of pets that they made on the basis of fully

⁹⁶ See the (2020)Yu 15 Min Zhong No.3202 Judgement.

⁹⁷ See the (2020)Gan 01 Min Zhong No.111, (2020)Liao 0102 Min Chu No.17932, (2018)Zhe 01 Min Zhong No.1388 Judgements.

⁹⁸ See the (2017)Yue 01 Min Zhong No.16190 and (2020)Zhe 0802 Min Chu No.2787 Judgements.

⁹⁹ See the (2018)Zhe 01 Min Zhong No.1388 Judgement.

¹⁰⁰ See the (2020)Liao 0102 Min Chu No.17932 Judgement.

understanding the relationship between humans and pets. From an anthropomorphic perspective, they acknowledge the status of pets as quasi-family members, and in fact acknowledge that pets are of personal significance. In other words, the judges' expressions such as "family member", "integrated into someone's life", "members of the family", "part of life" etc. are the colloquial representation of the personal significance of pets.

4. Emotional Factors + Special Property/Special Objects + A Special Memento of Personal Significance/ An Object of Personal Significance

On the basis of recognizing the emotional connection between humans and pets or the psychological suffering of pet owners, judges not only believed that pets are special property/special objects, but also considered that pets are “special mementos of personal significance” or “objects of personal significance”, and therefore supported compensation for mental damages. 9 judgments dating from 2009 to 2021 reflect this attitude.

Table 5: Judges' Reasons

No.	Judgements	Reasons
1	Tang X v. Zhou X et al., Property Damage Compensation Dispute, the Primary People's Court of Minhang District, Shanghai City, (2009)Min Min Yi (Min) Chu Zi No.1292, Civil Judgement of First	“The plaintiff claims mental damage: The court finds that pets are domesticated animals that are alive, sentient, and are capable of develop emotional connection and spiritual dependence with people. The most important feature that makes it different from other common objects is that it has life and spirituality, and can form personalized emotional connection,

	<p>Instance</p>	<p>affective interaction and spiritual support with its owner. In this case, at the time of the incident, the plaintiff had been raising the Shih Tzu for nearly half a year. The plaintiff did have some personal interest connection with the Shih Tzu in some aspects of his daily life. Therefore, once the dog was injured, the plaintiff's mental shock and pain were objectively present. Wu B, who is also a pet keeper, should also have some experience in this regard. Taking into account the circumstances of this case, this court decides to award the plaintiff RMB 100 in mental damage as compensation."</p>
<p>2</p>	<p>Gao Hongmei v. Chen Haiquan, Dongguan Branch of PICC Property and Casualty Insurance Company Limited, Motor Vehicle Traffic Accident Liability Dispute, the Second Primary People's Court of Dongguan City, Guangdong Province, (2015)Dong Er Fa Min San Chu Zi No.1151, Civil Judgement of First</p>	<p>"Mental damage compensation: The plaintiff lived with the dog "Duoduo" in this case for more than a year. Dogs are animals with a special relationship with humans. For people who keep dogs as pets, dogs may be an important part of their lives. People and dogs may have developed emotional dependence and attachment. The plaintiff's mental shock and suffering caused by the death of the dog is objectively present. This court supports the mental damage of RMB 2,000 at discretion." "...the tort infringed on the life value of the dog, which is</p>

	Instance	special property with life characteristics belonging to the plaintiff.”
3	Tao XX, Shanghai Branch of PICC Property and Casualty Insurance Company Limited v. Li X, Motor Vehicle Traffic Accident Liability Dispute, the Primary People's Court of Minhang District, Shanghai City, (2016)Hu 0112 Min Chu No.23635, Civil Judgement of First Instance	“As for mental damage: The mental damage caused to the owner by the death of a pet dog is a special kind of mental damage based on property rights. Pets are domesticated animals that are alive, sentient, and are capable of develop emotional connection and spiritual dependence with people. The most important feature that makes it different from other common objects is that it has life and spirituality, and can form personalized emotional connection, affective interaction and spiritual support with its owner. In this case, based on seven years of raising, the plaintiff regarded the poodle Baobao as a member of the family. The plaintiff did have some personal interest connection with the pet in some aspects of his daily life. Therefore, once the dog died, the plaintiff's mental shock and pain were objectively present, and also understandable. Considering the specific circumstances of this case, the court has discretion to award RMB 500 for emotional distress.”
4	Hong Mei v. Zhou Anfei et al., Motor Vehicle	“The defendant's tortious act infringed on the life value of the dog, which is a special

	<p>Traffic Accident Liability Dispute,the Second Primary People's Court of Dongguan City, Guangdong Province, (2017)Yue 1927 Min Chu No.4204, Court Judgement of First Instance</p>	<p>property with life characteristics belonging to the plaintiff.” “Pet Golden Retriever (property with life value)” “Mental damage compensation: The plaintiff lived with the golden retriever in this case for more than 4 years. Dogs are animals with a special relationship with humans. For people who keep dogs as pets, dogs may be an important part of their lives. People and dogs may have developed emotional dependence and attachment. The plaintiff’s mental shock and suffering caused by the death of the dog is objectively present. This court supports the mental damage of RMB 2,000 at discretion.”</p>
<p>5</p>	<p>Deng Weiyan v. Chen Miaojun, Property Damage Compensation Dispute, the Primary People's Court of Sanshui District, Foshan City, Guangdong Province, (2017)Yue 0607 Min Chu No.3423, Civil Judgement of First Instance</p>	<p>“Mental damage compensation: Article 4 of Interpretation of the Supreme People's Court on Problems regarding the Ascertainment of Compensation Liability for Emotional Damages in Civil Torts states that “The people's court shall accept according to law cases arising from any tortious act that causes permanent destruction or damage to a special memento of personal significance, and brought to the court by the owner of the memento for claiming emotional damages.” The pet dog in question is a</p>

		<p>special object. The plaintiff has developed a spiritual attachment to the dog during the course of keeping it. The dog is part of the plaintiff's emotional life and is of special personal significance. Now the dog is permanently lost due to the defendant's tortious behaviour, and the plaintiff asked the defendant to compensate for the emotional relief, the court shall support. Since the plaintiff was also at fault in the incident, the court determines that the amount of mental relief in this case is RMB 400 according to the actual situation.”</p>
6	<p>Yang Pingyou v. Tian Yushan, Jin Yongzhen, Property Damage Compensation Dispute, the Primary People's Court of Daiyue District, Tai'an City, Shandong Province, (2019)Lu 0911 Min Chu No.3807, Civil Judgement of First Instance</p>	<p>“Mental damage compensation: Article 4 of Interpretation of the Supreme People's Court on Problems regarding the Ascertainment of Compensation Liability for Emotional Damages in Civil Torts states that “The people's court shall accept according to law cases arising from any tortious act that causes permanent destruction or damage to a special memento of personal significance, and brought to the court by the owner of the memento for claiming emotional damages.” The pet dog in question is a special object. The plaintiff has developed a spiritual attachment to the dog during the course of keeping it. The dog is part of the</p>

		<p>plaintiff's emotional life and is of special personal significance. Now the dog is permanently lost due to the defendant's tortious behaviour, and the plaintiff asked the defendant to compensate for the emotional relief, the court shall support. Since the plaintiff was also at fault in the incident, the court determines that the amount of mental relief in this case is RMB 400 according to the actual situation.”</p>
7	<p>Liu Guo, Liu Jinlan et al. v. Liaocheng Chiping Zuozuo Pet Life Store et al., Tort Liability Dispute, the Primary People's Court of Chiping County, Shandong Province, (2020)Lu 1523 Min Chu No.1397, Civil Judgement of First Instance</p>	<p>“The plaintiff has been raising the dog since it was a puppy and has been with it day and night. The plaintiff regards the dog as an important member of his family and an indispensable part of his life, which goes beyond the boundaries of the relationship between ordinary animals and their owners. The plaintiff's family treats the pet dog as one of their family members. In particular, the plaintiff's daughter calls the pet dog "brother" on various software platforms and records a large number of moments spent with the pet dog. She also opened a TikTok account specifically for the pet dog to record its daily life, showing her deep affection for the pet dog. The plaintiff's family cherishes the pet dog so much that the dog is not just considered as ordinary</p>

		<p>property, but as a special property with life. The plaintiff invested heavily both manually and financially in the raising process, and a deep relationship was established between him and the dog. The dog is a part of the plaintiff's emotional life and has an irreplaceable position in the plaintiff's emotion. The dog not only has property attribute, but also is priceless in the hearts of the plaintiff's family and cannot be measured by money. Yuan Ping caused the death of the pet dog due to negligence, causing the plaintiff's family to suffer tremendous mental pain. Based on the special relationship between the plaintiff and the dog, and the fact that the dog's death caused great mental damage to the plaintiff, this court supports the plaintiff's request for mental damages at its discretion.”</p>
8	<p>Yang Ning v. Shao Bo, Tort Liability Dispute, the Primary People's Court of Shinan District, Qingdao City, Shandong Province, (2020)Lu 0202 Min Chu No.13835, Civil Judgement of First Instance</p>	<p>“As to Yang Ning’s claim for mental damage compensation: Article 4 of Interpretation of the Supreme People's Court on Problems regarding the Ascertainment of Compensation Liability for Emotional Damages in Civil Torts states that ‘The people's court shall accept according to law cases arising from any tortious act that causes permanent</p>

		<p>destruction or damage to a special memento of personal significance, and brought to the court by the owner of the memento for claiming emotional damages.’ The pet dog in this case is property with life value, and it is an object with property attribute, life value, emotional factors and spiritual value attached to it. Yang Ning purchased the pet dog and kept it for 12 years and has years of emotional attachment to it. The pet dog has become an equivalent of a family member to Yang Ning and his family. So the death of the dog inevitably brought a mental shock to Yang Ning and his family. Therefore, Yang Ning's claim for mental damage compensation is in line with the above legal provision. However, considering the accident occurred in this case and the fault of both parties, the amount of the plaintiff's compensation claim is too high, the court will adjust it. In light of the facts of this case, Shao Bo is ordered to pay RMB 2,000 in mental damage.”</p>
9	<p>Jiang Xuan v. Huang Yi, Property Damage Compensation Dispute, the Primary People's</p>	<p>“Regarding compensation for mental damage: Pets are special objects that have multiple values for people. Dogs can understand and interact with people(通人</p>

<p>Court of Jianghua Yao Autonomous County, Hunan Province, (2021)Xiang 1129 Min Chu No.1702, Civil Judgement of First Instance</p>	<p>性). If they live with together for a long time, the human being will develop an inseparable emotional and spiritual attachment with dogs. Jiang Xuan had kept her poodle for six years and had it cremated after its death, so it is clear that the death of the poodle did cause Jiang Xuan a certain amount of emotional damage. The poodle should be recognized in this case as an object of personal significance to Jiang Xuan. Jiang Xuan's claim for mental damages of RMB 5,000 is too high and should be adjusted to RMB 1,200 at the discretion of the Court.”</p>
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In these 9 judgements above, the judges have found the particularity of pets in a relatively well-developed way, and some of them have provided quite brilliant analyses. There are both clear judgements and specific explanations and inferences.

Some judges considered pets to be animals that have a special relationship with people¹⁰¹, different from ordinary objects¹⁰². Some judges recognized pets as special objects/special property¹⁰³ because of their life characteristics, spiritual and emotional values. Some judges analyzed pets as an (important) part of a person's (emotional) life¹⁰⁴ and, based on a well-established relationship of emotional

¹⁰¹ See the (2015)Dong Er Fa Min San Chu Zi No.1151 and (2017)Yue 1972 Min Chu No.4204 Judgements.

¹⁰² See the (2016)Hu 0112 Min Chu No.23635 and (2009)Min Min Yi (Min) Chu Zi No.1292 Judgements.

¹⁰³ See the (2015)Dong Er Fa Min San Chu Zi No.1151, (2017)Yue 0607 Min Chu No.3423, (2017)Yue 1972 Min Chu No.4204, (2020)Lu 0202 Min Chu No.13835, (2021)Xiang 1129 Min Chu No.1702, (2020)Lu 1523 Min Chu No.1397, (2019)Lu 0911 Min Chu No.3807 Judgements.

¹⁰⁴ See the (2015)Dong Er Fa Min San Chu Zi No.1151, (2017)Yue 0607 Min Chu No.3423, (2017)Yue 1972 Min Chu No.4204, (2020)Lu 1523 Min Chu No.1397, (2019)Lu 0911 Min Chu No.3807 Judgements.

dependence and spiritual attachment, pets are regarded as members of the family¹⁰⁵ and thus endowed with special personal significance¹⁰⁶. There were also a number of judges who discussed the different dimensions of the value of pets, which was a specific explanation of pets' special nature: some judges recognized that pets have multiple values¹⁰⁷ to people, but not explicitly; several other judges acknowledged that pets have a spiritual and emotional value¹⁰⁸ in addition to their property value¹⁰⁹ and life value¹¹⁰.

Not coincidentally, in 2016, He Gang, a judge at the Primary People's Court of Minhang District, Shanghai City, quoted a paragraph of ruling from a judgement in 2009 by his colleague Yang Weihua at the same court, and their wording was extremely the same.¹¹¹ Based on the life and spiritual characteristics of pets (i.e., their ability to develop emotional relationship with people), the two judge distinguished pets from ordinary objects, defining that “pets are domesticated animals that are alive, sentient, and are capable of develop emotional connection and spiritual dependence with people”. They recognized the emotional connection, interaction and spiritual attachment between people and their pets as a manifestation of their “personal significance”, thus acknowledging the intimate bond between people and their pets as “some personal interest connection”. On the basis of the judicial practice in China, it can be surmised that this view of the judgements is not only influenced by their personal experience and cognitive structure of the judges, but is also more or less accomplished under the unified guidance of the court on judicial work. The fact that the same case was decided in the same court seems to indicate that the unanimous attitude of the two judges was to some extent

¹⁰⁵ See the (2016)Hu 0112 Min Chu No.23635, (2020)Lu 0202 Min Chu No.13835, (2020)Lu 1523 Min Chu No.1397 Judgements.

¹⁰⁶ See the (2017)Yue 0607 Min Chu No.3423, (2020)Lu 0202 Min Chu No.13835, (2021)Xiang 1129 Min Chu No.1702, (2019)Lu 0911 Min Chu No.3807 Judgements.

¹⁰⁷ See the (2021)Xiang 1129 Min Chu No.1702 Judgement.

¹⁰⁸ See the (2020)Lu 0202 Min Chu No.13835 Judgement.

¹⁰⁹ See the (2020)Lu 0202 Min Chu No.13835, (2020)Lu 1523 Min Chu No.1397 Judgements.

¹¹⁰ See the (2015)Dong Er Fa Min San Chu Zi No.1151, (2017)Yue 1972 Min Chu No.4204 and (2020)Lu 0202 Min Chu No.13835 Judgements.

¹¹¹ See the (2009)Min Min Yi (Min) Chu Zi No.1292 and (2016)Hu 0112 Min Chu No.23635 Judgements.

shared by the group of judges to which they belonged.

Again, Zhai Xudong, a judge in Tai'an City, Shandong Province, in 2019 similarly cited a ruling made in 2017 by his colleague He Yongtian from Foshan City, Guangdong Province.¹¹² They cited Article 4 of the 2001 Interpretation as the basis for their finding that the dogs in question were special objects, parts of the plaintiff's emotional life, and of special personal significance. It is conceivable that there should be more than one judgement available for Zhai Xudong to draw upon in 2019. However, the fact that Zhai Xudong chose to cite He Yongtian's judgment and reproduced it verbatim in his own judgment must be due to the fact that he held a high degree of acceptance of He Yongtian's comprehensive and appropriate determination of the nature of the pets. The two judges gave each other a resounding high five across more than 1,800 kilometres and 2 years.

5. Not Unlawful

The judge did not consider the psychological damage compensation to be contrary to the law. 1 judgement in 2021 reflected this view.

Table 6: Judge's Reason

No.	Judgement	Reason
1	Chen Jixuan v. Beijing Guocuiyiyuan Culture Company Limited, Animal Hospital Branch of Beijing Guocuiyiyuan Culture	"...The animal hospital branch was at fault for the pet cat involved in the case being infected with Feline Panleucopenia, and there is a causal link between the fault and the resulting

¹¹² See the (2017)Yue 0607 Min Chu No.3423 and (2019)Lu 0911 Min Chu No.3807 Judgements.

	<p>Company Limited, Property Damage Compensation Dispute, the Primary People's Court of Dongcheng District, Beijing City, (2021)Jing 0101 Min Chu No.24322, Civil Judgement of First Instance</p>	<p>damage. The animal hospital branch should be held liable for the losses suffered by Chen Jixuan as a result. The Guocuiyiyuan Company and the Animal Hospital Branch agreed to Chen Jixuan's claim for refund of the medical fees, compensation for the property losses, and compensation for mental damage. This does not violate the law, and the court has no objection."</p>
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The judge in this case did not make a detailed analysis of the reasons for supporting compensation for mental damage. It seems that the judge believed that in the circumstances of the case (the cat died after being hospitalized and the hospital was at fault), the psychological damage suffered by the pet owner was obvious and irrefutable and was of course protected by law.

6. Special Permission

The judge recognized the emotional connection between people and their pet, and the mental anguish suffered by the pet owner, and did not rule out the possibility that the pet might be of some personal significance. The judge also attempted to apply the statute of 'a special memento of personal significance', but unfortunately there is no clear legal provision that can be directly applied for pets, nor is there a factual basis or appropriate criteria against which to compare them. In addition, the judge excluded the possibility of treating the case as an exception on the grounds that the circumstances of the case did not rise to the level generally accepted by society at large as requiring compensation. However, the defendant, of his own accord, was willing to compensate the plaintiff, and the judge finally granted permission to do so.

1 judgment in 2009 reflected this attitude.

Table 7: Judge' Reason

No.	Judgement	Reason
1	<p>Guo XX v. Chen X, Kong XX, Property Damage Compensation Dispute, the Primary People's Court of Jianggan District, Hangzhou City, Zhejiang Province, (2009) Hang Jiang Min Chu Zi No.2443, Civil Judgement of First Instance</p>	<p>“As to the claim of RMB 40,000 for mental damage: In modern society, keeping dogs as pets is a common phenomenon. Dogs are also highly intelligent animals in the animal kingdom and have a special relationship with humans, so for people who keep dogs, the dogs may become an integral part of their lives. Humans could develop an emotional relationship with the dogs which is not the same as that within human beings. However, the Interpretation of the Supreme People's Court on Problems regarding the Ascertainment of Compensation Liability for Emotional Damages in Civil Torts stipulates that the subjects of mental damage compensation are natural persons and legal persons, and the applicable conditions are that they have the right to claim compensation when their personal rights are infringed. In addition, it is stipulated that the permanent loss or destruction of a special memento of personal significance as a result of an infringement is a condition for bringing an action for mental damage. However, there is no corresponding legal regulation on the emotion between the owners and their pets, and the owner's mental suffering after a pet's damage, and there is</p>

		also no factual basis or appropriate standard for judgement of the degree. There are of course exceptions, but this case has not yet reached the level generally accepted by society at large as requiring compensation. However, this court grants the defendants Chen A and Kong XX's voluntary compensation of RMB 500 for the plaintiff Guo XX's mental damage, as expressed in court.”
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In this case, although the defendant's voluntary compensation to the plaintiff was an important reason for the judge to support the compensation for psychological damages, the judge did not exclude the possibility that pets could be of personal significance. The judge was only confined to the limitation of the existing regulations and was unable to apply the relevant provisions. The judge confirmed that the relationship between humans and pets is special and that dogs may become an integral part of their owner's life, thus an emotional relationship could be formed between people and pets. However, since the existing law does not include pets in the scope of “a special memento of personal significance”, the judge had no choice but to say that he could not be bold enough to make a flexible judgement. But the turning point is that the defendant wanted to compensate the plaintiff for mental damage of his own accord, and even if the case may not be so serious that the public agrees that compensation is required, the judge was willing to approve and support the compensation.

7. No Objection

The court of first instance supported compensation for mental damage, and the court of second instance upheld the original judgment and supported compensation for psychological damage because the appellee had no objection to it. The judge

denied that the pet was "a special memento of personal significance", however, recognized that the pet "have special significance". 1 judgment in 2019 showed this attitude.

Table 8: Judge's Reason

No.	Judgement	Reason
1	Zhang Kaiwen v. Li Yanjun, Liability Dispute Case for Damage Caused by Raising Animals, the Intermediate People's Court of Nanchang City, Jiangxi Province, (2019)Gan 01 Min Zhong No.412, Civil Judgement of Second Instance	The court of second instance denied that the pet was "a special memento of personal significance" but upheld the judgement of first instance because the appellee had no objection to the mental damage compensation. "According to Interpretation of the Supreme People's Court on Problems regarding the Ascertainment of Compensation Liability for Emotional Damages in Civil Torts, the mental damages compensations are in principle limited to cases where the personal rights and identity rights of natural persons are infringed upon. If a special memento of personal significance is infringed upon, mental damage compensation could also be claimed. The pet dog in this case obviously is not a special memento of personal significance, so the claim for mental damage compensation should not be supported. Considering that the pet dog has special significance ¹¹³ for

¹¹³ From the logical reasoning of the text, the judge here refers to special emotional value.

		the appellant Zhang Kaiwen, the court of first instance, at its discretion, upheld the mental damage compensation for RMB 1,000, and the appellee Li Yanjun has no objection to it, this court decides to uphold the original verdict.”
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The judge's view was very contradictory. He wanted to strictly interpret the current legal provisions and not to include pets in the category of "special mementos of personal significance", but also he wanted to take into account the special emotional value of the pet to the owner. Ultimately, the verdict of the first instance and the default attitude of the appellee were the reasons why the judge upheld the original verdict in support of compensation for mental damage.

Brief Summary

Among the 54 judgments supporting psychological damages based on pet injuries or deaths, 51 judges took emotional factors into consideration, 19 judges considered pets as special property/special objects, and 24 judges took into consideration that pets are of personal significance.

Through the above 7 types of supporting reasons, it can be seen that the main points for most judges to consider whether to support compensation for mental damages are: 1. Emotional factors between pets and humans. Some judges examined the existence of emotional connections between humans and pets, some judges acknowledged that the owners objectively suffered mental pain, and some judges acknowledged both. 2. Pets are special property/special objects. 3. Pets are special mementos of personal significance or objects of personal significance. These three points are the key basis for the above judges to determine whether pets are special.

In the judgements analyzed above, some judges explicitly determined the special nature of pets, while others affirmed it through semantic analysis and factual recognition.

In addition, it is particularly noteworthy that in a total of 15 of the 24 relevant judgements in Supporting Reason No.3 and No.4, the judges explicitly confirmed the special nature of pets as family members or made similar expressions. These expressions include the following examples: “regarded it as a family member”¹¹⁴, “an equivalent of a family member”¹¹⁵, “regarded it as one of his family members”¹¹⁶, “regarded the poodle Baobao as a member of the family”¹¹⁷, “regards the dog as an important member of his family and an indispensable part of his life”¹¹⁸, “regards the dog as a family member and an indispensable part of his life”¹¹⁹, “as part of their lives and members of the family”¹²⁰, “become an inseparable part of the family”¹²¹, “part of the plaintiff’s emotional life”¹²², “an important part of their lives”¹²³, “integrated into the daily life of Luo Haoyu”¹²⁴, “integrated into the daily life of Huang Keyang and Luo Yuehua”¹²⁵, etc. In the author's opinion, the particularity, uniqueness and irreplaceability of pets as a family member, as well as their multiple values for human beings (property value, life value, emotional value, etc.), are the concrete manifestations that convince the judges to recognize that pets have personal interest and are different from other ordinary objects. This is also the reason why the judge of (2009)Hang Jiang Min Chu No.2443 Judgement was hesitant and indecisive. Because he wanted to acknowledge that pets may be “an integral part of life” and wanted to try to apply the “personal significance” provision to pets in this

¹¹⁴ See the (2020)Liao 0102 Min Chu No.17932 Judgement.

¹¹⁵ See the (2020)Lu 0202 Min Chu No.13835 Judgement.

¹¹⁶ See the (2020)Gan 01 Min Zhong No.111 Judgement.

¹¹⁷ See the (2016)Hu 0112 Min Chu No.23635 Judgement.

¹¹⁸ See the (2020)Lu 1523 Min Chu No.1397 Judgement.

¹¹⁹ See the (2018)Zhe 01 Min Zhong No.1388 Judgement.

¹²⁰ See the (2017)Yue 01 Min Zhong No.16190 and (2020)Zhe 0802 Min Chu No.2787 Judgements.

¹²¹ See the (2020)Yu 15 Min Zhong No.3202 Judgement.

¹²² See the (2017)Yue 0607 Min Chu No.3423 and (2019)Lu 0911 Min Chu No.3807 Judgements.

¹²³ See the (2015)Dong Er Fa Min San Chu Zi No.1151 and (2017)Yue 1972 Min Chu No.4204 Judgements.

¹²⁴ See the (2020)Yue 01 Min Zhong No.1240 Judgement.

¹²⁵ See the (2019)Yue 01 Min Zhong No.930 Judgement.

case. These expressions may, in fact, be regarded as plain narrative and verbal manifestations of the legal terminology when defining a pet as “a special memento of personal significance” or “an object of personal significance”.

It can be seen that the existence of human-pet emotional relationship + pets as special objects/property + pets as special mementos of personal significance/objects of personal significance are the well-established reasons why pets should be specially included in the legal relationship and treated in a different way from other things.

CHAPTER 3 REASONS NOT TO SUPPORT COMPENSATION FOR PSYCHOLOGICAL DAMAGES

Based on the judges' attitudes toward the emotional factors between people and pets and the particularity of pets, I divide the reasons why Chinese judges do not support compensation for mental damage into two categories.

1. The First Category

In the first category of judgments, the judges' analysis of the cases either did not involve discussion or recognition of emotions, mental pain, or the particularity of pets, or directly and explicitly denied the personal significance of pets. In other words, the judges did not recognize the emotional factors in the relationship between humans and pets, and did not acknowledge the special status of pets. These judges did not even realize the objective existence of emotional factors and the special status of pets. There are three views here.

1.1 No Legal Basis/No Facts or Evidence

Some judges strictly interpreted the law, believing that mental damage caused by pet damages "does not fall within the scope of compensation for mental damages" or "has no legal basis". Some judges believed that there was insufficient facts and evidence. Some judges combined the first two considerations. The following 23 judgments reflected this view.

Table 9: Judges' Reasons

No.	Judgements	Reasons
1	Li Bin v. Ji Guizhong et al., Motor Vehicle Traffic Accident Liability Dispute, the Primary People's Court of Qixia District, Nanjing City, Jiangsu Province, (2015)Qu Min Chu Zi No.3827, Civil Judgement of First Instance	“Regarding the mental damages claimed by the plaintiff Li Bin: Since it does not fall within the scope of compensation under the Tort Law of the People's Republic of China and the Interpretation of the Supreme People's Court on Issues Concerning the Application of Law to the Trial of Cases on Compensation for Personal Injury, the plaintiff's claim has no legal basis and this court does not support it.”
2	Qi Haiguang v. Civil Defence Office of Jing'an District of Shanghai City, Shanghai Branch of China Life Property and Casualty Insurance Company Limited, Motor Vehicle Traffic Accident Liability Dispute, the Primary People's Court of Jing'an District, Shanghai City, (2016)Hu 0106 Min Chu No.7970, Civil Judgement of First Instance	“Regarding the transportation fees, nutrition fees for treating pet dogs and the mental damage compensation, there is no legal basis, and this court does not support them.”
3	Xiao Aijing et al. v.	The court of first instance held that

	<p>Zhengzhou Zhengdong New District Kangcheng Pet Hospital, Custody Contract Dispute Appeal Case, the Intermediate People's Court of Zhengzhou City, Henan Province, (2016)Yu 01 Min Zhong No.12738, Civil Judgement of Second Instance</p>	<p>“the plaintiff's claim for RMB 3,000 in mental damage compensation was unsupported due to the lack of legal basis.”</p> <p>The court of second instance also held that “the appellant's claims for expenses for feeding and compensation for mental damages are not justified by law and will not be supported”.</p>
<p>4</p>	<p>Hangzhou Xihu Youjia Pet Supplies Store v. Wang Wei, Property Damage Compensation Dispute Appeal Case, the Intermediate People's Court of Hangzhou City, Zhejiang Province, (2017)Zhe 01 Min Zhong No.4422, Civil Judgement of Second Instance</p>	<p>The court of first instance held that “Niuniu is a pet dog kept by Wang Wei, and it's one of Wang Wei's properties. The defendant in this case shall bear the responsibility of property damage compensation, but Wang Wei's above two requests are in the scope of compensation for personal damage. So Wang Wei's claims have no legal basis, and the court of first instance did not support it.” The court of second instance upheld the original judgement.</p>
<p>5</p>	<p>Sun Xiuling v. Ye Zhen, Tort Liability Dispute, the Primary People's Court of Yuhang District, Hangzhou City, Zhejiang Province, (2017)Zhe 0110 Min Chu</p>	<p>“The plaintiff did not provide relevant evidence that the defendant's tortious behaviour caused serious consequences to herself, the plaintiff's claim for mental damages is insufficient evidence, and the court will</p>

	No.11218, Civil Judgement of First Instance	not support it.”
6	Wang Yanfei v. Ling Huaxin, Property Damage Compensation Dispute, the Primary People's Court of Chenggong District, Kunming City, Yunnan Province, (2018)Yun 0114 Min Chu No.2493, Civil Judgement of First Instance	The defendant hit and killed the plaintiff's dog with his car, causing damage to the plaintiff's property, and the plaintiff claimed for mental damage. The court held that: “...mental damage compensation: should not be applied to the relevant provisions of the personal injury compensation, the plaintiff's claim does not have the corresponding legal basis, the court will not support it.”
7	Xu Wangjun v. Yueyang Pengcheng Pet Hospital Company Limited, Tort Liability Dispute, the Intermediate People's Court of Yueyang City, Hunan Province, (2018)Xiang 06 Min Zhong No.2845, Civil Judgement of Second Instance	“With regard to the mental damage compensation: As Xu Wangjun did not submit evidence to prove that serious consequences had been caused by the mental damage, the judgement of first instance's dismissing his claim was not inappropriate.”
8	Wang Yuan v. Malinghai Gourmet Farm of Shiling Town, Huadu District, Guangzhou City, Liability Dispute for Damage Caused by Raising Animals, the	“Wang Yuan's claim for compensation for mental damage is not well-founded and the court will not support it.”

	Intermediate People's Court of Huadu District, Guangdong Province, (2018)Yue 0114 Min Chu No.3272, Civil Judgement of First Instance	
9	Plaintiff Wang XX v. Defendants Zhou XX, Weihai Central Branch of China United Property and Casualty Insurance Company Limited, Motor Vehicle Traffic Accident Liability Dispute, the Primary People's Court of Huan Cui District, Weihai City, Shandong Province, (2018)Lu 1002 Min Chu No.6817, Civil Judgement of First Instance	"There is no legal basis for the RMB 8,000 in mental damage compensation, and the court will not support it."
10	Zhang Zhang, Hou Yanan v. Song Chen, Property Damage Compensation Dispute, the Primary People's Court of Yubei District, Chongqing City, (2020)Yu 0112 Min Chu No.1695, Civil Judgement of First Instance	"Mental damage: Based on the evidence provided by the plaintiffs, it cannot be proved that they suffered mental damages, and the court does not support it."

11	Lin Qingshang v. Yang Xianghong, Dispute over Return of the Original Property, the Primary People's Court of Mentougou District, Beijing City, (2020)Jing 0109 Min Chu No.524, Civil Judgement of First Instance	“Lin Qingshang did not provide sufficient evidence to prove that she had two cats under Yang Xianghong's control. And no cats were found in Yang Xianghong's home after the court's on-site investigation. So the court will not support Lin Qingshang's claim for the return of the two cats. With regard to Lin Qingxia's claim for mental damage, there is no factual and legal basis, this court will not support.”
12	Lin Qingshuang v. Yang Xianghong, Dispute over Return of the Original Property, the First Intermediate People's Court of Beijing City, (2020)Jing 01 Min Zhong No.3757, Civil Judgement of First Instance	The second trial was on the same grounds as above.
13	Zheng Yangyang v. Wang Ying, Property Damage Compensation Dispute, the Primary People's Court of Futian District, Shenzhen City, Guangdong Province, (2019)Yue 0304 Min Chu No.34395, Civil Judgement of First Instance	“The plaintiff deems that the defendant has committed a tortious act against her cat and claims compensation of the losses she has suffered as a result of it, including the money for the purchase of the cat, the cost of keeping it and mental damage compensation. At the moment, the basis for the plaintiff's claims is not

		sufficient and the court does not support it.”
14	Fan Bin v. Gu Xueming, Shunde Foshan Branch of China Ping'an Property and Casualty Insurance Company Limited , Motor Vehicle Traffic Accident Liability Dispute, the Primary People's Court of Xunwu County, Jiangxi Province, (2020)Gan 0734 Min Chu No.522, Civil Judgement of First Instance	“This court believes that the dog raised by the plaintiff Fan Bin was hit and killed, which is property loss. There is no legal basis for requesting mental compensation due to property loss.”
15	Yu Youlin v. Guo Yuexia, Ma Qianjun, Property Damage Compensation Dispute, the Primary People's Court of Jinshui District, Zhengzhou City, Henan Province, (2020)Yu 01 XX Min Chu No.14521, Civil Judgement of First Instance	“There is insufficient evidence to support the plaintiff's claims for travelling expenses and mental damages, and the court does not support them.”
16	Wang X v. Shenzhen Qila Culture Planning Company Limited et al., Service Contract Dispute, the Primary People's Court of Futian District, Shenzhen	“As for the plaintiff's claims for compensation for the treatment costs of RMB 2,315 and feeding costs of RMB 8,246 of the two injured chinchillas, the liquidated damages of RMB 6,918.30, and mental damage of

	City, Guangdong Province, (2021)Yue 0304 Min Chu No.6563, Civil Judgement of First Instance	RMB 10,000, there is not factual and legal basis to support them, this court does not uphold any of them, and they are rejected according to law.”
17	Yu Weigang v. Mao Gangqiang, Tort Liability Dispute, the Primary People's Court of Keqiao District, Shaoxing City, Zhejiang Province, (2021)Zhe 0603 Min Chu No.7261, Civil Judgement of First Instance	“Mental damage compensation, which is not justified, is not supported by this court.”
18	Yu Weigang v. Mao Gangqiang, Tort Liability Dispute, the Intermediate People's Court of Shaoxing City, Zhejiang Province, (2021)Zhe 06 Min Zhong No.4485, Civil Judgement of Second Instance	The court of second instance upheld the original judgement.
19	Xi'an Jingmei Animal Hospital Company Limited v Liu Jiang, Service Contract Dispute, the Primary People's Court of Yanta District, Xi'an City, Shaanxi Province, (2021)Shaan 0113 Min Chu No.25267, Civil	“During the diagnosis and treatment of the animal involved, the defendants in this case made clear diagnoses, had clear surgical indications, and provided adequate treatment. They did not violate the laws, administrative regulations, departmental regulations, and diagnosis, treatment, and nursing

	Judgement of First Instance	standards and routines for medical and health management, and they fulfilled the main obligations of the medical service contract. Although the animal in question relapsed after the surgery, this was a normal surgical risk and the defendants had informed the plaintiff before the surgery. The defendants also promised to take remedial measures and perform a second surgery on the animal in question. The plaintiff did not continue treatment at the defendants' place because of his own refusal. The plaintiff failed to submit evidence of the defendants' breach of contract, and his claim for breach of contract is without legal basis, and this court does not support it.”
20	Wu Chao v. Wang Jianghui, Tort Liability Dispute, the Primary People's Court of Changge City, Henan Province, (2021)Yu 1082 Min Chu No.5585, Civil Judgement of First Instance	“The plaintiff Wu Chao's claim for mental damage has no legal basis and this court does not support it.”
21	Zuo Jiao v. Gao Junmin, Liability Dispute Case for Damage Caused by Raising	“Zuo Jiao’s claims for cost of lost labour and mental damage have no legal basis and no corresponding

	Animals, the Primary People's Court of Gusu District, Suzhou City, Jiangsu Province, (2021)Su 0508 Min Chu No.10373, Civil Judgement of First Instance	evidence to prove them, so they are not confirmed... Gao Junmin's claims for personnel nutrition expenses, cost of lost labour, and mental damage have no legal basis and no corresponding evidence to prove them, so they are not confirmed."
22	Gong Xiangzeng v. Beijing Xinrenren Shengli Animal Hospital Company Limited, Contract Dispute, the Primary People's Court of Shunyi District, Beijing City, (2021)Jing 0113 Min Chu No.23255, Civil Judgement of First Instance	"Regarding mental damage compensation: Since this case is a contractual dispute, Gong Xiangzeng's claim for mental damage compensation lacks legal basis and this court does not support it."
23	Diao Weixin v. Lu Xuewei, Service Contract Dispute, the Primary People's Court of Tianhe District, Guangzhou City, Guangdong Province, (2021)Yue 0106 Min Chu No.16607, Civil Judgement of First Instance	"As for the claims of mental compensation and apology: The existing evidence cannot prove that there is a causal relationship between the plaintiff's physical discomfort and the death of Huoguo, nor can it prove that the defendant's act caused the plaintiff to suffer reputational damage. Therefore, this court does not support these two claims."

Specifically, let's look at the three main reasons for the above judgment.

Firstly, in these cases, some judges believed that there was no legal basis for claiming psychological damage in contract disputes;¹²⁶ some judges strictly interpreted the law and believed that the claimed mental damages do not fall within the scope of mental damages permitted by current laws and regulations, so they rejected the pet owners' requests for mental damage compensation on the grounds that there was no legal basis¹²⁷, lack of legal basis¹²⁸ or the claims were not well-founded¹²⁹, not justified¹³⁰ or not justified by law¹³¹.

As to why there was no legal basis, another group of judges hold the same clear view.¹³² Their reasoning was that pets are property and should be subject to the rules for compensation for property damage; while compensation for mental damage should fall within the scope of compensation for personal injury. According to the law, it was impossible to file a claim for personal injury, that is, compensation for psychological damage, based on property rights. More specifically, they believed that the loss of a pet as property had nothing to do with the owner's personal interests, because the property is not included in the scope of application of the relevant judicial interpretation.

Secondly, some judges did not make it clear whether such cases fell within the scope of compensation for mental damage, but refused to support them on the grounds that the pet owners had flaws in their evidence. Their reasons are as follows: "There is insufficient evidence..."¹³³ "the basis for the plaintiff's claims is not sufficient..."¹³⁴ "Based on the evidence provided by the plaintiffs, it cannot be

¹²⁶ See the (2021)Jing 0113 Min Chu No.23255 Judgement.

¹²⁷ See the (2015)Qi Min Chu Zi No.3827, (2016)Hu 0106 Min Chu No.7970, (2018)Lu 1002 Min Chu No.6817 and (2021)Yu 1082 Min Chu No.5585 Judgements.

¹²⁸ See the (2016)Yu 01 Min Zhong No.12738 Judgement.

¹²⁹ See the (2018)Yue 0114 Min Chu No.3272 Judgement.

¹³⁰ See the (2021)Zhe 0603 Min Chu No.7261 and (2021)Zhe 06 Min Zhong No.4485 Judgements.

¹³¹ See the (2016)Yu 01 Min Zhong No.12738 Judgement.

¹³² See the (2018)Yun 0114 Min Chu No.2493, (2020)Gan 0734 Min Chu No.522 and (2017)Zhe 01 Min Zhong No.4422 Judgements.

¹³³ See the (2020)Yu 01 Mou Mou Min Chu No.14521 Judgement.

¹³⁴ See the (2019)Yue 0304 Min Chu No.34395 Judgement.

proved that they suffered mental damages...”¹³⁵ “Xu Wangjun did not submit evidence to prove that serious consequences had been caused by the mental damage”¹³⁶ “the plaintiff failed to submit evidence of the defendants' breach of contract, and his claim for breach of contract is without legal basis”¹³⁷ “The plaintiff did not provide relevant evidence that the defendant's tortious behaviour caused serious consequences to herself, the plaintiff's claim for mental damages is insufficient evidence”¹³⁸ “The existing evidence cannot prove that there is a causal relationship between the plaintiff's physical discomfort and the death of Huoguo...”¹³⁹

Thirdly, in several cases, the judges examined the applicability of the law and the sufficiency of the evidence, and rejected requests for compensation for mental damage on the grounds that “...have no legal basis and no corresponding evidence to prove them”¹⁴⁰, “there is not factual and legal basis...”¹⁴¹ “Lin Qingshang did not provide sufficient evidence to prove that she had two cats under Yang Xianghong's control...there is no factual and legal basis...”¹⁴²

1.2 Procedural or Individual Reasons

In the following judgments, either due to procedural reasons or the judge considered the special reasons of the individual case, the final judgment did not involve or did not support compensation for psychological damages, but these reasons had nothing to do with the emotional connection between humans and pets, the mental suffering suffered by the owners, and the special nature of pets.

¹³⁵ See the (2020)Yu 0112 Min Chu No.1695 Judgement.

¹³⁶ See the (2018)Xiang 06 Min Zhong No.2845 Judgement.

¹³⁷ See the (2021)Shan 0113 Min Chu No.25267 Judgement.

¹³⁸ See the (2017)Zhe 0110 Min Chu No.11218 Judgement.

¹³⁹ See the (2021)Yue 0106 Min Chu No.16607 Judgement.

¹⁴⁰ See the (2021)Su 0508 Min Chu No.10373 Judgement.

¹⁴¹ See the (2021)Yue 0304 Min Chu No.6563 Judgement.

¹⁴² See the (2020)Jing 0109 Min Chu No.524 and (2020)Jing 01 Min Zhong No.3757 Judgements.

Table 10: Judges' Reasons

No.	Judgements	Reasons
1	Chen Xingjiu v. Ping Yuxia, Dispute over Return of Possession Appeal Case, the Intermediate People's Court of Harbin City, Heilongjiang Province, (2016)Hei 01 Min Zhong No.3320, Civil Judgement of Second Instance	The court of second instance revoked the first instance judgment on the grounds that the plaintiff had wrongly listed the litigation subject in the first instance. That is, the court held that the security guard took the dog away during working hours, which was a job-related act, and the plaintiff should sue the property company, but the defendant in the first instance was the security guard himself.
2	Lelapuspabintisaid v. Fang Miaoli, Property Damage Compensation Dispute, the Primary People's Court of Xihu District, Hangzhou City, Zhejiang Province, (2018)Zhe 0106 Min Chu No.5450, Civil Judgement of First Instance	The plaintiff first requested compensation for mental damage, but later withdrew the claim.
3	Ding Haiyang v. Gong X and Gong Qingfang, Property Damage Compensation Dispute,	The judge ruled that the three defendants were not liable because they were minors, who were either persons with limited capacity for civil conduct or persons having

	<p>the Primary People's Court of Sanhe City, Hebei Province, (2019)Ji 1082 Min Chu No.4560, Civil Judgement of First Instance</p>	<p>no capacity for civil conduct.</p>
4	<p>Zhou Zhitao v. Beijing Branch of China Pacific Property and Casualty Insurance Company Limited et al., Motor Vehicle Traffic Accident Liability Dispute, the First Intermediate People's Court of Beijing City, (2020) Jing 01 Min Zhong No.2415, Civil Judgement of Second Instance</p>	<p>The first and second instance courts both held that: Firstly, the defendant fulfilled his duty of reasonable care when driving. Secondly, the plaintiff did not get the Dog Breeding License, did not use a leash when walking the dog, and failed to fulfill his due obligations to pay attention, avoid, manage and restrain the dog. (Article 17, Paragraph 4 of the Beijing Dog Management Regulations stipulated that when dog owners took their dogs out of the house, the dogs must be leashed and led by an adult. Dog owners must carry their dog registration certificates and must give way to the elderly, disabled people, pregnant women, and children.) Therefore, the court ruled that the plaintiff was fully responsible for the accident.</p>
5	<p>Chai Shaomin v. Liu Rui, the Alxa Right Banner Marketing Department of the Alxa</p>	<p>The plaintiff first claimed mental damage and then waived the claim at trial.</p>

	Central Branch of China Continent Property and Casualty Insurance Company Limited, Property Damage Compensation Dispute, the Primary People's Court of Alxa Right Banner, the Inner Mongolia Autonomous Region, (2020) Nei 2922 Min Chu No.539, Civil Judgement of First Instance	
6	Han Jizhao v. Chen Jianyou, Chen Xi, Dispute over Return of the Original Property, the Primary People's Court of Nankai District, Tianjin City, (2020)Jin 0104 Min Chu No.1216, Civil First Instance Decision	The case was transferred to the Primary People's Court of Chaoyang District, Beijing City for trial.
7	Liu Beibei v. Han Ruodan, Property Damage Compensation Dispute, the Intermediate People's	"This Court is of the view that the lawful property of citizens is protected by law. With regard to Han Ruodan's claim of RMB 1,000 in compensation for mental damage and RMB 3,000 in attorney's fees: Since

	Court of Xinxiang City, Henan Province, (2020)Yu 07 Min Zhong No.6036, Civil Judgement of Second Instance	Han Ruodan did not get a dog registration certificate from the relevant authorities during the purchase of the dog in question, and there is no legal basis for Han Ruodan's two claims, this court does not support them according to law.”
8	Cao Youfu v. Jiang Yuan, Liability Dispute Case for Damage Caused by Raising Animals, the Primary People's Court of Tiantai County, Zhejiang Province, (2021)Zhe 1023 Min Chu No.210, Civil Judgement of First Instance	Neither the plaintiff nor the defendant was the correct litigation subject. The lawsuit was dismissed.

In the above 8 cases, the judges' reasons for not supporting compensation for mental damage were all case-specific. The litigation process was suspended due to defects in the judicial procedure, including incorrect listing of the defendant to the lawsuit¹⁴³, the dismissal of the lawsuit due to the ineligibility of both parties¹⁴⁴, or the need to transfer the case to another court¹⁴⁵. There were cases where the plaintiffs' claims changed during the judicial trial and no longer involved compensation for

¹⁴³ See the (2016)Hei 01 Min Zhong No.3320 Judgement.

¹⁴⁴ See the (2021)Zhe 1023 Min Chu No.210 Judgement.

¹⁴⁵ See the (2020)Jin 0104 Min Chu No.1216 Judgement.

mental damages, such as the withdrawal¹⁴⁶ and waiver¹⁴⁷ of compensation for mental damages. There was a case where the defendants were either persons with limited capacity for civil conduct or persons having no capacity for civil conduct, and the judge ruled that they were not liable.¹⁴⁸ Some judges considered that pet owners were responsible for the injuries or deaths of their pets¹⁴⁹ and thus rejected the pet owners' requests for compensation for psychological damage. In addition, whether the pet owner had gotten a registration license of the dog was also an important consideration for judges in determining whether the pet owner is at fault.¹⁵⁰ None of these reasons had anything to do with emotional factors or the particularity of pets.

1.3 Denying the Personal Significance of Pets

In the following judgments, the judge explicitly denied the personal significance of pets based on current legal provisions and did not support compensation for mental damages.

Table 11: Judges' Reasons

No.	Judgements	Reasons
1	Liu Yuehong v. Zhang Jianming et al., Traffic Accident Property Damage Compensation Case, the Primary People's Court of	"The so-called mental damage compensation refers to a civil law system whereby a natural person's personal rights are illegally infringed, his or her personality and identity interests are damaged or he or she suffers mental pain, and the victim or the immediate family of the

¹⁴⁶ See the (2018)Zhe 0106 Min Chu No.5450 Judgement.

¹⁴⁷ See the (2020)Nei 2922 Min Chu No.539 Judgement.

¹⁴⁸ See the (2019)Ji 1082 Min Chu No.4560 Judgement.

¹⁴⁹ See the (2020)Jing 01 Min Zhong No.2415 and (2020)Yu 07 Min Zhong No.6036 Judgements.

¹⁵⁰ See the (2020)Jing 01 Min Zhong No.2415 and (2020)Yu 07 Min Zhong No.6036 Judgements.

	<p>Huishan District, Wuxi City, Jiangsu Province, (2006)Hui Min Chu Zi No.1311, Civil Judgement of First Instance</p>	<p>deceased requires the infringer to provide relief and protection through methods such as property damage compensation. According to the Interpretation of the Supreme People's Court on Problems regarding the Ascertainment of Compensation Liability for Emotional Damages in Civil Torts, the scope of application of compensation for mental damage is as follows. (1) The personal rights and interests of natural persons, including the right to life, the right to health, the right to physical integrity, the right to name, the right to portrait, the right to reputation, the right to honor, the right to personal dignity, and the right to personal freedom; (2) Guardianship; (3) The personal interests of the deceased, including his or her name, portrait, reputation, honor, privacy, and body and remains; (4) Ownership of a specific memento of personal significance. In this case, the dog is Liu Yuehong's property, and the loss is property loss, which does not fall within the scope of compensation for mental damage. Therefore, Liu Yuehong's claim for compensation for mental damage is not supported, and Zhang Jianming and Zhongqiang Company do not need to bear compensation liability in this case according to law."</p>
2	Tang Xiaoxiong et al. v.	The court of first instance held that: "Thirdly, the

	<p>Chen Dongliang et al., Property Damage Compensation Dispute Appeal Case, the Intermediate People's Court of Hangzhou City, Zhejiang Province, (2015)Zhe Hang Min Zhong Zi No.3085, Civil Judgement of Second Instance</p>	<p>poodle that died in the accident does not belong to a specific memento of personal significance. Tang Xiaoxiong and Jiang Jing also have no evidence to prove that their daughter Tang Shijun's right to life and health were violated in this fire accident. Therefore, the court of first instance did not support the mental damages proposed by Tang Xiaoxiong and Jiang Jing based on the above two claims.” The court of second instance held that: “(ii) Regarding the mental damage compensation: the fire caused the death of the poodle raised by Tang Xiaoxiong and Jiang Jing, which the original court had included as property loss in the compensation. However, Tang Xiaoxiong and Jiang Jing claimed the appellee to pay mental damage compensation, which was not in line with Article 4 of the Interpretation of the Supreme People's Court on Problems regarding the Ascertainment of Compensation Liability for Emotional Damages in Civil Torts, so this court does not support it.”</p>
<p>3</p>	<p>Qiao Libin v. Beijing Quanxinquanyi Pet Products Company Limited, Property Damage Compensation Dispute, the Primary People's Court of</p>	<p>“Regarding Qiao Libin's claim for mental damage compensation: In principle, mental damages compensation are limited to the infringement of a natural person's right to personality and identity, or in special circumstances, when "a special memento of personal significance" is infringed. Pet dogs do</p>

	Fangshan District, Beijing City, (2019)Jing 0111 Min Chu No.28211, Civil Judgement of First Instance	not have this characteristic. Therefore, this court finds it difficult to support this claim.”
4	Wang Shunling v. Beijing Xinke Property Management Company Limited, Property Damage Compensation Dispute, the Primary People's Court of Changping District, Beijing City, (2021)Jing 0114 Min Chu No.23988, Civil Judgement of First Instance	“With regard to mental damage compensation: the dog is not an object of personal significance, and there is no legal basis for the claim, this court does not support it.”

In these 4 judgements, the majority of the judges, without much analysis, confirmed that the pet did not have personal significance and was not “a specific memento of personal significance”¹⁵¹. These four judges are law enforcers like robots.

In summary, the above is the first major category of cases in which judges did not support mental damage compensation, none of which involved the recognition of the emotional connection between people and pets, or the particularity of pets.

¹⁵¹ See the (2006)Hui Min Chu Zi No.1311, (2015)Zhe Hang Min Zhong Zi No.3085, (2019)Jing 0111 Min Chu No.28211, (2021)Yue 0113 Min Chu No.23627 and (2021)Jing 0114 Min Chu No.23988 Judgements.

2. The Second Category

In the second category of judgments below, although the judges did not support compensation for mental damages, in their analysis of the cases, they more or less discussed or acknowledged the human-pet emotional relationship and the special nature of pets. These cases can also be divided into several viewpoints.

2.1 Recognizing the Existence of Emotional Factors

The following 16 judges did not support compensation for mental damages, but acknowledged that there was an emotional connection between humans and pets, and that pet injuries and deaths can cause psychological pain to people.

Table 12: Judges' Reasons

No.	Judgements	Reasons
1	Yin X v. Beijing Baolong Company, Property Damage Compensation Dispute, the Primary People's Court of Xicheng District, Beijing, (2003)Xi Min Chu Zi No.6403, Civil Judgement of First Instance	“Regarding the compensation for mental damages: After hearing the case, the court held that, in the long-term relationship between pet owners and pets, they will inevitably develop affection and emotional dependence. The sudden abnormal death of a pet will inevitably cause mental damage to the owner. However, this kind of damage does not conform to the provisions of Chinese law and the Supreme People's Court's regulations on compensation for mental damages, and does not fall within the scope of relevant laws and regulations

		<p>determining compensation for mental damages. Therefore, the plaintiffs Yin Mou and Tian Mou's claim for compensation for mental damages has no legal basis and should be rejected.”¹⁵²</p>
2	<p>Song Zhiwei v. Wuxi Li'an Transportation Co. Ltd. et al., Motor Vehicle Traffic Accident Liability Dispute, the Primary People's Court of Xishan District, Wuxi City, Jiangsu Province, (2014) Xi Fa Bei Min Chu Zi No.0327, Civil Judgement of First Instance</p>	<p>“As for the RMB 50,000 in mental damages that Song Zhiwei claimed: In modern life, humans keep dogs and other pets as an integral part of their lives and establish corresponding emotional relationship with them, and the death or loss of pets can, to a certain extent, cause mental pain to their keepers. However, according to the provisions of the Tort Law of the People's Republic of China and the Interpretation of the Supreme People's Court on Problems regarding the Ascertainment of Compensation Liability for Emotional Damages in Civil Torts, the prerequisite for obtaining mental damage compensation is that the object of the tort is a personal right or interest, and the consequence is serious mental damage to the infringed person. And in this case, the loss suffered by Song Zhiwei was property damage, the object of the tortious act was property rights rather than</p>

¹⁵² The commentary accompanying the judgment held that, although pets are not specific special mementos of personal significance, they are endowed with emotional interest of their owners and are special property. However, the author of the commentary could not be identified, and the opinions of the commentary were not reflected in the judgment.

		personal rights or interests. Therefore, Song Zhiwei's claim for compensation for mental damages has no corresponding legal basis, and this court does not support it."
3	Jiang Ying v. Zhu Ping et al., Motor Vehicle Traffic Accident Liability Dispute, the Primary People's Court of Liyang City, Jiangsu Province, (2015) Li Min Chu Zi No.00600, Civil Judgement of First Instance	"This court does not support the plaintiff's claim that the two defendants should pay RMB 3,000 in mental damage compensation. At present, there is no corresponding legal regulation on the emotion between the owners and their pets and the mental suffering after a pet's damage, and there is also no factual basis or appropriate standard for judgement of the degree. As far as current judicial concepts and rules are concerned, it is not possible to break through the boundaries of legal provisions and make creative judgments during the litigation process. This is contrary to legal provisions and is not in line with the spirit of the law."
4	Chen Jun v. Huang Jinmin et al., Property Damage Compensation Dispute, the Primary People's Court of Toutunhe District, Urumqi City, Xinjiang Uygur Autonomous Region, (2015)Tou	"Regarding the plaintiff's request for the defendant to compensate the plaintiff for the huge mental damages of RMB 2,000 caused by the loss of the Tibetan Mastiff: This court holds that in the long-term relationship between pet owners and pets, they will inevitably develop affection and emotional dependence. The sudden and abnormal death of a pet will inevitably cause mental harm to the owner. However, this type of

	Min Yi Chu Zi No.608, Civil Judgement of First Instance	injury does not meet the requirements of our country's laws and judicial interpretations on mental damage compensation and does not fall within the scope of mental damage compensation determined by relevant laws and regulations. Therefore, this court does not support this claim."
5	Chen Jiamin v. Li Minyan, Tort Liability Dispute, the Primary People's Court of Sanshui District, Foshan City, Guangdong Province, (2016)Yue 0607 Min Chu No.2271, Civil Judgement of First Instance	"Regarding mental damage compensation: The plaintiff made a commitment of emotion in raising Huihui, and the injury of Huihui had a certain impact on the plaintiff's mental state. However, in this case, Huihui was not hospitalized for long and was eventually saved. This incident did not cause any other adverse effects on Huihui, and this incident did not cause any serious consequences to the plaintiff. In accordance with the provisions of Article 8, Paragraph 1 of the Interpretation of the Supreme People's Court on Problems regarding the Ascertainment of Compensation Liability for Emotional Damages in Civil Torts, the plaintiff's claim for the defendant to pay mental damage compensation is not supported by this court."
6	Zhang XX v. Shenzhen Branch of China XX Company Limited et al., Motor Vehicle Traffic	"The accident in this case caused the death of the pet, which would reasonably cause mental damage to the owner. However, according to Article 2 and Article 22 of the Tort Law, the victim's claim for mental

	<p>Accident Liability Dispute, the Primary People's Court of Longgang District, Shenzhen City, Guangdong Province, (2016) Yue 0307 Min Chu No.17661, Civil Judgement of First Instance</p>	<p>damages can only be supported when his or her personal rights and interests have been severely damaged. This court cannot support the owner's claim for mental damages due to the injury or death of the pet.”</p>
7	<p>Geng Yalin v. Gong Jiang et al., Motor Vehicle Traffic Accident Liability Dispute, the Primary People's Court of Tuquan County, Inner Mongolia Autonomous Region, (2017)Nei 2224 Min Chu No.325, Civil Judgement of First Instance</p>	<p>“The two defendants disagreed with the plaintiff's claim for compensation for mental damage. In the long-term relationship between pet owners and pets, they will inevitably develop emotional dependence. The sudden and abnormal death of a pet will inevitably cause mental harm to the owner. However, this type of injury does not fall within the scope of mental damage compensation. Therefore, this court does not support the plaintiff's request.”</p>
8	<p>Kuang Jichun v. Chuzhou Suburb Power Supply Company of Anhui Electric Power Company of State</p>	<p>“The plaintiff claimed that the defendant should compensate him for mental damages. However, the plaintiff's complaint clearly stated that he raised the dogs for his financial needs, this claim has no legal basis, and this court does not support it.”</p>

	<p>Grid, Property Damage Compensation Dispute, the Primary People's Court of Nanqiao District, Chuzhou City, Anhui Province, (2017)Wan 1103 Min Chu No.2149, Civil Judgement of First Instance</p>	
<p>9</p>	<p>Shenzhen Branch of PICC Property and Casualty Insurance Company Limited v. Wang Chunbo et al., Motor Vehicle Traffic Accident Liability Dispute, the Intermediate People's Court of Yingkou City, Liaoning Province, (2017)Liao 08 Min Zhong No.3612, Civil Judgement of Second Instance</p>	<p>The court of first instance upheld the compensation for mental damage: "As for the mental damages claimed by the plaintiff: although the small dog in the accident was a property owned by the plaintiff, it was different from ordinary property. Its death caused the plaintiff some mental harm. However, the mount that the plaintiff claimed is too high, and the court considers a payment of RMB 2,000 to be appropriate." The court of second instance revoked the mental damage compensation: "Regarding the question of whether the appellee Wang Chunbo should be paid mental damage compensation: As the owner of the small dog involved in the case, the appellee Wang Chunbo developed an emotional</p>

		<p>dependence with the small dog during the long-term relationship with the dog, and the abnormal death of the dog also caused certain mental harm to him. However, according to Article 22 of the Tort Law of the People's Republic of China, if personal rights and interests of are infringed and serious mental damage is caused, the person who has been tortured may claim mental damages; and according to Interpretation of the Supreme People's Court on Problems regarding the Ascertainment of Compensation Liability for Emotional Damages in Civil Torts, mental damages are caused by illegal infringement of the personality rights of natural persons. The dog involved in the case belongs to the category of property. Therefore, the court of first-instance's application of the law to the mental damage compensation is obviously inappropriate, and this court revokes it in accordance with the law”</p>
10	<p>Cai Yuting v. Hesheng Mengyuan Trade (Beijing) Company Limited, Tort Liability Dispute, the Primary People's Court of Chaoyang</p>	<p>“If the infringement of one's personal rights and interests results in serious mental damage, the infringed person may claim compensation for mental damage. The reason for Cai Yuting to claim for her rights in this case is that her property interests was infringed by Hesheng Mengyuan Company.</p>

	District, Beijing City, (2017)Jing 0105 Min Chu No.83730, Civil Judgement of First Instance	The death of the pet cat did cause some harm to Cai Yuting's emotion, but there is no evidence to prove that she suffered serious mental damage. Therefore, Cai Yu Ting's claim that Hesheng Mengyuan Company should pay compensation for mental damage is unfounded in law, and this court does not support it."
11	Hesheng Mengyuan Trade (Beijing) Company Limited v. Cai Yuting, Tort Liability Dispute, the Third Intermediate People's Court of Beijing City, (2018)Jing 03 Min Zhong No.5499, Civil Judgement of Second Instance	The court of second instance didn't make any analysis and upheld the original judgement.
12	Xu Wangjun v. Zhan Siqi, Yueyang Pengcheng Pet Hospital Company Limited, Tort Liability Dispute, the Primary People's Court of Yueyanglou District, Yueyang City, Hunan	"Although the death of the pet caused some harm to the plaintiff's emotion, no evidence was submitted to prove that there were serious consequences due to mental damage, so the claim for payment of mental damages has no factual basis, and this court does not support it."

	Province, (2018)Xiang 0602 Min Chu No.1174, Civil Judgement of First Instance	
13	Jin Sisi v. Lin Minggao, Dispute over the Right to Life, Health and Body, the Primary People's Court of Rui'an City, Zhejiang Province, (2019)Zhe 0381 Min Chu No.8546, Civil Judgement of First Instance	“VI. Mental damage compensation: In the long-term relationship between pet owners and pets, they will inevitably develop affection and emotional dependence. The sudden and abnormal death of a pet will inevitably cause mental harm to the owner. However, this type of injury does not meet the requirements of our country’s laws and judicial interpretations on mental damage compensation and does not fall within the scope of mental damage compensation determined by relevant laws and regulations. This court does not support it.”
14	Plaintiff Guo Rongqiang v. Defendant Nanjing Jianye Zhenxi Pet Life Store, Property Damage Compensation Dispute, the Primary People's Court of Jianye District, Nanjing City, Jiangsu	“In the long-term relationship between pet owners and pets, they will inevitably develop affection and emotional dependence. The sudden and abnormal death of a pet will inevitably cause mental harm to the owner. However, this type of injury does not meet the requirements of our country’s laws and judicial interpretations on mental damage compensation and does not fall within the scope of mental damage compensation determined by relevant laws and regulations.

	Province, (2020)Su 0105 Min Chu 3270, Civil Judgement of First Instance	This court does not support the claim by the plaintiff.”
15	Plaintiff Qi Yuan v. Defendants Wang Xiaosu, Wang Yue, Property Damage Compensation Dispute, the Primary People's Court of Qixia District, Nanjing City, Jiangsu Province, (2020)Su 0113 Min Chu No.4618, Civil Judgement of First Instance	“RMB 5,000 for mental damage: Because Qi Yuan should bear the main responsibility for the pet dog biting incident, and this case does not meet the statutory compensation for mental damages, this court does not support Qi Yuan's claim of RMB 5,000 of mental damage according to the law.” At the end of the judgment, the judge wrote: “What needs to be explained in this case is that pet owners often devote a lot of emotion and energy to the process of raising pets, and establish a deep emotional relationship with their pets. The inner pain that Qi Yuan suffered due to the injury of her dog is understandable. However, as an infringement case, the division of responsibilities and the determination of losses should be based on facts and the law. Civilized dog raising and walking dogs with a leash have long been a social consensus. Raising animals is the right of the owner, but it is the responsibility and obligation of the owner to effectively restrain and manage the animals.”
16	Tong Mingwei v.	“This court believes that the plaintiff has

	<p>Yunnan Youban Pet Service Company Limited, Custody Contract Dispute, the Primary Kunming Railway Transport Court, (2021)Yun 7101 Min Chu No.301, Civil Judgement of First Instance</p>	<p>raised the pet dog in question for many years and has made a major commitment of emotion to the pet. The death of the pet has indeed caused certain harm to the plaintiff. Taking into account those factors such as the market price of the border collies, the plaintiff's cost of raising the pet, and the mental harm caused to the plaintiff by the death of the pet, combined with the facts of this case, this court, according to the circumstances, determines that the defendant is liable to the plaintiff for RMB 7,000 in compensation. Regarding the plaintiff's claim that the defendant should compensate the plaintiff for mental damage of RMB 30,000, this court believes that the plaintiff's claim has no factual and legal basis and this court does not support it."</p>
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In the above judgments, a small number of judges refused to support compensation for psychological damages on the grounds of “no factual and legal basis”¹⁵³, “no evidence was submitted to prove that there were serious consequences due to mental damage”¹⁵⁴, “there is no evidence to prove that she suffered serious mental damage”¹⁵⁵ “this incident did not cause any serious consequences to the plaintiff”¹⁵⁶. More judges refuse to support compensation for mental damages on the grounds that the mental damage caused by the death or injury or loss of pets does not meet

¹⁵³ See the (2021)Yun 7101 Min Chu No.301 Judgement.

¹⁵⁴ See the (2018)Xiang 0602 Min Chu No.1174 Judgement.

¹⁵⁵ See the (2017)Jing 0105 Min Chu No.83730 and (2018)Jing 03 Min Zhong No.5499 Judgements.

¹⁵⁶ See the (2016)Yue 0607 Min Chu No.2271 Judgement.

the statutory conditions for compensation for mental damages.¹⁵⁷

The judges also had different opinions on why the mental damage caused by the death or injury of a pet did not meet the current statutory requirements. Some judges believed that according to the Tort Law and other regulations, the prerequisite for obtaining psychological damage was that personal rights or interests suffered significant damage, and the death or injury of pets was the damage to the owner's property, not the infringement of personal rights or interests, so the claim for psychological damage cannot be supported.¹⁵⁸ Some judges also believed that this was a problem that cannot be solved by current legislation: "...there is no corresponding legal regulation on the emotion between the owners and their pets and the mental suffering after a pet's damage, and there is also no factual basis or appropriate standard for judgement of the degree. As far as current judicial concepts and rules are concerned, it is not possible to break through the boundaries of legal provisions and make creative judgments during the litigation process. This is contrary to legal provisions..."¹⁵⁹

However, these judges all acknowledged that there was an emotional connection between people and pets, or acknowledged that the owner suffered mental pain due to the injury or death of the pet. For example, some judges succinctly explained the mental trauma suffered by the owner.¹⁶⁰ Some judges took the emotional connection between humans and pets and the mental suffering of the pet owners as objective factual premises for analysing the cases.¹⁶¹ Some judges believed that the huge amount of emotion and energy that pet owners invested in the process of

¹⁵⁷ See the (2003)Xi Min Chu Zi No.6403, (2015)Tou Min Yi Chu Zi No.608, (2017)Nei 2224 Min Chu No.325, (2020)Su 0113 Min Chu No.4618, (2020)Su 0105 Min Chu No.3270 and (2019)Zhe 0381 Min Chu No.8546 Judgements.

¹⁵⁸ See the (2014)Xi Fa Bei Min Chu Zi No.0327, (2016)Yue 0307 Min Chu No.17661, (2017)Liao 08 Min Zhong No.3612, (2017)Jing 0105 Min Chu No.83730 and (2018)Jing 03 Min Zhong No.5499 Judgements.

¹⁵⁹ See the (2015)Li Min Chu Zi No.00600 Judgement.

¹⁶⁰ See the (2018)Xiang 0602 Min Chu No.1174, (2017)Jing 0105 Min Chu No.83730 and (2018)Jing 03 Min Zhong No.5499 Judgements.

¹⁶¹ See the (2015)Li Min Chu Zi No.00600 Judgement.

raising pets, as well as the mental and emotional pain suffered by pet owners due to the injuries or deaths of their pets, were facts that cannot be ignored.¹⁶² Some judges believed that human beings keeping pets as an integral part of their lives was a common phenomenon in modern social life, and that because of the more special emotional relationship between pets and human beings, injuries and deaths of pets did cause mental anguish to their keepers.¹⁶³ Regarding the logical relationship between the emotional relationship between people and pets and the mental suffering of the owners, some judges believed that the mental damage to the owners caused by the death or injury of pets was an inevitable result.¹⁶⁴ Several judges also unanimously agreed that: over the long-term relationship between a pet owner and the pet, the owners can inevitably develop affection and emotional dependence towards those pets, and the sudden and abnormal death of a pet can inevitably cause mental harm to the owner.¹⁶⁵

What is more special is that in the (2017)Wan 1103 Min Chu No.2149 Judgement, the plaintiff's five dogs were electrocuted due to the main fault of the defendant power supply company, the judge refused the plaintiff's claim for compensation for mental damages on the grounds that the plaintiff, as the operator of a kennel, raised dogs for breeding and selling to achieve financial purposes.¹⁶⁶ Combined with the previous analysis, the author believes that the judge's implied meaning can be understood as follows: Although the plaintiff kept the five pet dogs, he did not seek emotional comfort from them. In other words, the key emotional factor of the human-pet relationship did not occur in this case, and there was no one-to-one specific emotional relationship between the pets and the owner; the five dogs are not particular, unique or irreplaceable to the plaintiff. Therefore, the judge ruled that the

¹⁶² See the (2020)Su 0113 Min Chu No.4618, (2021)Yun 7101 Min Chu No.301 and (2016)Yue 0607 Min Chu No.2271 Judgements.

¹⁶³ See the (2014)Xi Fa Bei Min Chu Zi No.0327 Judgement.

¹⁶⁴ See the (2016)Yue 0307 Min Chu No.17661 Judgement.

¹⁶⁵ See the (2003)Xi Min Chu Zi No.6403, (2015)Tou Min Yi Chu Zi No.608, (2017)Nei 2224 Min Chu No.325, (2017)Liao 08 Min Zhong No.3612, (2020)Su 0105 Min Chu No.3270 and (2019)Zhe 0381 Min Chu No.8546 Judgements.

¹⁶⁶ See the (2017)Wan 1103 Min Chu No.2149 Judgement.

claim for compensation for psychological damages had no legal basis.

2.2 Acknowledging Emotional Factors and “Family Member” Status but Failing to Realize Pets’ Personal Significance

In the following 2 judgments, although the judges did not support compensation for emotional damages, they not only acknowledged the human-animal emotional connection and the mental pain of the pet owners, but also acknowledged the fact that pets were treated as “family members”. Unfortunately, they did not link the pet’s status as a family member to “an object of personal significance”.

Table 13: Judges’ Reasons

No.	Judgements	Reasons
1	Han Yinghua v. Aidi Pet Clinic of Bochang Street, Boxing County, Tort Liability Dispute, the Intermediate People's Court of Binzhou Prefecture, Shandong Province, (2020)Lu 16 Min Zhong No.2049, Civil Judgement of Second Instance	“The appellant Han Yinghua has kept the pet dog Jiaojiao for 9 years. Emotionally, the appellant Han Yinghua has regarded the pet dog as a family member. From the receipt of the Zibo Kangjian Branch of the Ainuo Animal Hospital submitted by the appellant Han Yinghua in the second instance and the statement made in court, after the pet dog Jiaojiao was diagnosed with diabetes, the appellant Han Yinghua actively treated it and devoted a lot of effort. From the above circumstances, it can be seen that the appellant Han Yinghua has a deep affection for the pet dog Jiaojiao. The loss of the pet dog

		<p>Jiaojiao caused mental anguish that ordinary people can understand. But the appellant Han Yinghua's claim for the appellee Aidi Pet Clinic to compensate for the relevant losses is insufficient in fact and legal basis.”</p>
<p style="text-align: center;">2</p>	<p>Liu Yi v. Zhao Jian et al., Motor Vehicle Traffic Accident Liability Dispute, the Primary People's Court of Jinnan District, Tianjin City, (2021)Jin 0112 Min Chu No.8510, Civil Judgement of First Instance</p>	<p>“The mental damage compensation claimed by Liu Yi is not within the scope of the Civil Code, the Road Traffic Safety Law, the Tort Law, the judicial interpretations of the Supreme People's Court and other laws and regulations. It has no legal basis. This court does not support it.”</p> <p>The judge also explained his view as follows: “This court needs to explain the reasons and the law, and make the following statement: In recent years, keeping pets is indeed expensive and requires a certain amount of energy. The pets can develop a certain emotional connection with the owner, and even become a ‘member of the family’, which may indeed cause a certain amount of emotional pain to the owner after an accident. However, the law is ruthless. After all, there is a difference between humans and animals. Pets are still considered property under current laws,</p>

		and the scope of compensation in litigation should be limited to the scope prescribed by law. From another perspective, the raising process and the pet's feedback can also bring a certain amount of pleasure to the owner himself, and the corresponding expenditure of each keeper on each pet is also different. Under current conditions, if compensation is given to pet owners for indirect losses in traffic accidents, it will increase the burden on road traffic participants. If the indirect losses and mental damages caused by keeping pets are to be compensated, we still need to wait for further development of the social economy and further improvement of the law.”
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The judges in these 2 cases respectively rejected the pet owners' claims for compensation for mental damages on the grounds that "...to compensate for the relevant losses is insufficient in fact and legal basis."¹⁶⁷ and "...is not within the scope of the Civil Code, the Road Traffic Safety Law, the Tort Law, the judicial interpretations of the Supreme People's Court and other laws and regulations. It has no legal basis."¹⁶⁸ However, they all admitted that people had invested a lot of money, energy and effort in their pets during the long-term interactions day after day, and deep feelings had been developed between people and pets. Pets had not only become family members, but their sudden deaths or injuries also brought mental

¹⁶⁷ See the (2020)Lu 16 Min Zhong No.2049 Judgement.

¹⁶⁸ See the (2021)Jin 0112 Min Chu No.8510 Judgement.

pain to their owners.¹⁶⁹ However, the two judges did not realize that recognizing that pets were part of their owners' lives or integrated into humans' lives or became family members was actually a manifestation of the personal significance of pets, and this personal significance was also the key that distinguishes pets from ordinary objects.

2.3 Acknowledging Emotional Factors and Personal Significance, but Without Sufficient Evidence

In the following case, the judge did not support the plaintiff's claim for compensation for mental damage because the plaintiff could not prove that the defendant acted with intent or gross negligence. However, the judge did not deny that the plaintiff regarded the pet as a family member and tacitly acknowledged that the pet was "an object of personal significance".

Table 14: Judge's Reason

No.	Judgement	Reason
1	Di X v. Air China Company Limited, Air Transport Damage Liability Dispute, the Primary People's Court of Shunyi District, Beijing City, (2021)Jing 0113 Min Chu No.18399, Civil Judgement of First Instance	<p>"The plaintiff claimed mental damage compensation from the defendant, which, in accordance with article 1183 of the Civil Code, can only be claimed if the feisor has caused serious mental damage by intentionally or grossly negligently infringing on an object of personal significance of a natural person.</p> <p>The plaintiff claimed that the relationship between the small animal and the plaintiff</p>

¹⁶⁹ See the (2020)Lu 16 Min Zhong No.2049 and (2021)Jin 0112 Min Chu No.8510 Judgements.

		<p>exceeded the boundaries of the general relationship between animals and their owners, and the pet became an indispensable part of the plaintiff's family. The court also expressed regret for the death of the small animal and expressed understanding for the plaintiff's feelings. However, the compensation for mental damages should have a legal basis. The plaintiff cannot prove that the defendant was intentional or grossly negligent in causing the death of the small animal, and this does not meet the applicable conditions for compensation for mental damages stipulated in the above law. Therefore, this court does not support the plaintiff's claim for compensation for mental damages from the defendant.”</p>
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The judge refused to support the pet owner's claim on the basis of the Civil Code's requirement that the defendant had acted intentionally or with gross negligence as a prerequisite for supporting mental damages. However, the judge understood and acknowledged the owner's claim of an unusual human-pet relationship and the pet's status as a family member, and recognized the special nature of the pet by referring to the provision on “an object of personal significance”.

2.4 Acknowledging Emotional Factors but Generally Denying Personal Significance

In the following 8 judgements, the judges explicitly denied the personal significance

of pets based on the current legal provisions, and did not support mental damage compensations, but they nevertheless recognized the existence of human-pet emotional connection and the possibility of the pet owners' mental suffering.

Table 15: Judges' Reasons

No.	Judgements	Reasons
1	Pan X v. Zhang Qi et al., Liability Dispute Case for Damage Caused by Raising Animals, the Primary People's Court of the High-tech Development Zone of Wuxi City, Jiangsu Province, (2008) Xin Min Yi Chu Zi No.1452, Civil Judgement of First Instance	“With regard to the claim of RMB 3,000 for mental damage: In modern society, keeping dogs as pets is a common phenomenon. Dogs are also highly intelligent animals in the animal kingdom and have a special relationship with humans, so for people who keep dogs, the dogs may become an integral part of their lives. There could be an mutual dependant relationship between humans and dogs which is not the same emotional relationship as that within human beings. However, according to the Interpretation of the Supreme People's Court on Problems regarding the Ascertainment of Compensation Liability for Emotional Damages in Civil Torts, the subject and applicable conditions for mental damage compensation are: (i) the subjects of mental damage compensation are natural persons and legal persons; (2) they have the right to claim compensation when their personal rights are infringed. In addition, it is stipulated

		<p>that the permanent loss or destruction of a special memento of personal significance as a result of an infringement is a condition for bringing an action for mental damage. However, there is no corresponding legal regulation on the emotion between the owners and their pets, and the owner's mental suffering after a pet's damage, and there is also no factual basis or appropriate standard for judgement of the degree. As far as current judicial concepts and rules are concerned, it is not possible to break through the boundaries of legal provisions and make creative judgments during the litigation process. This is contrary to legal provisions. Therefore, Pan Mou cannot be awarded compensation for mental damage, and this court does not support this lawsuit claim."¹⁷⁰</p>
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¹⁷⁰ The presiding judge of the case (Yan Haitao, the the Primary People's Court of the High-tech Development Zone of Wuxi City, Jiangsu Province,) wrote an article analyzing the case with regard to the issue of compensation for mental damages, in which he held that: "IV. There is also disagreement in the trial practice on the issue of compensation for mental damages to the keeper of the pet when it is damaged. One opinion holds that compensation for mental damage can only be strictly applied within the scope prescribed by law. Pets do not have the attributes of personal rights or personal interests, and do not meet the provisions of Article 4 of Interpretation of the Supreme People's Court on Problems regarding the Ascertainment of Compensation Liability for Emotional Damages in Civil Torts' scope of "a special memento of personal significance". Therefore, claims for mental damages should not be supported. Another opinion is that the term "CHONG (宠≈dote on)" in the word PET (宠物) represents a certain spiritual attributes, which means that there is not only emotional factors in the human-pet relationship but also a lot of energy and time have been committed to the pets. Pets can even be affective support for some people. It is important not to lose sight of the fact that pets have the characteristics of life and personal significance, and therefore appropriate compensation for mental damages should be considered. In the author's view, mental damages arising from injuries to pets can be considered under specific conditions, but need to be strictly limited. Compensation for mental damages must be limited to the scope prescribed by law and should not be expanded arbitrarily. As a general rule, a pet does not qualify as a specific object of personal significance. It is merely a living possession that is more highly valued in the keeper's affections, no matter how deep those affections may be. We should not indirectly affirm or encourage the phenomenon that some pet owners have feelings for their pets that surpass those for their relatives. However, under certain conditions, pets can be classified as objects with spiritual attributes or of personal significance, thus forming the basis for compensation for mental damages. Meanwhile, it is necessary to get to grips with the limitations on mental damages. When examining such conditions, one should not base on the reference content of the title between the keeper and the pet, the

2	<p>Li Chengwen v. Wen Fulin, Liability Dispute Case for Damage Caused by Raising Animals, the Primary People's Court of Qingpu District, Huai'an City, Jiangsu Province, (2016)Su0811 Min Chu Zi No.2871, Civil Judgement of First Instance</p>	<p>“The plaintiff also claimed mental damage compensation, claiming that he had raised the Yorkshire terrier for many years and had a deep affection for it, and the death of the dog caused him great emotional damage. According to Article 4 of Interpretation of the Supreme People's Court on Problems regarding the Ascertainment of Compensation Liability for Emotional Damages in Civil Torts, if a special memento of personal significance is permanently lost or damaged due to an infringement, and the owner of the object sues for mental damage compensation on the grounds of infringement, the people's court shall accept the case in accordance with the law. In this case, the Yorkshire terrier that the plaintiff had raised for many years has always accompanied the plaintiff's life and has a</p>
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conditions of keeping, the investment in keeping in daily life, and the so-called status in the family, but should consider the criterion of whether the pet can provide the keeper a more obvious increase in the personal interests. Personal interests refer to a person's interests in life, health, name, title, portrait, reputation, etc. Therefore, we can consider compensation for mental damage when the pet is of great significance to the life, health and reputation of the owner. For example: 1. Pets that live with lonely elderly people; 2. Guide dogs that have become guiding tools for the blind in their daily lives; 3. Dogs that have been raised and participated in major competitions and won awards; 4. Dogs that have become recognized as famous dogs or pets due to public positive reports. The first two are pets that are closely related to the life and health of the keeper, and the second two are pets that bring a significant increase in the social evaluation of the keeper, and only in such cases can compensation for mental damages be considered. At the same time, the following conditions must be met in order to award mental damages compensations: 1. The tortfeasor acted intentionally or with gross negligence and caused the consequences of the damage as a result of such intention or gross negligence; 2. There is evidence that the mental suffering of the owner is so severe that it reaches a reasonable level that is unbearable for ordinary people. This generally means that it has been confirmed by physical injuries, or there is evidence that the victim's daily behavior has been hindered or the victim has suffered an unbearable mental shock. In addition, when considering the amount of mental damages for pet owners when their pets are damaged, we must also consider the amount of mental damages for people who are damaged by infringement as a reference, and it is not appropriate to have an excessively high amount of compensation.” Cited from Yan, H. Should the claim for mental damages due to damage to raised animals be supported? in People's Justice Cases 8 (2010) p. 86.

		<p>certain commemorative significance to the plaintiff, but it does not have the personal significance stipulated in the above law. Therefore, the plaintiff's claim for the defendant to pay RMB 3,000 in mental damage compensation is not legally based, and this court rejects it in accordance with the law.”</p>
3	<p>He Jie v. Chen Song, Property Damage Compensation Dispute, the Primary People's Court of Xisaishan District, Huangshi City, Hubei Province, (2016)E0203 Min Chu No.1062, Civil Judgement of First Instance</p>	<p>“The plaintiff must have invested a certain amount of emotion in the process of raising the pet dog, and the sudden death of the pet dog must have had a certain psychological impact on the plaintiff. According to the law, if a special memento of personal significance is permanently lost or damaged due to an infringement, and the owner of the object sues for mental damage compensation on the grounds of infringement, the people's court shall accept the case in accordance with the law. However, the pet dog is not “a special memento of personal significance”. The plaintiff's claim for mental damage compensation has no legal basis, and this court does not support it.”</p>
4	<p>Li Juan v. Mo Zihao, Tort Liability Dispute, the Primary People's Court of Qingxiu District, Nanning City,</p>	<p>“Regarding the mental damage compensation: the plaintiff claimed that she had raised the pet dog for many years and had a deep affection for it, and the death of the dog caused her great emotional damage.</p>

	<p>Guangxi Zhuang Autonomous Region, (2016)Gui 0103 Min Chu No.11588, Civil Judgement of First Instance</p>	<p>According to Article 4 of Interpretation of the Supreme People's Court on Problems regarding the Ascertainment of Compensation Liability for Emotional Damages in Civil Torts, if a special memento of personal significance is permanently lost or damaged due to an infringement, and the owner of the object sues for mental damage compensation on the grounds of infringement, the people's court shall accept the case in accordance with the law. In this case, the pet dog that the plaintiff had raised for many years has always accompanied the plaintiff's life and has a certain commemorative significance to the plaintiff, but it does not have the personal significance stipulated in the above law. Therefore, the plaintiff's claim for the defendant to pay RMB 10,000 in mental damage compensation is not legally based, and this court rejects it in accordance with the law.”</p>
<p>5</p>	<p>Zhang Tingting v. Shanghai Branch of China Ping'an Property and Casualty Insurance Company Limited, Li Peiliang, Motor Vehicle Traffic</p>	<p>“The so-called mental damage compensation refers to a civil law system whereby a natural person's personal rights are illegally infringed, his or her personality and identity interests are damaged or he or she suffers mental pain, and the victim or the immediate family of the deceased requires the infringer to provide relief and protection through</p>

	<p>Accident Liability Dispute, the Primary People's Court of Minhang District, Shanghai City, (2018)Hu 0112 Min Chu No.20674, Civil Judgement of First Instance</p>	<p>methods such as property damage compensation. According to the Interpretation of the Supreme People's Court on Problems regarding the Ascertainment of Compensation Liability for Emotional Damages in Civil Torts, the scope of application of compensation for mental damage is as follows. (1) The personal rights and interests of natural persons, including the right to life, the right to health, the right to physical integrity, the right to name, the right to portrait, the right to reputation, the right to honor, the right to personal dignity, and the right to personal freedom; (2) Guardianship; (3) The personal interests of the deceased, including his or her name, portrait, reputation, honor, privacy, and body and remains; (4) Ownership of a specific memento of personal significance. In this case, although there is emotional connection between the pet owner and her pet due to the pet ownership, the pet is property and is not within the scope of compensation for mental damages. The plaintiff Zhang Tingting's claim for mental damage compensation is not supported."</p>
<p>6</p>	<p>Yuan Chungui v. Shen Qijun, Situ Shaodong, Property Damage</p>	<p>"4. Regarding whether the claim for compensation for mental damage due to the death of the family dog can be supported: This court believes that in this case, there is</p>

	<p>Compensation Dispute, the Primary People's Court of Meilei District, Sanming City, Fujian Province, (2019)Min 0402 Min Chu No.2146, Civil Judgement of First Instance</p>	<p>an emotional connection between the owner Yuan Chungui and the Pomeranian Doudou, and the death of the Pomeranian must have caused a negative emotional impact on Yuan Chungui, resulting in mental damage to the owner. However, according to Interpretation of the Supreme People's Court on Problems regarding the Ascertainment of Compensation Liability for Emotional Damages in Civil Torts, cases in which mental damages can be awarded are basically limited to the following types: cases involving illegal infringement of the personal rights of natural persons; cases where the person under guardianship is illegally removed from custody, causing serious damage to the parent-child relationship or the relationship between close relatives; cases where special mementos of personal significance are permanently lost or destroyed due to infringement; cases where a natural person is killed due to a tortious act or where the personality or remains of a natural person are infringed upon after his/her death, etc. Article 8 of the Interpretation also stipulates that if a person suffers mental damage due to infringement but no serious consequences are caused, the victim's claim for compensation for mental</p>
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		<p>damage will generally not be supported. Therefore, this court does not support Yuan Chungui's claim for compensation for mental damage for the death of her dog."</p>
7	<p>Li Yujie v. Yueqing Hongqiao Aichongdi Pet Shop, Property Damage Compensation Dispute, the Intermediate People's Court of Wenzhou City, Zhejiang Province, (2020)Zhe 03 Min Zhong No.1052, Civil Judgement of Second Instance</p>	<p>The court of first instance held that: "There was a deep affection between the plaintiff and the pet dog involved in the case. The sudden abnormal death of the pet must have caused mental damage to the plaintiff, but this kind of damage does not meet the scope of mental damage compensation determined by relevant laws and regulations, and the pet dog does not belong to the special mementos of personal significance stipulated in Article 4 of Interpretation of the Supreme People's Court on Problems regarding the Ascertainment of Compensation Liability for Emotional Damages in Civil Torts. Therefore, the plaintiff's claim for mental damage compensation has no legal basis and is not supported."</p> <p>The court of second instance held that: "Pet dogs fall into the category of property, so there is no infringement of personal rights or other personal interests that can be compensated for mental damage in this case. The appellant's reason that she has a special relationship with the pet dog is not sufficient to determine that the pet dog is a special</p>

		memento of personal significance to the appellant. Therefore, the original judgment dismissing the lawsuit is not improper, and this court also upholds it.”
8	Li Geng v. Duan Xinyi, Tort Liability Dispute, the Primary People's Court of Hecheng District, Huaihua City, Hunan Province, (2022)Xiang 1202 Min Chu No.3895, Civil Judgement of First Instance	When analyzing whether to support the compensation for the cost of raising, the judge clarified that "...because raising animals has obvious benefits, the act of raising animals itself may produce mental comfort and pleasure..." The judge then believed: "Regarding the claim of mental damage compensation: Pets do not have the attributes of personal rights and interests, and do not meet the scope of Article 1 of Interpretation of the Supreme People's Court on Problems regarding the Ascertainment of Compensation Liability for Emotional Damages in Civil Torts which stipulates 'the personal rights or an object of personal significance...' So this court does not support the mental damage compensation claimed by the plaintiff.”

In the above 8 judgments, the judges all acknowledged the existence of emotional factors, but also denied the personal significance of pets.

Some judges admitted the pets' emotional value to humans, for example they stated that "...because raising animals has obvious benefits, the act of raising animals itself

may produce mental comfort and pleasure...”¹⁷¹ and “...the plaintiff must have invested a certain amount of emotion in the process of raising the pet dog, and the sudden death of the pet dog must have had a certain psychological impact on the plaintiff.”¹⁷² But the judges didn't recognize the personal significance of pets, and believed that the current laws did not include pets in the scope of “special mementos of personal significance”.¹⁷³

One judge deemed that there was special emotion between the pet owner and the pet, and the death or injury of the pet can also cause mental harm to the owner. However, this kind of harm does not fall within the scope of compensation for mental damage stipulated by the law. The death or injury of pets is only property loss and does not involve damage to personal interests. Therefore, the judges denied that pets have personal significance.¹⁷⁴

Some judges acknowledged the deep affective connection between people and their pets, and believed that pets had commemorative significance to people. However, current laws did not include pets in the scope of “special mementos of personal significance”, the judges therefore denied the personal significance of pets according to law.¹⁷⁵

Another judge realized that dogs may become an integral part of their lives and that people and dogs can develop a special emotional dependence. However, there were no clear laws and regulations on mental damages for damage to pets that can be directly applied, and there was no relevant basis or standards for judgment, the judge said that it was impossible to break the legal boundaries and recognize the

¹⁷¹ See the (2022)Xiang 1202 Min Chu No.3895 Judgement.

¹⁷² See the (2016)E 0203 Min Chu No.1062 Judgement.

¹⁷³ See the (2016)E 0203 Min Chu No.1062, (2018)Hu 0112 Min Chu No.20674, (2019)Min 0402 Min Chu No.2146 and (2022)Xiang 1202 Min Chu No.3895 Judgements.

¹⁷⁴ See the (2020)Zhe 03 Min Zhong No.1052 Judgement.

¹⁷⁵ See the (2016)Su 0811 Min Chu Zi No.2871 and (2016)Gui 0103 Min Chu No.11588 Judgements.

special nature of the pets involved in the case.¹⁷⁶

In the above judgments, the judges actually tried to consider the emotional factor as a reason to support compensations for psychological damage. Some judges also thought about and analyzed the special status of pets, but all 8 judges used the current legal provisions as a shackle for dealing with such issues. They stated that they could not make a flexible application of this, and thus did not recognize the special status of pets as symbols of personal significance.

2.5 Acknowledging Emotional Factors but Individually Denying Personal Significance

The judges of the following 4 judgments were different from those above. The judges acknowledged the mental suffering of the pet owners. Due to insufficient evidence, they denied the personal significance of the pets involved in the individual cases and did not support compensation for psychological damages. However, they did not generally rule out the possibility that pets can have personal significance.

Table 16: Judges' Reasons

No.	Judgements	Reasons
1	Wang Chengjianli v. Jiang Jun, Property Damage Compensation Dispute, the Primary People's Court of Qingtian	“Regarding the mental damage compensation: We on earth can not be devoid of feelings and emotions like grass and wood. The plaintiff in this case has been raising the Shiba Inu since it was young, and it has been with the plaintiff and his family for three years at the time of the incident. There is an emotional connection

¹⁷⁶ See the (2008)Xin Min Yi Chu Zi No.1452 Judgement.

	<p>County, Zhejiang Province, (2019)Zhe 1121 Min Chu No.4716, Civil Judgement of First Instance</p>	<p>between the plaintiff and the Shiba Inu Toby. The defendant Jiang Jun poisoned the Shiba Inu and then ate it, causing the abnormal death of the Shiba Inu, which did inevitably cause negative emotional impact on the plaintiff. However, pets are property in law. In the case in which mental damage compensation due to the damage of objects is claimed, the damaged objects must have personal significance. Although the plaintiff in this case has a close relationship with Toby, the plaintiff did not provide evidence to prove that Toby has personal significance. Therefore, the plaintiff's claim for mental damage compensation has no legal basis and is not supported.”</p>
2	<p>Fang Siqin v. Zhongshan Nanlang Eden Pet Shop, Property Damage Compensation Dispute, the First Primary People's Court of Zhongshan City, Guangdong Province, (2021)Yue 2071</p>	<p>“On the issue of mental damage compensation: Fang Siqin claimed that the dog in question was a special memento of personal significance, and that the loss of the dog in question had led to the recurrence of his depression, and provided the relevant medical records of 15 July 2020 to prove his claim. According to Article 22 of the Tort Law, ‘Where any harm caused by a tort to a personal right or interest of another person inflicts a serious mental distress on the victim of the tort, the victim of the tort may require compensation for the infliction of mental distress.’ And article 4 of</p>

	<p>Min Chu No.7824, Civil Judgement of First Instance</p>	<p>Interpretation of the Supreme People's Court on Problems regarding the Ascertainment of Compensation Liability for Emotional Damages in Civil Torts stipulates that 'The people's court shall accept according to law cases arising from any tortious act that causes permanent destruction or damage to a special memento of personal significance, and brought to the court by the owner of the memento for claiming emotional damages.' This court held that the evidence submitted by Fang Siqin could not prove that the dog in question was a special memento of personal significance. And Eden Pet Shop did not violate Fang Siqin's personal rights and interests, therefore, this court does not support Fang Siqin's claim for mental damage compensation."</p>
<p>3</p>	<p>Wang Hao v. Wu Shengjun, Tort Liability Dispute, the Intermediate People's Court of Guangzhou City, Guangdong Province, (2021)Yue 01 Min Zhong No.14131, Civil Judgement of Second Instance</p>	<p>The court of first instance held that "3. Regarding the mental damage compensation: Article 4 of Interpretation of the Supreme People's Court on Problems regarding the Ascertainment of Compensation Liability for Emotional Damages in Civil Torts states that 'The people's court shall accept according to law cases arising from any tortious act that causes permanent destruction or damage to a special memento of personal significance, and brought to the court by the owner of the memento for claiming emotional damages.' In</p>

		<p>this case, if the pet to be recognized as an object of personal significance, it should be considered comprehensively based on the affection that the owner has for the pet and the personal interest formed by relying on the pet. Wu Shengyun and his pet dog Happy have been together for two years, so he must have developed some feelings for the dog. Wu Shengyun's regret and pain in losing his pet is understandable. However, judging from the relationship between Wu Shengyun and Happy, Happy cannot be considered a specific object with spiritual attribute or personal significance to Wu Shengyun. Moreover, Wu Shengyun did not submit evidence to prove that Wang Hao was intentional in causing Happy's death. In summary, the original court did not support Wu Shengyun's claim for mental damage compensation.” The court of second instance didn't make any analysis and upheld the original judgement. (Author's note: Plaintiff Wu Shengyun confirmed that: 1. He wanted to give Happy to someone else for adoption; 2. In addition to fostering Happy twice at Wang Hao's place, Wu Shengyun also placed Happy in a pet store during the winter and summer vacations.)</p>
4	Zeng Pingmei v. Cai Xiaoyang et	“Regarding the mental damage compensation RMB 5,000: Article 1183, Paragraph 2 of the

	<p>al., Property Damage Compensation Dispute, the Primary People's Court of Panyu District, Guangdong Province, (2021)Yue 0113 Min Chu No.23627, Civil Judgement of First Instance</p>	<p>Civil Code stipulates that 'Where, owing to an actor's intentional or grossly negligent act, an object of personal significance of a natural person is infringed upon, which causes serious mental distress to the person, the infringed person has the right to request compensation for pains and suffering.' Accordingly, compensation for mental damage to property rights must meet the following two conditions. Firstly, the object of infringement is an object of personal significance, generally referring to: objects with personal significance, such as wedding photos and videos; objects transformed from a person, such as corpses and ashes; objects that express the emotion of a specific person, especially objects of spiritual interest that interacts with someone, such as a relative's manuscript, wedding ring, etc. Such specific objects have personal significance and certain personal attributes, and only then do they fall within the scope of claiming compensation for mental damages. In addition to the above-mentioned specific objects of personal significance, other properties, although they may also be beloved and cherished by natural persons, may also cause mental pain to people when damaged, but it is difficult to prove the rationality of compensation for mental damages caused by them.</p>
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All four judges believed that the pets involved in these case could not be identified as special mementos of personal significance, mainly because the evidence provided by the pet owner was not sufficiently convincing, or the details of the case claimed by the plaintiff were not convincing enough. However, they did not completely deny the possibility that pets can be recognized as objects with spiritual attributes or personal significance¹⁷⁷, but believed that specific cases should be analyzed specifically, that is, "it should be considered comprehensively based on the affection that the owner has for the pet and the personal interest formed by relying on the pet"¹⁷⁸, and then the judges can determine whether the pet in question is a specific object of personal significance to the owner.

For example, one judge believed that the owner had been living with the pet for two

¹⁷⁷ See the (2021)Yue 01 Min Zhong No.14131 Judgement.

¹⁷⁸ See the (2021)Yue 01 Min Zhong No.14131 Judgement.

years, it was possible that an emotional connection had been developed between the owner and the pet, and it was also possible that the owner had experienced regret and pain for losing the pet. However, since factual evidence proved that the owner had wanted to find someone to adopt the dog and had fostered the pet several times, the judge determined that the dog in question was not of considerable importance to the owner, and therefore could not determine that the dog was an object that had spiritual attributes or personal significance to the owner.¹⁷⁹ One judge believed that there was an inevitable causal relationship between the human-pet emotional connections and the mental suffering of the owners, and that pets may also have personal significance. However, in order to determine that the pet involved in the case have personal significance, the pet owner need to provide more powerful evidence than the emotional connection between humans and pets.¹⁸⁰ Another judge believed that in order to file a claim for psychological damage based on property rights, certain conditions must be met. The first condition is that the object of infringement must be a specific object of personal significance, and the scope of these objects has been limited by law and judicial interpretation. Although pets “may also be beloved and cherished by natural persons, may also cause mental pain to people when damaged, but it is difficult to prove the rationality of compensation for mental damages caused by them.”¹⁸¹ Therefore, based on his comprehensive consideration of the case, the judge excluded the qualification of the pet involved in the case as "an object of personal significance".

It can be seen that in the above 4 judgments, the judges did not strictly refuse to identify pets as objects of personal significance, but left this possibility to the owner. If the owner can provide sufficiently convincing evidence to prove that the pet in question had an emotional value and personal significance that exceeded the general level and was quite important to him, then the judge would not rule out the

¹⁷⁹ See the (2021)Yue 01 Min Zhong No.14131 Judgement.

¹⁸⁰ See the (2019)Zhe 1121 Min Chu No.4716 Judgement.

¹⁸¹ See the (2021)Yue 0113 Min Chu No.23627 Judgement.

possibility of supporting the owner's claim for compensation for psychological damages.

The above is the second category of reasons why the judges did not support compensation for mental damages. Although these judges did not support the mental damages claimed by pet owners for the injury or death of their pets, they analyzed and recognized the emotional factors between people and pets and the particularity of pets. Some acknowledged the existence of human-pet emotional connection, some judges recognized the de facto family member status of pets and some judges tacitly confirmed the possibility that pets generally had personal significance. However, their analysis also reflected the contradictions in their views. Some judges recognized the emotional relationship between people and pets and the de facto family member status of pets, but failed to link them with the personal significance of pets. Some judges recognized the human-pet emotional connection but denied the personal significance of pets. And some judges did not deny the fact that pets are family members or the possibility that pets can have personal significance, but still refused to support compensation for mental damages on the grounds of insufficient evidence. In short, they finally chose to make a negative judgment strictly in accordance with the current law. If one wants to resolve the contradictions that exist in the views of these judges, it would be necessary to amend the existing laws or to give judges a certain degree of latitude to apply the law flexibly.

Brief Summary

Among the 66 judgments in this chapter where compensation for mental damage was not supported, 31 Chinese judges made decisions based on reasons unrelated to the human-pet emotional relationship and the particularity of pets. In the remaining 35 judgments, 12 judges strictly denied the personal significance of pets

based on the current law; 31 judges did not support compensation for psychological damages but acknowledged the emotional factors of human-pet relationships; 1 judge acknowledged that pets were “objects of personal significance”; 2 judges recognized that pets were family members but failed to link this status to their personal value or personal significance; and 4 judges denied the personal significance of the pets based on individual reasons, but did not generally reject the possibility that pets had personal significance.

It can be concluded that although these judges did not support compensation for mental damages, they did not completely refuse to accept the special relationship between pets and humans in judicial adjudication. In particular, when considering the role of pets in providing spiritual comfort to humans and their special status in family life, many judges' life observations and social cognitions also showed a gap or contradiction with legal norms. For these judges, considering the special relationship between humans and pets and incorporating it into legal regulation is indeed hindered by the current law, and they can only exercise their discretion to a very limited extent, or completely obey the current law.

The above is the first issue I examine, i.e., whether Chinese judgements support mental damages based on pet injuries and deaths and their different reasons. Below I examine the second question, i.e., whether Chinese judges support high medical costs that exceed the market value of pets, and their different reasons.

CHAPTER 4 REASONS ABOUT HIGH MEDICAL EXPENSES AND SPECIAL CASES

The second major issue I want to examine is the attitudes of the judge towards the high medical expenses paid by the owner to save the pet, which exceeded the market value of the animal itself.

1. Reasons to Support High Medical Expenses

Firstly, I want to analyze the reasons why the judge supported the high medical expenses. These reasons also include several viewpoints.

1.1. Unrelated to Emotional Factors and the Particularity of Pets

In the judgements below, the judges' reasons for upholding the cases had nothing to do with human-pet emotional connections, the psychological anguish of the pet owner, or the special nature of pets. For a variety of reasons, the judges upheld high medical costs. The 16 judgements that took place between 2017 and 2022 reflected this view.

Table 17: Judges' Reasons

No.	Judgements	Reasons
1	Li Juan v. Mo Zihao, Tort Liability Dispute, the Primary People's Court of Qingxiu	"The amount of compensation for property damage should be determined based on legal provisions and the evidence submitted by the parties. The plaintiff claimed RMB

	District, Nanning City, Guangxi Zhuang Autonomous Region, (2016)Gui 0103 Min Chu No.11588, Civil Judgement of First Instance	5,865 for dog treatment expenses, which this court confirms because there is treatment records and invoices from the pet hospital as evidence... The plaintiff also claimed that the dog itself was worth RMB 4,000. Since she failed to provide any evidence for this claim, this court does not support it.”
2	Fu X v. Wu X, Liability Dispute Case for Damage Caused by Raising Animals, the Primary People's Court of Chaoyang District, Beijing City, (2017)Jing 0105 Min Chu No.3641, Civil Judgement of First Instance	“...Therefore, since Dali, the dog raised by the defendant, bit Doudou, the dog raised by the plaintiff, the defendant should bear the liability for compensating the plaintiff for the property losses and other losses suffered as a result... Doudou's medical expenses were determined based on the medical expense receipts and other relevant evidence issued by the medical institution. The defendant claimed that the amount of Doudou's medical expenses was too high, but did not provide any contrary evidence to prove its rationality. This court does not accept the defendant's claim.”
3	Geng Yalin v. Gong Jiang et al., Motor Vehicle Traffic Accident Liability Dispute, the Primary People's Court of Tuquan County, Inner Mongolia	The court determined that the dog was worth RMB 1,300 when it died. The dog's medical expenses were RMB 4,370. “The plaintiff claimed compensation for the pomeranian's treatment and submitted a receipt. The two defendants refused to pay compensation on the grounds that the evidence was not a formal invoice. Since the receipt submitted by

	Autonomous Region, (2017)Nei 2224 Min Chu No.325, Civil Judgement of First Instance	the plaintiff was stamped with the official seal of Ulanhot Xiaodong Pet Clinic, this court accepted the evidence and supported the plaintiff's claim.”
4	Hangzhou Xihu Youjia Pet Supplies Store v. Wang Wei, Property Damage Compensation Dispute Appeal Case, the Intermediate People's Court of Hangzhou City, Zhejiang Province, (2017)Zhe 01 Min Zhong No.4422, Civil Judgement of Second Instance	The court of first instance held that the defendant had committed fault and should bear liability for the consequences of the plaintiff's dog's eye disease, and ordered the defendant to compensate the plaintiff for the dog's medical expenses of RMB 11,068. The court of second instance also held that: “...accordingly, the appellant failed to fully fulfill the above-mentioned protection obligations and failed to effectively prevent and avoid the expansion of the consequences of the damage. The original court determined that the appellant should bear full compensation liability for the losses caused by the dog's fracture and eye removal. This is legal and well-founded, and this court also agrees.”
5	Sun Xiuling v. Ye Zhen, Tort Liability Dispute, the Primary People's Court of Yuhang District, Hangzhou City, Zhejiang Province,	The market value of the British shorthair cat was RMB 2,500, and the other kitten was adopted (for free). The medical expenses for the two cats totaled RMB 24,000. “This court believes that the defendant accepted the plaintiff's entrustment to look after the cat and should have fulfilled the

	(2017)Zhe 0110 Min Chu No.11218, Civil Judgement of First Instance	corresponding diligence obligations. The defendant's failure to fulfill his obligations in the process of looking after the cats caused the plaintiff's cat to die. She was at fault and infringed the plaintiff's property rights and she should bear the responsibility for compensating for the loss. The plaintiff's claims for the defendant to compensate for the purchase and treatment costs of the cats is legally justified and this court supports it."
6	Lelapuspabintisaid v. Fang Miaoli, Property Damage Compensation Dispute, the Primary People's Court of Xihu District, Hangzhou City, Zhejiang Province, (2018)Zhe 0106 Min Chu No.5450, Civil Judgement of First Instance	The plaintiff's adopted black poodle was hit and injured, and the medical expenses were RMB 46,128. The court held that the plaintiff was primarily responsible (65%) and the defendant was secondarily responsible (35%). "This court has determined that the defendant should compensate the plaintiff for 35% of the RMB 46,128 medical expenses, which is RMB 16,144.80."
7	Wang Yuan v. Malinghai Gourmet Farm of Shiling Town, Huadu District, Guangzhou City, Liability Dispute for	"1. Medical expenses: Based on the certificate and expense list issued by the animal hospital, this court determines that the amount is RMB 10,392.5... 4. The subsequent treatment expenses for the dog have not actually occurred and there is no

	<p>Damage Caused by Raising Animals, the Intermediate People's Court of Huadu District, Guangdong Province, (2018)Yue 0114 Min Chu No.3272, Civil Judgement of First Instance</p>	<p>evidence to prove it, so this court does not support it in this case..."</p>
8	<p>Yuan Chungui v. Shen Qijun, Situ Shaodong, Property Damage Compensation Dispute, the Primary People's Court of Meilei District, Sanming City, Fujian Province, (2019)Min 0402 Min Chu No.2146, Civil Judgement of First Instance</p>	<p>The dog in question was worth RMB 3,500. "The labrador of Shen Qijun and Situ Shaodong bit Yuan Chungui's pomeranian to death, which is a dispute over property damage compensation. Shen Qijun and Situ Shaodong should compensate for the corresponding medical expenses for the pomeranian. Since Yuan Chungui claimed RMB 5,700 for the dog's treatment, which did not exceed the actual amount of RMB 5,710 in treatment expenses, this court supports it."</p>
9	<p>Lu Xiaomei v. Suzhou Danshenwang Trade Company Limited, Property Damage Compensation</p>	<p>The market value of the dog was RMB 5,000, and the medical expenses was RMB 6,588. The court of first instance court confirmed the dog treatment fee of RMB 6,588 on the premise of the medical record card, invoice,</p>

	<p>Dispute, the Intermediate People's Court of Suzhou City, Jiangsu Province, (2019)Su 05 Min Zhong No.3039, Civil Judgement of Second Instance</p>	<p>corresponding certificates, agreements and other evidence. Since neither party had strong evidence to exclude their own fault, the court ordered the defendant to pay the plaintiff RMB 2,000 at its discretion.</p> <p>The court of second instance held that: "Considering that Lu Xiaomei and Danshenwang Company each had the possibility of causing the dog to be infected with canine parvovirus, and each could not exclude its own reasons, they should each bear 50% of the responsibility." Based on the prescriptions, invoices, etc. provided by the plaintiff Lu Xiaomei, the court ordered the defendant to pay the plaintiff 50% of the medical expenses.</p>
10	<p>Zhang Zhang, Hou Yannan v. Song Chen, Property Damage Compensation Dispute, the Primary People's Court of Yubei District, Chongqing City, (2020)Yu 0112 Min Chu No.1695, Civil Judgement of First Instance</p>	<p>"Dog medical expenses: The plaintiff spent a total of RMB 4,440, which is proved by medical records and invoices and confirmed by this court. Dog purchase expenses: The plaintiff did not provide relevant evidence of the purchase expenses. Based on the market price and according to the circumstances, this court determines that the amount should be RMB 1,000."</p>

11	<p>Plaintiff Qi Yuan v. Defendants Wang Xiaosu, Wang Yue, Property Damage Compensation Dispute, the Primary People's Court of Qixia District, Nanjing City, Jiangsu Province, (2020)Su 0113 Min Chu No.4618, Civil Judgement of First Instance</p>	<p>“1. Regarding the medical expenses for trauma RMB 14,642: Although Wang Xiaosu claimed that there was over-medical treatment, Qi Yuan has submitted to this court the medical records and medical expense invoices of Boluo after its injury. Wang Xiaosu's verbal defense alone is not sufficient to determine that there was over-medical treatment. Therefore, this court confirms the medical expenses of RMB 14,642 incurred by Boluo for being bitten in accordance with the law.”</p> <p>At the end of the judgment, the judge wrote: “What needs to be explained in this case is that pet owners often devote a lot of emotion and energy to the process of raising pets, and establish a deep emotional relationship with their pets. The inner pain that Qi Yuan suffered due to the injury of her dog is understandable. However, as an infringement case, the division of responsibilities and the determination of losses should be based on facts and the law. Civilized dog raising and walking dogs with a leash have long been a social consensus. Raising animals is the right of the owner, but it is the responsibility and obligation of the owner to effectively restrain and manage the animals.”</p>
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12	<p>Yu Weigang v. Mao Gangqiang, Tort Liability Dispute, the Primary People's Court of Keqiao District, Shaoxing City, Zhejiang Province, (2021)Zhe 0603 Min Chu No.7261, Civil Judgement of First Instance</p>	<p>The plaintiff claimed that the purchase price of the dog was RMB 2,000, and claimed compensation for the dog's medical expenses of RMB 11,009.</p> <p>“The plaintiff claimed that he spent RMB 11,009 on the treatment of the bichon frise and submitted a list of fees and receipts from the relevant pet hospital. But the dog of the plaintiff is ultimately a type of property. Although dogs also have lives, they are not civil subjects that enjoy the right to life and health as stipulated by Chinese law. The money, energy, emotions, and other costs invested by each owner in raising their own dogs are also different. This case is a tort liability dispute. The plaintiff spent far more than the purchase price of the injured dog to treat it, which is obviously beyond the general foreseeable scope of the tortfeasor. Taking into account the purchase value of the bichon frise involved in the case, the length of the plaintiff's raising, the plaintiff's expenses, the defendant's degree of fault and other factors, this court determines the loss of the dog to be RMB 4,000 at its discretion.”</p>
13	<p>Yu Weigang v. Mao Gangqiang, Tort Liability Dispute, the Intermediate People's</p>	<p>“Yu Weigang claimed Mao Gangqiang to compensate him for a total of RMB 16,563 (including RMB 554 for human vaccines), but Yu Weigang said that the purchase price of</p>

	<p>Court of Shaoxing City, Zhejiang Province, (2021)Zhe06 Min Zhong No.4485, Civil Judgement of Second Instance</p>	<p>his dog was RMB 2,000, and the cost of his treatment of the dog was beyond the scope of what ordinary people could foresee. The court of first instance determined that the various economic losses incurred by Yu Weigang due to the accident in this case were RMB 4,614, which was reasonable, based on the purchase price of the dog, the time of raising the dog, the expenses, and the degree of Mao Gangqiang's fault.”</p>
<p>14</p>	<p>Wu Chao v. Wang Jianghui, Tort Liability Dispute, the Primary People's Court of Changge City, Henan Province, (2021)Yu1082 Min Chu No.5585, Civil Judgement of First Instance</p>	<p>“This court believes that animal keepers or managers have the obligation to control the animals they keep and must be responsible for the dangers of the animals they keep or manage, and ensure that their animals do not cause harm to others. Once harm is caused to others, the animal keeper or manager shall bear civil liability and cannot be exempted unless there is a statutory reason. The nature of animals determines that they have different degrees of danger of causing harm to people. The pit bull raised by the defendant in this case has an aggressive nature, and the pit bull was pregnant. When the defendant's family took it for a walk, they should have restrained it with a rope but didn't, causing it to bite the plaintiff's Japanese spitz that was being led. The defendant Wang Jianghui, as the breeder,</p>

		<p>was at fault and should bear all the responsibility for the dispute in this case. The plaintiff Wu Chao is not at fault and does not bear any liability. In accordance with Article 1245 of the Civil Code of the People's Republic of China, if the animals raised cause damage to others, the animal breeder or manager shall bear tort liability; however, if it can be proved that the damage was caused intentionally or by gross negligence of the injured party, the liability may not be borne or may be reduced. Article 1246 also stipulates that if the animal management regulations are violated and safety measures are not taken for the animals, causing damage to others, the animal breeder or manager shall bear tort liability; however, if it can be proved that the damage was caused intentionally by the injured party, the liability may be reduced. The plaintiff Wu Chao suffered the following losses: RMB 2,590 in medical expenses, RMB 685 in the cost of lost labour, totaling RMB 3,275.”</p>
15	<p>Zeng Pingmei v. Cai Xiaoyang et al., Property Damage Compensation Dispute, the Primary People's Court of</p>	<p>“1. Regarding the medical expenses RMB 14,129: The plaintiff’s pug was injured and sent to the hospital for treatment. From July 31st, 2021 to September 2nd, 2021, the total medical expenses were RMB 14,129, which is proved by the medical records, the</p>

	<p>Panyu District, Guangdong Province, (2021)Yue 0113 Min Chu No.23627, Civil Judgement of First Instance</p>	<p>plaintiff's payment voucher, the "Certificate" issued by the hospital, and the invoice. And this court confirms it. 2. Regarding the subsequent treatment costs RMB 20,000: The plaintiff's pug's eyeball fell off and the injury was serious, and the eye involved nerves and muscles, it was difficult to cure it once and for all. Therefore, the dog would inevitably incur subsequent treatment costs after being discharged from the hospital. This court referred to the 'Diagnosis Certificate on Pug Aimashi' Eye Prolapse on July 30, 2021' and 'Follow-up Diagnosis Certificate' issued by the Animal Hospital regarding follow-up treatment, combined with factors such as the age of the plaintiff and the defendant, the local living consumption level, and followed the principles of necessity and rationality, and decided that the follow-up treatment fee is RMB 20,000. 3. Regarding the plaintiff's other claims: The subsequent follow-up consultation fee of RMB 2,400 which has been determined has been included in the subsequent treatment cost, and from the evidence submitted by the plaintiff, the follow-up consultation fee did not reach RMB 2,400, so this court does not support it again."</p>
<p>16</p>	<p>Zuo Jiao v. Gao Junmin, Liability</p>	<p>(The judgment did not mention whether the medical costs of the two dogs exceeded their</p>

	<p>Dispute Case for Damage Caused by Raising Animals, the Primary People's Court of Gusu District, Suzhou City, Jiangsu Province, (2021)Su 0508 Min Chu No.10373, Civil Judgement of First Instance</p>	<p>market value. Based on a survey of the prices of pets in China, the author of this dissertation judged that the medical expenses of the pets involved in the case were not less than their market value.) “Regarding the various losses claimed by Zuo Jiao: Zuo Jiao claimed that the pet treatment costs were RMB 3,560, which was proved by medical records, invoices, payment records, etc., and this court accepts it. ...Regarding the various losses claimed by Gao Junmin: Gao Junmin provided photos to prove that the pet dog was indeed injured that day. Combined with the electronic medical records, prescriptions, cashier receipts, etc. this court confirms that the pet treatment costs claimed by Gao Junmin were RMB 4,225.”</p>
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In this type of opinions, some judges supported high medical expenses based on the probative value or mutual corroboration relationship of prescriptions, medical records, treatment information, hospital certificates, diagnosis certificates, follow-up certificates, invoices, medical receipts, payment vouchers, official seals and other materials.¹⁸² Some judges supported compensation for high medical expenses mainly based on the defendant's fault.¹⁸³ One judge supported this compensation on the grounds that the person who raised an animal and caused damage to others

¹⁸² See the (2017)Nei 2224 Min Chu No.325, (2016)Gui 0103 Min Chu No.11588, (2017)Jing 0105 Min Chu No.3641, (2018)Yue 0114 Min Chu No.3272, (2019)Min 0402 Min Chu No.2146, (2020)Yu 0112 Min Chu No.1695, (2021)Yue 0113 Min Chu No.23627, (2021)Su 0508 Min Chu No.10373 and (2019)Su 05 Min Zhong No.3039 Judgements.

¹⁸³ See the (2018)Zhe 0106 Min Chu No.5450, (2017)Zhe 0110 Min Chu No.11218 and (2017)Zhe 01 Min Zhong No.4422 Judgements.

should bear tort liability,¹⁸⁴ and one judge supported high medical expenses based on the purchase value of the dog, the time of raising it, the expenses and the degree of fault of the defendant.¹⁸⁵ Some judges also believed that high medical expenses should be limited to a certain amount and should be within the foreseeable range of ordinary people¹⁸⁶, because pets are ultimately just a kind of property, and it is inappropriate to spend far more than their market value on treatment.¹⁸⁷ Two other judges used medical records and invoices¹⁸⁸, hospital payment lists and payment receipts¹⁸⁹ as the main reasons and basis for their rulings, supporting the high medical expenses¹⁹⁰. However, it is worth noting that the two judges mentioned the human-pet relationship and the mental suffering of the pet owners in other analyses, but this was not the reason they supported the high medical expenses.

1.2. Pets' Particularity + Socially Positive Value Orientation of Medical Treatment for Pets

Although this view did not involve analysis of the human-pet relationship or the emotional suffering of the pet owner, the judges recognized the special nature of pets and actively affirmed the correct social value orientation of high-cost medical rescue for pets. 2 judgments in 2020 reflected this view.

Table 18: Judges' Reasons

No.	Judgements	Reasons
1	Zhang Huixiang v. Ke Yaru, Liability Dispute Case for Damage	The medical expenses for the poodle were RMB 6,148, and its market value was RMB 2,000. "Ke Yaru argued that Zhang

¹⁸⁴ See the (2021)Yu 1082 Min Chu No.5585 Judgement.

¹⁸⁵ See the (2021)Zhe 06 Min Zhong No.4485 Judgement.

¹⁸⁶ See the (2021)Zhe 0603 Min Chu No.7261 and (2021)Zhe 06 Min Zhong No.4485 Judgements.

¹⁸⁷ See the (2021)Zhe 0603 Min Chu No.7261 Judgement.

¹⁸⁸ See the (2020)Su 0113 Min Chu No.4618 Judgement.

¹⁸⁹ See the (2021)Zhe 0603 Min Chu No.7261 Judgement.

¹⁹⁰ See the (2020)Su 0113 Min Chu No.4618 and (2021)Zhe 0603 Min Chu No.7261 Judgements.

	<p>Caused by Raising Animals, the Primary People's Court of Hongshan District, Wuhan City, Hubei Province, (2019)E 0111 Min Chu No.6934, Civil Judgement of First Instance</p>	<p>Huixiang chose to perform surgery on the poodle even though she knew that the poodle could not be successfully treated, which was a self-expanded loss, and the cost of treatment should not be supported. The dog is both Zhang Huixiang's property and a living animal. It is reasonable and in line with correct social value orientation for Zhang Huixiang to treat the dog in the hope that it will survive after being injured. Zhang Huixiang submitted the poodle's medical records and payment vouchers. The RMB 6,148 (including the RMB 1,000 paid in advance by Ke Yaru) is based on facts and is reasonable and necessary. Therefore, Zhang Huixiang's claim for RMB 6,148 for dog treatment is supported."</p>
<p>2</p>	<p>Ke Yaru v. Zhang Huixiang, Liability Dispute Case for Damage Caused by Raising Animals, the Intermediate People's Court of Wuhan City, Hubei Province, (2020)E 01 Min Zhong No.7124, Civil Judgement of Second Instance</p>	<p>The court of second instance upheld the original judgement.</p>

In the two judgments, the judges made positive comments on the medical rescue of pets that exceeded their own market value, believing that such rescue behavior was in line with common sense and correct social value orientation, based on facts and reasonable and necessary.¹⁹¹ The judges also confirmed that “the dog is both Zhang Huixiang's property and a living animal”¹⁹², that is, it is different from ordinary objects and is a special object. Although it did not involve the analysis and consideration of the human-pet relationship and the mental suffering of the pet owner, the judges took a positive and respectful attitude towards the special relationship between people and pets.

1.3. Emotional Factors

In the following judgments, the judges' analysis took into account the recognition of the special emotional connection between pets and people, or the mental suffering of the owner, and this was an important reason for the judges to support high medical expenses. 6 judgments between 2015 and 2020 reflected this view.

Table 19: Judges' Reasons

No.	Judgements	Reasons
1	Wang Xuan v. Wang Jianjun, Liability Dispute Case for Damage caused by Raising Animals, the Primary People's Court of Xinshi	The plaintiff claimed the defendant to compensate for 85% of the medical expenses of the pet dog, which is RMB 17,771.8. “The main focus of the dispute in this case is whether the plaintiff Wang Xuan's visit to Beijing for treatment of her pet is an

¹⁹¹ See the (2019)E 0111 Min Chu No.6934 and (2020)E 01 Min Zhong No.7124 Judgements.

¹⁹² See the (2019)E 0111 Min Chu No.6934 and (2020)E 01 Min Zhong No.7124 Judgements.

	<p>District, Urumqi City, Xinjiang Uygur Autonomous Region, (2015)Xin Min Yi Chu Zi No.2328, Civil Judgement of First Instance</p>	<p>expansion of her loss. The defendant argued that the injury to the plaintiff's dog was property damage and that the plaintiff's taking the dog to Beijing for treatment was an increase in the plaintiff's losses. After this court investigated the Wangwang Animal Clinic in Shuimogou District, Urumqi City, it can be confirmed that the plaintiff Wang Xuan's pet dog was in critical condition after being bitten by Wang Jianjun's large dog. The hospital only performed basic treatment on the dog's external wounds, and did not perform surgery on the dog's thoracic penetration, rupture of the diaphragm, and entry of abdominal contents into the thoracic cavity. Due to the hospital's equipment limit, the doctors' surgical experience, and the actual situation of the plaintiff's pet dog, the hospital's success rate in performing surgery on the plaintiff's pet dog is low, and the hospital advised the plaintiff to go to other hospitals or other large cities for surgery for the dog. The plaintiff and her family have raised the pet dog for 8 years. Although in traditional concepts, the life of a dog cannot be compared with that of a human, for dog lovers and dog owners, the relationship between an owner and a pet dog is like the relationship between a human and a child.</p>
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		<p>There is no excuse for a dog owner faced with a life-threatening situation for his or her pet dog not to choose a treatment plan that is more conducive to the dog's survival. From the actual situation of this case, it is extremely risky for the plaintiff's dog to undergo surgery locally. Therefore, this court believes that it is reasonable for the plaintiff to go to Beijing to treat her pet dog. However, both the plaintiff and her father took their pet dog to Beijing for treatment, which incurred two people's transportation and accommodation expenses, which is an increase in losses. This court believes that the expenses of one person are appropriate. For the various expenses claimed by the plaintiff, the defendant Wang Jianjun acknowledged that he was responsible for compensating 85% of the plaintiff Wang Xuan's medical expenses. This court confirms that the defendant compensated the plaintiff for 85% of the losses.”</p>
2	<p>Qi Haiguang v. Civil Defence Office of Jing'an District of Shanghai City, Shanghai Branch of China Life Property and Casualty</p>	<p>“According to the existing laws of our country, pet dogs belong to the category of property. The accident caused damage to the pet dog, and the infringer shall bear the liability for property compensation. This liability should generally be based on the principle of property restoration. If restoration is</p>

	<p>Insurance Company Limited, Motor Vehicle Traffic Accident Liability Dispute, the Primary People's Court of Jing'an District, Shanghai City, (2016)Hu 0106 Min Chu No.7970, Civil Judgement of First Instance</p>	<p>impossible or the cost of restoration obviously exceeds the value of the property itself, it should be calculated according to the market price of the property at the time of the loss. Considering the breed and age of the injured pet dog in this case, the cost spent by the plaintiff on treating the pet dog is obviously greater than the market value of the pet dog itself. However, in view of the special emotional connection between people and pets, and taking into account the plaintiff's investment in raising the pet, the commodity price level of this city, and the basic expenses required to ensure the survival of the pet dog, this court confirms the loss as RMB 10,000 at its discretion.”</p>
3	<p>Ye Zhen v. Sun Xiuling, Tort Liability Dispute Appeal Case, the Intermediate People's Court of Hangzhou City, Zhejiang Province, (2017)Zhe 01 Min Zhong No.7970, Civil Judgement of Second Instance</p>	<p>The market value of the British shorthair cat was RMB 2,500, and the other kitten was adopted (for free). The medical expenses for the two cats totaled RMB 24,000. “Article 373 of the Contract Law of the People's Republic of China stipulates that: 'If the property in custody is damaged or lost due to the custodian's improper custody during the custody period, the custodian shall bear liability for damages; however, if the custody is free of charge and the custodian can prove that he or she did not have gross negligence, he or she shall not bear liability</p>

		<p>for damages.’ In this case, because Ye Zhen did not manage the two cats properly, the cats became sick after being lost, and ultimately could not be saved after treatment. The RMB 24,000 that Sun Xiuling spent on treating the cats and the cost of purchasing the cats should be borne by Ye Zhen. Ye Zhen appealed that there was no causal relationship between the cats' illness and the loss of the cats, and claimed that Sun Xiuling had expanded the loss. As Ye Zhen had no evidence to prove that the cats were already sick when Sun Xiuling entrusted them to her, and Sun Xiuling treated the cats immediately after finding them, it can be inferred that the cats got sick during Ye Zhen's custody or after they were lost. Sun Xiuling invested affection onto the cats she kept, and tried her best to rescue them after they got sick. This was a sign of respect for life, and there was no case of expanding the loss. Therefore, this court does not support this ground of appeal of Ye Zhen.”</p>
4	<p>Ma Yumei v. Wang Wenyong, Yibang Taxi Limited Liability Company of Lingbi County, Motor Vehicle Traffic Accident</p>	<p>The dog treatment fee was RMB 12,105, and the defendant believed that the dog was only worth RMB 800. “Private property rights are protected by law and cannot be infringed by any organisation or individual. In this case, although the</p>

	<p>Liability Dispute, the Primary People's Court of Lingbi County, Anhui Province, (2018)Wan 1323 Min Chu No.1814, Civil Judgement of First Instance</p>	<p>plaintiff's pet dog is a property, it accompanies the plaintiff as a pet, and there is emotional relationship between them. After the pet dog was injured, the plaintiff's treatment costs exceeded the value of the pet dog itself, but as long as the cost is not abnormally high, it should be considered a reasonable loss. Therefore, the plaintiff claimed compensation for the actual losses incurred in treating her pet dog, and this court supports it. Combined with the specific circumstances of this case, this court confirms that the plaintiff Ma Yumei's losses are: medical expenses of RMB 12,015 and transportation expenses of RMB 600.”</p>
<p>5</p>	<p>Yang Juan v. Wang Xin, Property Damage Compensation Dispute, the Primary People's Court of Yubei District, Chongqing City, (2019)Yu 0112 Min Chu No.15636, Civil Judgement of First Instance</p>	<p>The defendant believed that the dog was worth about RMB 1,000, and the plaintiff claimed compensation for the dog's medical expenses totaling RMB 27,056.5. “This court believes that although dogs are property attached to people, they generally have emotional connections with their owners. The plaintiff's cost of treating her poodle may far exceed the market value of the dog, but the plaintiff still requires full treatment for the dog, which also shows that the plaintiff has a deep affection for her pet dog. As a dog owner, the defendant should also understand this. The defendant's golden</p>

		<p>retriever biting caused the poodle to be injured and treated, which directly caused the plaintiff to suffer economic losses. The plaintiff has the right to claim the loss from the golden retriever breeder, the defendant.”</p>
<p>6</p>	<p>Mao Fengzhu v. Liu Yixin, Wang Fusheng, Property Damage Compensation Dispute, the Primary People's Court of Heping District, Shenyang City, Liaoning Province, (2020)Liao 0102 Min Chu No.17932, Civil Judgement of First Instance</p>	<p>The market value of the dog was RMB 1,000, and the treatment fee was RMB 30,130.</p> <p>“The dogs raised by the two defendants rushed outside their yard and bit the plaintiff and her pet dog, and there is no evidence to prove that the plaintiff acted intentionally or grossly negligently. The two defendants should bear the liability for compensation to the plaintiff for the consequences caused by their dogs. The compensation liability should be based on the principle of making up for the losses and limited to reasonable losses.”</p> <p>“Regarding the medical expenses of RMB 30,130 paid by the plaintiff for the treatment of her pet dog: After the pet dog was seriously injured, the plaintiff took it to another hospital to seek better medical methods and took active measures to restore its health. Such actions did not violate the law and were in line with normal logic and the purpose of the above actions was reasonable. However, when the hospital had informed the plaintiff that it was not appropriate to perform another surgery in a</p>

		short period of time, the plaintiff still insisted on performing two major operations on the seriously injured pet dog in a short period of time. This specific treatment method chosen by the plaintiff was not reasonable, so the medical expenses paid by her should not be borne entirely by the two defendants. Taking into account the above reasons and the fact that the plaintiff is not a professional after all and was in a hurry, and the plaintiff is not at fault for the occurrence of this incident, this court decides that she shall bear 30% of the expenses she paid, and the remaining 70% shall be borne by the two defendants. The specific expenses borne by the two defendants are RMB 21,091 (RMB 30,130 × 70%).”
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The above 6 judges believed that although in property compensation, if the property cannot be repaired or the cost of repair obviously exceeds the value of the property itself, the cost should be calculated according to the market value of the property, but the special emotional connection between people and pets was a sufficient and powerful reason (not only respect for life¹⁹³, but also understanding of human emotional needs¹⁹⁴). Therefore, they supported the pet owners' medical rescue actions, even if the reasonable and not abnormally high medical expenses obviously exceeded the market value of the pets, and did not confirm the pet owners' increasing the loss.¹⁹⁵ Understandably, as these judges were aware of the special

¹⁹³ See the (2017) Zhe 01 Min Zhong No.7970 Judgement.

¹⁹⁴ See the (2019)Yu 0112 Min Chu No.15636 and (2020)Liao 0102 Min Chu No.17932 Judgements.

¹⁹⁵ See the (2016)Hu 0106 Min Chu No.7970, (2018)Wan 1323 Min Chu No.1814, (2015)Xin Min Yi Chu Zi

relationship between pets and human beings, a distinction has to be made between pet compensation and ordinary property compensation, if human emotional well-being is to be taken into account. After all, “although in traditional concepts, the life of a dog cannot be compared with that of a human, for dog lovers and dog owners, the relationship between an owner and a pet dog is like the relationship between a human and a child”¹⁹⁶, therefore, the rescue actions were in line with normal logic and with reasonable purpose,¹⁹⁷ and should be supported. Unfortunately, these judges failed to further confirm the particularity of pets as "special objects", and failed to link the special relationship between humans and pets (like the relationship between humans and children¹⁹⁸) with the personal significance that pets possess.

1.4. Emotional Factors + Special Objects/Special Property

In the following judgements, the judges considered that pets were special objects/property and, out of consideration for their life and emotional character, in combination with other causes, the judges supported the compensation for compensation for excessive medical expenses. 10 judgements occurring between 2016 and 2020 reflected this view.

Table 20: Judges' Reasons

No.	Judgements	Reasons
1	Fang Jianguo v. Chen Xuanyi et al., Motor Vehicle Traffic Accident Liability Dispute, the Primary	The defendant believed that the dog's market value was RMB 1,500. The dog's surgery costed nearly RMB 20,000. Based on the medical records and invoices, the court recognized the medical expenses of RMB

No.2328, (2019)Yu 0112 Min Chu No.15636 and (2017)Zhe 01 Min Zhong No.7970 Judgements.

¹⁹⁶ See the (2015)Xin Min Yi Chu Zi No.2328 Judgement.

¹⁹⁷ See the (2020)Liao 0102 Min Chu No.17932 Judgement.

¹⁹⁸ See the (2015)Xin Min Yi Chu Zi No.2328 Judgement.

	<p>People's Court of Qindu District, Xianyang City, Shaanxi Province, (2016)Shaan 0402 Min Chu No.1051, Civil Judgement of First Instance</p>	<p>18,045.</p> <p>The court believed that “pet dogs belong to the scope of objects in traffic accidents, but they are different from ordinary inanimate objects. The pet dog has life and has a certain psychological closeness, spiritual and emotional factors with the owner Fang Jianguo. The defendant Shaanxi Branch of Huatai Insurance argued that the repair cost of the property is greater than the market value and the compensation should be calculated according to the market value. This court does not accept the defendant’s opinion.”</p>
<p>2</p>	<p>Shaanxi Branch of Huatai Property and Casualty Insurance Company Limited v. Fang Jianguo et al., Motor Vehicle Traffic Accident Liability Dispute Appeal Case, the Intermediate People’s Court of Xianyang City, Shaanxi Province, (2016) Shaan 04 Min Zhong No.2342, Civil Judgment of Second</p>	<p>The court of second instance upheld the original judgment: “The appellant believes that the court of first instance's determination of the facts was unclear and incorrect and that the appellant was ordered to compensate the pet dog’s medical expenses for more than RMB 16,000, which increased the appellant's liability for compensation and damaged the appellant's legitimate rights and interests. After this court’s investigation, it is found that pet dogs have life characteristics and cannot be simply measured by the objective value of the property itself. They should be treated as specific property endowed with special spiritual significance.</p>

	<p>Instance</p>	<p>Fang Jianguo should be compensated for the reasonable medical expenses he spent on saving the pet dog. The court of first instance's determination on the facts was clear and right, and this court does not support the appellant's grounds for appeal on this point."</p>
<p>3</p>	<p>Chen Jiamin v. Li Minyan, Tort Liability Dispute, the Primary People's Court of Sanshui District, Foshan City, Guangdong Province, (2016)Yue 0607 Min Chu No.2271, Civil Judgement of First Instance</p>	<p>"As for medical expenses: After verification by this court, the medical expenses incurred during Huihui's hospitalization were RMB 11,710. Although this amount is greater than the market value of Huihui itself, pets have life characteristics compared to general properties such as real estate and vehicles, and they are not just single property for their owners ¹⁹⁹ . Pet damages compensation should be different from that of general property damages such as movable and immovable properties, and cannot be simply measured by the objective value of the property itself. In this case, the actual medical expenses incurred should be used as the basis for calculating the amount of compensation." Since the court determined that the plaintiff and the defendant each should pay half of the responsibility, the defendant was ordered to pay the medical expenses in proportion.</p>

¹⁹⁹ This can be read as the judge implicitly meaning that the pet was property of emotional value.

4	<p>Maanshan Branch of PICC Property and Casualty Insurance Company Limited v. Shen Li, Wang Zhuo, Motor Vehicle Traffic Accident Liability Dispute, the Intermediate People's Court of Maanshan City, Anhui Province, (2017)Wan 05 Min Zhong No.1091, Civil Judgement of Second Instance</p>	<p>The court of first instance held that: “The RMB 30,320 Shen Li spent to rescue her pet dog was proved by medical records, expense lists, value-added tax invoices, receipts and other evidence. This expense should be recognized as Shen Li’s property damage expense.”</p> <p>The court of second instance also held that: “The injured corgi in this case is a living being with warmth and emotions, not an ordinary object that can be repaired. Actively treating injured animals and saving their lives are also what kind people should do. The value of a life should not be coldly quantified by its market purchase price, and the cost of its rescue should not be limited to its market price, but should be based on necessity and rationality.”</p>
5	<p>Zhang Kaiwen v. Li Yanjun, Liability Dispute Case for Damage Caused by Raising Animals, the Primary People's Court of Wanli District, Nanchang City, Jiangxi Province, (2018)Gan 0105 Min Chu No.196, Civil</p>	<p>“Although in traditional concepts, the life of a dog cannot be compared with that of a human, for dog lovers and dog owners, pet dogs are different from general objects, and their owners have invested certain emotions in them. Therefore, it is understandable that the owner actively treats the pet dog after it is injured. However, the treatment should be within reasonable and necessary limits. If a pet's medical expenses should be compensated without restriction simply</p>

	<p>Judgement of First Instance</p>	<p>because of the owner's love for the pet, it is tantamount to imposing one's love on others. In this case, the plaintiff stated that the price of Tiantian was RMB 5,000, but her request to 'order the defendant to compensate the plaintiff's dog's medical expenses and subsequent treatment expenses totaling RMB 80,505' has far exceeded the value of Tiantian itself, and exceeds reasonable and necessary limits. Therefore, in combination with the specific facts of this case and the plaintiff's statement on the price of Tiantian, considering the rationality of the pet's medical expenses, this court has decided that the defendant should compensate the plaintiff for the plaintiff's pet's medical expenses of RMB 10,000."</p>
<p>6</p>	<p>Zhang Kaiwen v. Li Yanjun, Liability Dispute Case for Damage Caused by Raising Animals, the Intermediate People's Court of Nanchang City, Jiangxi Province, (2019)Gan 01 Min Zhong No.412, Civil Judgement of Second Instance</p>	<p>"This case is a property damage dispute caused by infringement of the property rights of one party. Compensation for property damage should be determined according to the market price at the time of the loss. Only when the market price cannot be determined, other methods of calculation should be applied. In this case, the market price of the pet dog Tiantian raised by the appellant Zhang Kaiwen is RMB 5,000, and the medical expenses and subsequent treatment expenses of the dog claimed by the appellant</p>

		<p>Zhang Kaiwen totaled more than RMB 80,000, which far exceeded the value of the pet dog itself. The cost has exceeded the reasonable and necessary limit. The court of first instance considered that pet dogs were different from ordinary property, and combined with the fact that the appellant Zhang Kaiwen herself was also at fault for the injury of the pet dog, so it was not improper for the court of first instance to determine the compensation of RMB 10,000 at its discretion, and this court upholds it.”</p>
7	<p>Wang Dazhong v. Zhang Shu, Tort Liability Dispute, the Intermediate People's Court of Hefei City, Anhui Province, (2019)Wan 01 Min Zhong No.7260, Civil Judgement of Second Instance</p>	<p>The court of first instance held that: "The injury to the pet dog can be regarded as property loss due to infringement. In the spirit of humanitarianism, the surgical fee of RMB 3,850 and the medical fee of RMB 275 for the pet dog should be recognized as direct losses, and the court of first instance supported this."</p> <p>The court of second instance held that: "Pet dogs have the characteristic of life compared to general property, but except for state-protected animals, the current law does not make special protection provisions for general animals. Under the current legal framework, damages to pets can only be compensated with reference to property damage. According to the principle of making</p>

		<p>up for the losses of property damage compensation, if the value of the pet dog raised by Zhang Shu, including the cost of vaccines, is only RMB 1,300, it is inappropriate for Zhang Shu to spend RMB 3,850 on its medical expenses. In view of the particularity of pets among property, the pet not only has property value, but also was attached deep emotions for Zhang Shu. It cannot be simply measured by the objective value of the property itself and the market value and spiritual comfort value of the pet dog can be comprehensively considered to determine the medical expenses. In this case, the medical expenses of the pet dog are several times the market value of the pet. The gap between the medical expenses spent and the market value of the pet is large, and it cannot be fully compensated. It can be determined that Wang Dazhong should bear the treatment expenses of the pet dog of RMB 2,000.”</p>
8	<p>Yin Xiaoqing v. Suzhou Central Branch of China Ping'an Property and Casualty Insurance Company Limited, Qiao Dong, Motor</p>	<p>“Regarding the plaintiff's claim for pet treatment fees of RMB 12,840: The plaintiff provided evidence such as medical records, settlement statements, screenshots of payment bills, and medical service fee invoices. The defendant, Ping'an Insurance Company, did not recognize this and</p>

	<p>Vehicle Traffic Accident Liability Dispute, the Primary People's Court of Pudong New Area, Shanghai City, (2019)Hu 0115 Min Chu No.75115, Civil Judgement of First Instance</p>	<p>believed that the fees claimed by the plaintiff should not exceed the market price of the same breed of dog at the time of the accident. This court believes that during the plaintiff's treatment of the pet dog, the pet clinic's charging and billing model were not decided by the plaintiff independently. The evidence provided by the plaintiff can corroborate that the plaintiff actually spent RMB 12,840 to treat her pet dog, so this court confirms the amount. In addition, although pet dogs are the property of their owners in legal nature, they also have the natural attributes of life. In the process of raising a pet, the owner not only invests money, but also time and energy, so there will be emotional connection between them. Pet dogs are specific objects to the owner, different from other general property. Therefore, the losses compensated for traffic accidents should not be limited to the market value of similar pet dogs. The plaintiff's claim for pet treatment expenses of RMB 12,840 is still within a reasonable range, and this court supports it."</p>
<p>9</p>	<p>Shi Changhong v. Liu Xinglei, Faku Branch of PICC Property and Casualty Insurance Company Limited,</p>	<p>The cost of the dog treatment is RMB 26,032. The insurance company argued that "the value of the pet dog in this accident is far lower than the cost of its rescue". The court supported the plaintiff: "Regarding the</p>

	<p>Motor Vehicle Traffic Accident Liability Dispute, the Primary People's Court of Faku County, Liaoning Province, (2020)Liao 0124 Min Chu No.1228, Civil Judgement of First Instance</p>	<p>rationality of the treatment of the pet dog: First of all, the pet dog is property. Secondly, as a pet dog that has lived with the plaintiff for a long time, it is inevitable that there will be an emotional dependence between the owner and the pet dog. Therefore, compared with ordinary property, the pet dog has its particularity. Since the pet dog's leg was injured, as the owner, the plaintiff actively treated it. This is reasonable, rational and legal. Therefore, the plaintiff's medical expenses for the treatment of the pet dog are supported. Regarding the amount of treatment expenses: The plaintiff spent RMB 25,405 on treatment at Shenyang Yongkang Pet Hospital and she provided formal invoices and expenditure details, which should be supported. The receipt of RMB 627 issued by the Wu Veterinary Animal Clinic in Faku County, which was submitted by the plaintiff, was the expense of the plaintiff taking the pet dog to the Wu Veterinary Animal Clinic in Faku County for a preliminary examination shortly after the accident. It is in line with the actual situation and should be supported. Therefore, the plaintiff's medical expenses of RMB 26,032 are confirmed."</p>
<p>10</p>	<p>Yu Youlin v. Guo Yuexia, Ma Quanjun,</p>	<p>"Regarding the medical expenses of Xiaobai: Although in traditional concepts, the life of a</p>

	<p>Property Damage Compensation Dispute, the Primary People's Court of Jinshui District, Zhengzhou City, Henan Province, (2020)Yu 01 XX Min Chu No.14521, Civil Judgement of First Instance</p>	<p>dog cannot be compared with that of a human, for dog lovers and dog owners, pet dogs are different from general objects, and their owners have invested certain emotions in them. Therefore, it is beyond reproach that the owner actively treats the pet dog after it is injured. However, the treatment should be within reasonable and necessary limits. If a pet's medical expenses should be compensated without restriction simply because of the owner's love for the pet, it is tantamount to imposing one's love on others. In this case, the market price of the pomeranian in Zhengzhou City is about RMB 1,000, but the plaintiff requested 'the two defendants to compensate the plaintiff for the medical expenses and subsequent treatment expenses of the dog totaling RMB 36,323.5 (medical expenses of RMB 29,323.5 have been incurred, and subsequent treatment expenses about RMB 7,000)', which far exceeds the value of the pomeranian itself and exceeds the reasonable and necessary limits. Therefore, combined with the facts of this case and the market price of the pomeranian, considering the rationality of pet medical expenses, this court decides that the two defendants compensate the plaintiff for RMB 8,000 in pet medical expenses."</p>
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In these 10 judgments, the judges clearly recognized the special nature of pets, which was different from ordinary property. This particularity was based on the life characteristics of pets and the emotional connection between human and pets.²⁰⁰

4 judges accurately identified pets as special objects or property.²⁰¹ Some judges also recognized the special nature of pets through comparative descriptions, such as a pet is “a living being with warmth and emotions, not an ordinary object that can be repaired”²⁰², “different from ordinary inanimate objects”²⁰³, “different from general objects”²⁰⁴, “different from ordinary property”²⁰⁵, and “pet damages compensation should be different from that of general property damages such as movable and immovable properties.”²⁰⁶ In the view of these judges, the specific manifestations of the particularity of pets are that pets have life attributes²⁰⁷; “there will be an emotional dependence between the owner and the pet dog”²⁰⁸, “there will be emotional connection”²⁰⁹, the pet “has a certain psychological closeness, spiritual and emotional factors with the owner”²¹⁰, “the pet not only has property value, but also was attached deep emotions...”²¹¹

²⁰⁰ Among them, in the (2016)Yue 0607 Min Chu No.2271, (2017)Wan 05 Min Zhong No.1091, and (2019)Gan 01 Min Zhong No.412 Judgements, the emotional factors were not mentioned literally, but judging from the judge's writing and the logical reasoning between the first and second instance judgments of the same case, emotional factors were actually taken into consideration. For example, 1. When the judge mentioned that pets had life characteristics, and were not just single property for their owners, he implicitly emphasized the special spiritual comfort significance of pets to pet owners; 2. The judge referred to the injured corgi as a warm and emotional life, which meant that the dog naturally had an emotional connection with the pet owner; 3. The judge believed that the medical expenses claimed by the pet owner had far exceeded the value of the pet dog itself and exceeded the reasonable and necessary limits. The expenditure of excessive medical expenses can be considered as the result of the pet owner's behavior based on the emotional factors between people and pets. In addition, The emotional factors were mentioned in the first-instance judgment and the second-instance court did not deny it. Therefore, the judge took the emotional factors into consideration in this judgment.

²⁰¹ See the (2020)Liao 0124 Min Chu No.1228, (2019)Hu 0115 Min Chu No.75115, (2019)Wan 01 Min Zhong No.7260 and (2016)Shan 04 Min Zhong No.2342 Judgements.

²⁰² See the (2017)Wan 05 Min Zhong No.1091 Judgement.

²⁰³ See the (2016)Shan 0402 Min Chu No.1051 Judgement.

²⁰⁴ See the (2018)Gan 0105 Min Chu No.196 and (2020)Yu 01 Mou Mou Min Chu No.14521 Judgements.

²⁰⁵ See the (2019)Gan 01 Min Zhong No.412 Judgement.

²⁰⁶ See the (2016)Yue 0607 Min Chu No.2271 Judgement.

²⁰⁷ See the (2016)Shan 04 Min Zhong No.2342, (2019)Hu 0115 Min Chu No.75115 and (2016)Yue 0607 Min Chu No.2271 Judgements.

²⁰⁸ See the (2020)Liao 0124 Min Chu No.1228 Judgement.

²⁰⁹ See the (2019)Hu 0115 Min Chu No.75115 Judgement.

²¹⁰ See the (2016)Shan 0402 Min Chu No.1051 Judgement.

²¹¹ See the (2019)Wan 01 Min Zhong No.7260 Judgement.

Therefore, most of these judges believed that “it cannot be simply measured by the objective value of the property itself and the market value and spiritual comfort value of the pet dog can be comprehensively considered to determine the medical expenses”²¹² and that pets “should be treated as specific property endowed with special spiritual significance.”²¹³

However, many judges also mentioned that although the cost of treatment was not limited to the market price of the pet, it should also be within a necessary and reasonable range.²¹⁴ Therefore, in some cases where the cost of treatment was abnormally high, when the judges determined that the burden of compensation for medical expenses exceeded the reasonable and necessary limits, they appropriately reduced the compensation liability of the infringer accordingly.²¹⁵

In addition, among such opinions, there were also judges who, in addition to affirming the special nature of pets, believed that actively rescuing pets was an act of kindness²¹⁶, which is reasonable, rational and legal²¹⁷, and beyond reproach²¹⁸, and affirmed the positive social value-oriented significance of these behaviors.

1.5. Emotional Factors + Special Objects/Special Property + Family Member Status

The judges recognized the emotional factors of pets and positioned pets as special objects and family members, which was an important reason why judges supported

²¹² See the (2019)Wan 01 Min Zhong No.7260 Judgement.

²¹³ See the (2016)Shan 04 Min Zhong No.2342 Judgement.

²¹⁴ See the (2017)Wan 05 Min Zhong No.1091, (2016)Shan 04 Min Zhong No.2342, (2019)Hu 0115 Min Chu No.75115, (2019)Wan 01 Min Zhong No.7260, (2018)Gan 0105 Min Chu No.196, (2019)Gan 01 Min Zhong No.412 and (2020)Yu 01 Mou Mou Min Chu No.14521 Judgements.

²¹⁵ See the (2019)Wan 01 Min Zhong No.7260, (2018)Gan 0105 Min Chu No.196, (2019)Gan 01 Min Zhong No.412 and (2020)Yu 01 Mou Mou Min Chu No.14521 Judgements.

²¹⁶ See the (2017)Wan 05 Min Zhong No.1091 Judgement.

²¹⁷ See the (2020)Liao 0124 Min Chu No.1228 Judgement.

²¹⁸ See the (2020)Yu 01 Mou Mou Min Chu No.14521 Judgement.

excessive medical expenses. 2 judgments that occurred between 2017 and 2021 reflected this view.

Table 21: Judges' Reasons

No.	Judgements	Reasons
1	<p>Shen Zhihua v. Zhang Xinwang et al., Motor Vehicle Traffic Accident Liability Dispute, the Primary People's Court of Xinzhou District, Shangrao City, Jiangxi Province, (2017)Gan 1102 Min Chu No.2604, Civil Judgement of First Instance</p>	<p>The total medical expenses and emergency treatment costs for the dog amounted to RMB 33,515.</p> <p>Regarding the excessive medical expenses, namely the question of "whether the cost of treating injured pet dogs is limited to their market value", the court held that: "Pet dogs are different from ordinary objects and human's life and health. From the current legal definition and actual life, pet dogs are essentially regarded as objects and they are special objects. Pet dogs are living objects. Any living being should be respected, not to mention pet dogs that have been raised for many years and have become a member of the family. Therefore, in this case, after the pet dog Naonao was injured in a traffic accident and suffered a pelvic fracture, the plaintiff Shen Zhihua, as the owner of the dog, actively treated the dog, which is beyond reproach. In summary, the value of treating the pet dog Naonao injured in the traffic accident in the case cannot be measured by the market value of the dog, but is reflected in the emotional</p>

		<p>value and spiritual value with the owner, and more importantly, in the respect for life. Therefore, this court partially supports the plaintiff's request for reasonable expenses for treating the pet dog.”²¹⁹</p>
2	<p>Li Dongjian v. Yu Ting, Property Damage Compensation Dispute, the Intermediate People's Court of Suzhou City, Jiangsu Province, (2021)Su 05 Min Zhong No.7416, Civil Judgement of Second Instance</p>	<p>The dog's treatment costs were RMB 29,935, and the pet wheelchair costs were RMB 650. The plaintiff stated that the dog was worth RMB 6,000, but there was no evidence to prove this. The court of first instance held that “Regarding the scope and the proportion of liability...This case is for liability for damages caused by the destruction of property, and the objective value is generally considered through repair and replacement. From an economic perspective, combined with the condition of Li Dongjian's pet dog and the cost of its diagnosis and treatment, the cost of rescue obviously exceeded the value of the damaged property. In addition, from the doctor's notification of critical illness, Li Dongjian has the right to choose whether to continue treatment based on personal circumstances, so the subsequent cost increase has exceeded Yu Ting's cognition and fault of the damage at the time of infringement, and the cost of diagnosis and treatment should not be borne entirely by Yu Ting. In addition, Li Dongjian's dog raising</p>

²¹⁹ The judge in this case also affirmed in the discussion on mental damage compensation that pets are specific objects with personal significance or spiritual and emotional value.

		<p>violated administrative supervision (author's note: no dog raising license), and he has a certain fault. Combined with the purchase cost of Li Dongjian's pet dog, the cost of medical examination, Li Dongjian's own fault, and taking into account Li Dongjian's emotional factors for the pet dog, after deducting the expenses already paid by Yu Ting, it is comprehensively determined that Yu Ting should pay Li Dongjian RMB 4,500.”</p> <p>The court of second instance held that “Although this case is a dispute over compensation for property damage, dogs are indeed objects in a broad sense, but they are also different from general objects. Pet dogs are living things. Although in traditional concepts, the life of a pet dog cannot be compared with human life, with the development of society and the change of concepts, more and more dog owners regard their pet dogs as one of their "family members" and devote their emotions to them. Pet dogs can bring spiritual comfort to the owners, which is different from ordinary objects. When a dog is injured in a way that affects its health or even life, such is human nature for the owner to choose to treat it within their financial capabilities. Moreover, Lee Dongjian's pet dog has been with him for more than 5 years, and he has a deep affection for the pet dog.</p>
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	<p>Therefore, the loss of Li Dongjian's property cannot be measured only by the repair and replacement of ordinary objects. ... The losses claimed by the injured party should be reasonable and necessary. Whether it is reasonable and necessary should also be considered from the length of time for the pet dog's treatment, the curing items, the treatment progress and recovery of the pet dog. Taking the above factors into consideration and combining the facts of this case, this court determines at its discretion that Yu Ting should bear 70% of the compensation liability for the treatment expenses occurring before December 19th, 2020 (including the treatment expenses have paid by Yu Ting) and wheelchair expenses incurred by Li Dongjian's pet dog. After deducting RMB 616 that Yu Ting has already paid, Yu Ting should also compensate RMB 21,224.7.”</p>
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In both judgments, the judges believed that pets were special, living things, and as family members, pets played an important emotional value and can provide spiritual comfort that ordinary things cannot.²²⁰ Therefore, they would agree that the legal treatment of pets should be different from that of ordinary things,²²¹ and the value of treating pets cannot be measured by their market value, but should be reflected in their emotional value and spiritual value with the owner, and more importantly, in

²²⁰ See the (2021)Su 05 Min Zhong No.7416 and (2017)Gan 1102 Min Chu No.2604 Judgements.

²²¹ See the (2021)Su 05 Min Zhong No.7416 Judgement.

the respect for life²²². In short, the 2 judges provided a more comprehensive and well-developed judgement of the legal nature of pets than any of the previous views. Although the two judges did not link the “family member” status with the personal significance of pets in their analysis, in fact, they should also agree that with the development of society and the change of concepts, respecting life, especially respecting the treatment of pets as part of the family, and distinguishing them from ordinary objects, is closely related to protecting the emotional health of pet owners. What’s more, the judge of the (2017)Gan 1102 Min Chu No.2604 Judgment clearly recognized the pet in question as “an object of personal significance or spiritual and emotional value” when she upheld the mental damages compensation.

2. Reasons Not to Support High Medical Expenses

Only 2 judges did not support compensations for medical expenses that exceeded the market value of the pets. The first one is the (2019)Ji 1082 Min Chu No.4560 Judgment. Since the three defendants were minors, and the three of them were either persons with limited civil conduct capacity or person without civil conduct capacity, the judge ruled that the three defendants were not responsible, and thus did not support the pet owner’s claim for high medical expenses. The second judgment is listed below.

Table 22: Judge’s Reason

No.	Judgement	Reason
1	Gao Yang v. Yang Zhiyong, Dalian Branch of PICC Property and	“The main controversial issue in this case is the reasonable amount of compensation that the defendant should bear. Firstly, the

²²² See the (2017)Gan 1102 Min Chu No.2604 Judgement.

<p>Casualty Insurance Company Limited, Motor Vehicle Traffic Accident Liability Dispute, the Primary People's Court of Ganjingzi District, Dalian City, Liaoning Province, (2020)Liao 0211 Min Chu No.66, Civil Judgement of First Instance</p>	<p>plaintiff's claim for treatment costs of more than RMB 38,000 should not be supported. During the trial, the plaintiff stated that the purchase price of his pet dog was RMB 14,999. Although pet dogs have certain emotional significance to their owners, and the plaintiff's rescue act for the pet dog should be affirmed, pet dogs are still objects in the legal sense, and the defendant's obligation to compensate should also be confirmed within a reasonable range. In this regard, the defendant stated that the plaintiff's claimed treatment costs have far exceeded the purchase price he stated, and should be adjusted. This court adopts the defendant's opinion. Secondly, the traffic accident involved in this case occurred on the night of October 14th, 2016. The plaintiff took his pet dog for treatment starting on October 15th, 2016, and as of October 29th, 2016, a total of RMB 11,217 in medical expenses were incurred. This court recognizes the medical expenses during this period. On November 22nd, 2016, the plaintiff took his pet dog for treatment again, and there were treatment records every month until February 2017. According to his receipts, a large amount of blood transfusion costs were incurred for</p>
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		<p>subsequent treatments. However, the plaintiff did not provide evidence to prove the rationality and relevance of his dog's subsequent treatment more than 20 days after October 29th, 2016 and the monthly treatment thereafter. This court does not support the plaintiff's claim for expenses after November 2016.”</p>
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It can be seen that the judge in the case recognised the emotional attributes of pets, but did not treat the pets in question differently from ordinary objects; in addition, because of the reasonableness and relevance of the questioned part of the treatment, the judge in the case made a decision not to support the high cost of the high medical treatment.

3. Special Cases

In 2 judgements, although the dog owners did not claim psychological damages compensation and the case did not involve compensation for high medical costs, the judges still recognized the emotional connection between humans and pets or the special nature of pets in their analysis.

Table 23: Judges' Reasons

No.	Judgements	Reasons
1	Li Chunyan v. Fu Nanfa et al., Motor Vehicle Traffic	The defendant claimed that the market value of the pet dog involved in the case was only about RMB 1,500. The court supported the

	<p>Accident Liability Dispute, the Primary People's Court of Bao'an District, Shenzhen City, Guangdong Province, (2020)Yue 0306 Min Chu No.23554, Civil Judgement of First Instance</p>	<p>plaintiff's claim for RMB 5,000 in property compensation, believing that "The assessment of the loss of the pet dog involved in the case should take into account both material and spiritual factors. The plaintiff's loss in this accident was not ordinary property, but a pet dog that had been with the plaintiff for 7 years. The plaintiff had a certain emotional attachment to the pet dog, which was irreplaceable and was a particular living being. Therefore, the assessment of the loss of the pet dog involved in the case should not only consider the purchase price of pet dogs of the same breed, age, and appearance as the pet dog involved in the case, but also fully consider the plaintiff's material and mental investment in the raising the pet, as well as the mental and emotional trauma caused to the plaintiff by the death of the pet dog. Therefore, the plaintiff's claim of RMB 5,000 for the loss of the pet dog is reasonable."</p>
<p>2</p>	<p>Ren Jianhui v. Yang Dan, Dispute over the Right to Life, Health and Body, Property Damage Compensation Dispute, the Primary</p>	<p>"Regarding the loss of the pet dog: Ren Jianhui did not provide evidence to prove the purchase price and breed of the pet dog, but considering that Ren Jianhui had paid the cost of raising the pet dog for many years and placed a certain emotional value on it, this court determined that Yang Dan killed the pet</p>

People's Court of Quyuan Precinct, Yueyang City, Hunan Province, (2020)Xiang 0691 Min Chu No.298, Civil Judgement of First Instance	dog and caused Ren Jianhui a loss of RMB 1,000.”
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Both judges recognized that there was emotional connection between people and pets.²²³ One of the judges even pointed out that the particularity about pets was that they were irreplaceable and had life characteristics.²²⁴ It is not difficult to understand that when the pet owner did not ask for compensation for mental damages, and did not ask for compensation for medical expenses that exceeded the market value of the pet, that is, the case did not involve the affirmation of human-pet relationship or the significant impact of pets treatment on human emotions, the 2 judges made similar evaluations and judgments, which should be based on their understanding of general social phenomena and their recognition of most people's general cognition.

Brief Summary

In the above 36 judgments that supported the high medical expense claims in this chapter, 16 judges considered reasons unrelated to emotional factors or the special nature of pets. In the remaining 20 judgments, 18 judges considered the human-pet emotional factors; 14 judges recognized that pets are special objects/special property, 2 judges recognized pets as family members; and 2 judges supported the

²²³ See the (2020)Yue 0306 Min Chu No.23554, (2020)Xiang 0691 Min Chu No.298 Judgements.

²²⁴ See the (2020)Yue 0306 Min Chu No.23554 Judgement.

excessive rescue costs because the treatment was in line with the correct social values. As the reasons for Chinese judges to support mental damage compensation, emotional factors were the most important reasons they considered. Pets were living things with the sentient ability, especially emotional ability, and the pets' owners had deep affectionate relationship with their pets, these are the key reasons for pets to be different from ordinary things. And that the human-pet emotional relationship was expressed through family life, that is to say, in most cases, pets were actually treated as one of the family members like human members to some extent, rather than ordinary household utensils. In other words, pets were actually endowed with personal significance.

Apart from the case where the three defendants who were ruled not to be liable because of their civil conduct liabilities, in the one case in which the judge did not supported excessive medical expenses and the other two special cases not involving disputes over psychological damages and excessive medical costs, the judges also recognized the emotional attributes of pets²²⁵, and one judge affirmed the irreplaceability and life characteristics of pets, that is, the special features of pets that make them different from ordinary objects.²²⁶

²²⁵ See the (2020)Liao 0211 Min Chu No.66, (2020)Yue 0306 Min Chu No.23554, (2020)Xiang 0691 Min Chu No.298 Judgements.

²²⁶ See the (2020)Yue 0306 Min Chu No.23554 Judgement.

CONCLUSION

Laws do not change society; society changes laws.²²⁷ Many ethicists and sociologists have come to realise that the vast majority of pets are not just human possessions, but have a more important role as legitimate members of the family.²²⁸ One reason for the law's refusal to recognise the social phenomenon is that animals have been regarded as property since the days of Roman law.²²⁹ However, law is a living science that should evolve in response to the needs of society.²³⁰ The ethical, social and legal needs of multispecies families which are on the rise have inspired the search for different solutions. After all, pets are the animals closest to humans, and the ubiquity of companion animal ownership gives a suitable starting point for reflecting on the way human-animal interactions' legally constitution.²³¹ In the world trend of reestablishing the civil law status of animals²³², the legal recognition of multi-species families and the change in the legal status of companion animals as an important part of this is not only leading the way but also urgent and necessary. This type of reform is not only based on human knowledge and recognition of animal sentience (for which there is considerable scientific evidence), but is also closely related to the diverse emotional interests of humans.

This study's analysis of Chinese judicial decisions provides a reason to support the improvement and reform of the legal status of companion animals in China. Under the current Chinese legal framework, companion animals are objects like other

²²⁷ Lovvorn, J. R. Animal law in action: The law, public perception, and the limits of animal rights theory as a basis for legal reform in *Animal Law Review* 12 (2006) p.133, 139.

²²⁸ Bogdanoski, T. Towards an animal-friendly family law: recognising the welfare of family law's forgotten family members in *Griffith Law Review*, 19(2) (2010) p. 205.

²²⁹ Bogdanoski, T. Towards an animal-friendly family law: recognising the welfare of family law's forgotten family members in *Griffith Law Review*, 19(2) (2010) p. 205.

²³⁰ Disconzi, N., Jardim, A. C., Silveira, V. La mascota bajo la perspectiva de la familia multiespecie y su inserción en el ordenamiento jurídico brasileño in *dA. Derecho Animal. Forum of Animal Law Studies* Vol. 8, No. 3, (2017) pp. 1-20

²³¹ White, S. Animals and the Law—A New Legal Frontier? in *Melbourne University Law Review* 29 (2005) p.298-313

²³² Xu, G. On the Four Kinds of Resets of the Civil Law Status of Animals and the Choice of Chinese Civil Code in *Journal of Swupl*. Vol. 25 No.2 (2023) p. 81-109.

animals, and Chinese judges' decisions must be made within this framework. This dissertation selected cases involving the injury, death, and loss of pets as analysis samples. Through the reasoning of Chinese judges in these samples, it can be seen that Chinese judges' attitudes towards companion animals are diverse. These different judicial opinions include: pets are ordinary objects; they are living property; they are special mementos of personal significance or objects of personal significance; they are family members, etc. Under the paradigm that animals are objects, the view that companion animals are ordinary objects is the most conservative. The view that pets are living objects takes into account the life characteristics of pets, while the view that they are objects of personal significance or special mementos of personal significance adds emotional factors into the consideration. Although these two views still do not break through the existing paradigm that animals are objects, the judges' interpretations placed companion animals outside of general objects and determined that pets are special objects. The view that companion animals are family members is the most groundbreaking and creative. The identification of family members gives pets a certain degree of anthropomorphism, which seems to have exceeded the scope of objects and to some extent breaks through the paradigm that animals are objects. In fact, the number of judges who held the view that companion animals are ordinary things is very small, and more judges supported the view that pets are special objects or special property. The recognition of special objects actually impacted the paradigm that animals are things, and provides an opportunity to reflect on the way Chinese law is constructed on the interaction between humans and animals. What is even more interesting is that, based on the recognition of human emotional interests, many judges supported that companion animals are family members. This can be regarded as an unconscious collective awakening of Chinese judges. This study cannot predict what kind of results this collective awakening will bring to Chinese Animal Law, but at least for companion animals in China, this will be a blessing.

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APPENDIX I

List of Chinese Judgements

Category I: Vehicle Hitting Animal Causing Injury or Death

1. Yin X v. Beijing Baolong Company, Property Damage Compensation Dispute, the Primary People's Court of Xicheng District, Beijing, (2003)Xi Min Chu Zi No.6403, Civil Judgement of First Instance
2. Liu Yuehong v. Zhang Jianming et al., Traffic Accident Property Damage Compensation Case, the Primary People's Court of Huishan District, Wuxi City, Jiangsu Province, (2006)Hui Min Chu Zi No.1311, Civil Judgement of First Instance
3. Pan X v. Zhang Qi et al., Liability Dispute Case for Damage Caused by Raising Animals, the Primary People's Court of the High-tech Development Zone of Wuxi City, Jiangsu Province, (2008) Xin Min Yi Chu Zi No.1452, Civil Judgement of First Instance
4. Guo XX v. Chen X, Kong XX, Property Damage Compensation Dispute, the Primary People's Court of Jianggan District, Hangzhou City, Zhejiang Province, (2009) Hang Jiang Min Chu Zi No.2443, Civil Judgement of First Instance
5. Song Zhiwei v. Wuxi Li'an Transportation Co. Ltd. et al., Motor Vehicle Traffic Accident Liability Dispute, the Primary People's Court of Xishan District, Wuxi City, Jiangsu Province, (2014) Xi Fa Bei Min Chu Zi No.0327, Civil Judgement of First Instance
6. Jiang Ying v. Zhu Ping et al., Motor Vehicle Traffic Accident Liability Dispute, the Primary People's Court of Liyang City, Jiangsu Province, (2015) Li Min Chu Zi No.00600, Civil Judgement of First Instance
7. Gao Hongmei v. Chen Haiquan, Dongguan Branch of PICC Property and Casualty Insurance Company Limited, Motor Vehicle Traffic Accident Liability Dispute, the Second Primary People's Court of Dongguan City, Guangdong Province, (2015)Dong Er Fa Min San Chu Zi No.1151, Civil Judgement of First Instance
8. Chen Jun v. Huang Jinmin et al., Property Damage Compensation Dispute, the Primary People's Court of Toutunhe District, Urumqi City, Xinjiang Uygur Autonomous Region, (2015)Tou Min Yi Chu Zi No.608, Civil Judgement of First Instance
9. Li Bin v. Ji Guizhong et al., Motor Vehicle Traffic Accident Liability Dispute, the Primary People's Court of Qixia District, Nanjing City, Jiangsu Province, (2015)Qu Min Chu Zi No.3827, Civil Judgement of First Instance
10. Chen Aiyong v. Li Hongbao et al., Motor Vehicle Traffic Accident Liability Dispute, the Primary People's Court of Panlong District, Kunming City, Yunnan Province, (2015)Pan Fa Pai Min Chu Zi No.1399, Civil Judgement of First Instance
11. Chen Aiyong v. Li Hongbao et al., Motor Vehicle Traffic Accident Liability Dispute Appeal Case, the Intermediate People's Court of Kunming City, Yunnan Province, (2016)Yun 01 Min Zhong No.3102, Civil Judgement of Second Instance
12. Ji Meiyi v. Xu Xingquan, Guangzhou Municipal Property Management Company Limited, Guangdong Branch of China Ping'an Property and Casualty Insurance Company Limited, Property Damage Compensation Dispute, the Intermediate People's Court of Guangzhou City, Guangdong Province, (2016)Yue 01 Min Zhong No.8592, Civil Judgement of Second Instance
13. Qi Haiguang v. Civil Defence Office of Jing'an District of Shanghai City, Shanghai Branch of China Life Property and Casualty Insurance Company Limited, Motor Vehicle Traffic Accident Liability Dispute, the Primary People's Court of Jing'an District, Shanghai City, (2016)Hu 0106 Min Chu No.7970, Civil Judgement of First

Instance

14. Fang Jianguo v. Chen Xuanyi et al., Motor Vehicle Traffic Accident Liability Dispute, the Primary People's Court of Qindu District, Xianyang City, Shaanxi Province, (2016)Shaan 0402 Min Chu No.1051, Civil Judgement of First Instance
15. Shaanxi Branch of Huatai Property and Casualty Insurance Company Limited v. Fang Jianguo et al., Motor Vehicle Traffic Accident Liability Dispute Appeal Case, the Intermediate People's Court of Xianyang City, Shaanxi Province, (2016) Shaan 04 Min Zhong No.2342, Civil Judgment of Second Instance
16. Tao XX, Shanghai Branch of PICC Property and Casualty Insurance Company Limited v. Li X, Motor Vehicle Traffic Accident Liability Dispute, the Primary People's Court of Minhang District, Shanghai City, (2016)Hu 0112 Min Chu No.23635, Civil Judgement of First Instance
17. Yu Zhongyong v. Zhang Qingmin et al., Motor Vehicle Traffic Accident Liability Dispute, the Primary People's Court of Futian District, Shenzhen City, Guangdong Province, (2016)Yue 0304 Min Chu No.5980, Civil Judgement of First Instance
18. Zhang XX v. Shenzhen Branch of China XX Company Limited et al., Motor Vehicle Traffic Accident Liability Dispute, the Primary People's Court of Longgang District, Shenzhen City, Guangdong Province, (2016) Yue 0307 Min Chu No.17661, Civil Judgement of First Instance
19. Geng Yalin v. Gong Jiang et al., Motor Vehicle Traffic Accident Liability Dispute, the Primary People's Court of Tuquan County, Inner Mongolia Autonomous Region, (2017)Nei 2224 Min Chu No.325, Civil Judgement of First Instance
20. Hong Mei v. Zhou Anfei et al., Motor Vehicle Traffic Accident Liability Dispute, the Second Primary People's Court of Dongguan City, Guangdong Province, (2017)Yue 1927 Min Chu No.4204, Court Judgement of First Instance
21. Deng Weiyan v. Chen Miaojun, Property Damage Compensation Dispute, the Primary People's Court of Sanshui District, Foshan City, Guangdong Province, (2017)Yue 0607 Min Chu No.3423, Civil Judgement of First Instance
22. Maanshan Branch of PICC Property and Casualty Insurance Company Limited v. Shen Li, Wang Zhuo, Motor Vehicle Traffic Accident Liability Dispute, the Intermediate People's Court of Maanshan City, Anhui Province, (2017)Wan 05 Min Zhong No.1091, Civil Judgement of Second Instance
23. Shen Zhihua v. Zhang Xinwang et al., Motor Vehicle Traffic Accident Liability Dispute, the Primary People's Court of Xinzhou District, Shangrao City, Jiangxi Province, (2017)Gan 1102 Min Chu No.2604, Civil Judgement of First Instance
24. Shenzhen Branch of PICC Property and Casualty Insurance Company Limited v. Wang Chunbo et al., Motor Vehicle Traffic Accident Liability Dispute, the Intermediate People's Court of Yingkou City, Liaoning Province, (2017)Liao 08 Min Zhong No.3612, Civil Judgement of Second Instance
25. Ma Yumei v. Wang Wenyong, Yibang Taxi Limited Liability Company of Lingbi County, Motor Vehicle Traffic Accident Liability Dispute, the Primary People's Court of Lingbi County, Anhui Province, (2018)Wan 1323 Min Chu No.1814, Civil Judgement of First Instance
26. Wang Yanfei v. Ling Huaxin, Property Damage Compensation Dispute, the Primary People's Court of Chenggong District, Kunming City, Yunnan Province, (2018)Yun 0114 Min Chu No.2493, Civil Judgement of First Instance
27. Lelapuspabintisaid v. Fang Miaoli, Property Damage Compensation Dispute, the Primary People's Court of Xihu District, Hangzhou City, Zhejiang Province, (2018)Zhe 0106 Min Chu No.5450, Civil Judgement of First Instance
28. Zhang Tingting v. Shanghai Branch of China Ping'an Property and Casualty Insurance Company Limited, Li

- Peiliang, Motor Vehicle Traffic Accident Liability Dispute, the Primary People's Court of Minhang District, Shanghai City, (2018)Hu 0112 Min Chu No.20674, Civil Judgement of First Instance
29. Cao Shuyu v. Xu Haijun, Hongyi Trade Company Limited of Qingcheng County et al., Motor Vehicle Traffic Accident Liability Dispute, the Primary People's Court of Xifeng District, Qingyang City, Gansu Province, (2017)Gan 1002 Min Chu No.3248, Civil Judgement of First Instance
30. Plaintiff Wang XX v. Defendants Zhou XX, Weihai Central Branch of China United Property and Casualty Insurance Company Limited, Motor Vehicle Traffic Accident Liability Dispute, the Primary People's Court of Huan Cui District, Weihai City, Shandong Province, (2018)Lu 1002 Min Chu No.6817, Civil Judgement of First Instance
31. Yin Xiaoqing v. Suzhou Central Branch of China Ping'an Property and Casualty Insurance Company Limited, Qiao Dong, Motor Vehicle Traffic Accident Liability Dispute, the Primary People's Court of Pudong New Area, Shanghai City, (2019)Hu 0115 Min Chu No.75115, Civil Judgement of First Instance
32. Zhou Zhitao v. Beijing Branch of China Pacific Property and Casualty Insurance Company Limited et al., Motor Vehicle Traffic Accident Liability Dispute, the First Intermediate People's Court of Beijing City, (2020) Jing 01 Min Zhong No.2415, Civil Judgement of Second Instance
33. Shi Changhong v. Liu Xinglei, Faku Branch of PICC Property and Casualty Insurance Company Limited, Motor Vehicle Traffic Accident Liability Dispute, the Primary People's Court of Faku County, Liaoning Province, (2020)Liao 0124 Min Chu No.1228, Civil Judgement of First Instance
34. Fan Bin v. Gu Xueming, Shunde Foshan Branch of China Ping'an Property and Casualty Insurance Company Limited, Motor Vehicle Traffic Accident Liability Dispute, the Primary People's Court of Xunwu County, Jiangxi Province, (2020)Gan 0734 Min Chu No.522, Civil Judgement of First Instance
35. Jiang Ronghui v. Xiang Yuxin, Motor Vehicle Traffic Accident Liability Dispute, the Intermediate People's Court of Xinyang City, Henan Province, (2020)Yu 15 Min Zhong No.3202, Civil Judgement of Second Instance
36. Gao Yang v. Yang Zhiyong, Dalian Branch of PICC Property and Casualty Insurance Company Limited, Motor Vehicle Traffic Accident Liability Dispute, the Primary People's Court of Ganjingzi District, Dalian City, Liaoning Province, (2020) Liao 0211 Min Chu No.66, Civil Judgement of First Instance
37. Chai Shaomin v. Liu Rui, the Alxa Right Banner Marketing Department of the Alxa Central Branch of China Continent Property and Casualty Insurance Company Limited, Property Damage Compensation Dispute, the Primary People's Court of Alxa Right Banner, the Inner Mongolia Autonomous Region, (2020) Nei 2922 Min Chu No.539, Civil Judgement of First Instance
38. Yang Ning v. Shao Bo, Tort Liability Dispute, the Primary People's Court of Shinan District, Qingdao City, Shandong Province, (2020)Lu 0202 Min Chu No.13835, Civil Judgement of First Instance
39. Li Chunyan v. Fu Nanfa et al., Motor Vehicle Traffic Accident Liability Dispute, the Primary People's Court of Bao'an District, Shenzhen City, Guangdong Province, (2020)Yue 0306 Min Chu No.23554, Civil Judgement of First Instance
40. Liu Yi v. Zhao Jian et al., Motor Vehicle Traffic Accident Liability Dispute, the Primary People's Court of Jinnan District, Tianjin City, (2021)Jin 0112 Min Chu No.8510, Civil Judgement of First Instance
41. Jiang Xuan v. Huang Yi, Property Damage Compensation Dispute, the Primary People's Court of Jianghua Yao Autonomous County, Hunan Province, (2021)Xiang 1129 Min Chu No.1702, Civil Judgement of First Instance
42. Li Yiwen v. Tao Yazhou et al., Motor Vehicle Traffic Accident Liability Dispute, the Primary People's Court of Luoshan County, Henan Province, (2021)Yu 1521 Min Chu No.3214, Civil Judgement of First Instance
43. Liao Ruiqin v. Ye Yangfu, Property Damage Compensation Dispute, the Primary People's Court of Yanping District, Nanping City, Fujian Province, (2021)Min 0702 Min Chu No.5519, Civil Judgement of First Instance
44. Zhou Changguo v. Fushun Central Branch of China United Property and Casualty Insurance Company

Limited, et al., Motor Vehicle Traffic Accident Liability Dispute, the Intermediate People's Court of Fushun City, Liaoning Province, (2021)Liao 04 Min Zhong No.3077, Civil Judgement of Second Instance

Category II: Dogs Injuring Dogs

1. Tang X v. Zhou X et al., Property Damage Compensation Dispute, the Primary People's Court of Minhang District, Shanghai City, (2009)Min Min Yi (Min) Chu Zi No.1292, Civil Judgement of First Instance
2. Zhang Guangfeng v. Wang Zhenshan et al., Liability Dispute Case for Damage Caused by Raising Animals, the Primary People's Court of Tiedong District, Anshan City, Liaoning Province, (2014)Tie Dong Min Er Chu Zi No.464, Civil Judgement of First Instance
3. Wang Xuan v. Wang Jianjun, Liability Dispute Case for Damage caused by Raising Animals, the Primary People's Court of Xinshi District, Urumqi City, Xinjiang Uygur Autonomous Region, (2015)Xin Min Yi Chu Zi No.2328, Civil Judgement of First Instance
4. Zhao Zunming v. Long Hong, Property Damage Compensation Dispute, the Intermediate People's Court of Changsha City, Hunan Province, (2016)Xiang 01 Min Zhong No.355, Civil Judgement of Second Instance
5. Li Chengwen v. Wen Fulin, Liability Dispute Case for Damage Caused by Raising Animals, the Primary People's Court of Qingpu District, Huai'an City, Jiangsu Province, (2016)Su 0811 Min Chu Zi No.2871, Civil Judgement of First Instance
6. Li Juan v. Mo Zihao, Tort Liability Dispute, the Primary People's Court of Qingxiu District, Nanning City, Guangxi Zhuang Autonomous Region, (2016)Gui 0103 Min Chu No.11588, Civil Judgement of First Instance
7. Fu X v. Wu X, Liability Dispute Case for Damage Caused by Raising Animals, the Primary People's Court of Chaoyang District, Beijing City, (2017)Jing 0105 Min Chu No.3641, Civil Judgement of First Instance
8. Chao Yu v. Shi Feng et al., Property Damage Compensation Dispute, the Primary People's Court of Bao'an District, Shenzhen City, Guangdong Province, (2016)Yue 0306 Min Chu No.24457, Civil Judgement of First Instance
9. Zhang Kaiwen v. Li Yanjun, Liability Dispute Case for Damage Caused by Raising Animals, the Primary People's Court of Wanli District, Nanchang City, Jiangxi Province, (2018)Gan 0105 Min Chu No.196, Civil Judgement of First Instance
10. Zhang Kaiwen v. Li Yanjun, Liability Dispute Case for Damage Caused by Raising Animals, the Intermediate People's Court of Nanchang City, Jiangxi Province, (2019)Gan 01 Min Zhong No.412, Civil Judgement of Second Instance
11. Wang Yuan v. Malinghai Gourmet Farm of Shiling Town, Huadu District, Guangzhou City, Liability Dispute for Damage Caused by Raising Animals, the Intermediate People's Court of Huadu District, Guangdong Province, (2018)Yue 0114 Min Chu No.3272, Civil Judgement of First Instance
12. Yuan Chungui v. Shen Qijun, Situ Shaodong, Property Damage Compensation Dispute, the Primary People's Court of Meilei District, Sanming City, Fujian Province, (2019)Min 0402 Min Chu No.2146, Civil Judgement of First Instance
13. Luo Haoyu v. Liang Xi, Liability Dispute for Damage Caused by Raising Animals, the Primary People's Court of Yuexiu District, Guangzhou City, Guangdong Province, (2019)Yue 0104 Min Chu No.11443, Civil Judgement of First Instance
14. Liang Xi v. Luo Haoyu, Liability Dispute for Damage Caused by Raising Animals, the Intermediate People's Court of Guangzhou City, Guangdong Province, (2020)Yue 01 Min Zhong No.1240, Civil Judgement of Second Instance
15. Yang Juan v. Wang Xin, Property Damage Compensation Dispute, the Primary People's Court of Yubei

District, Chongqing City, (2019) Yu 0112 Min Chu No.15636, Civil Judgement of First Instance

16. Wang Dazhong v. Zhang Shu, Tort Liability Dispute, the Intermediate People's Court of Hefei City, Anhui Province, (2019)Wan 01 Min Zhong No.7260, Civil Judgement of Second Instance

17. Zhang Huixiang v. Ke Yaru, Liability Dispute Case for Damage Caused by Raising Animals, the Primary People's Court of Hongshan District, Wuhan City, Hubei Province, (2019)E 0111 Min Chu No.6934, Civil Judgement of First Instance

18. Ke Yaru v. Zhang Huixiang, Liability Dispute Case for Damage Caused by Raising Animals, the Intermediate People's Court of Wuhan City, Hubei Province, (2020)E 01 Min Zhong No.7124, Civil Judgement of Second Instance

19. Huang Zhe v. Li Wei, Liability Dispute Case for Damage Caused by Raising Animals, the Intermediate People's Court of Nanchang City, Jiangxi Province, (2020)Gan 01 Min Zhong No.111, Civil Judgement of Second Instance

20. Zhang Zhang, Hou Yannan v. Song Chen, Property Damage Compensation Dispute, the Primary People's Court of Yubei District, Chongqing City, (2020)Yu 0112 Min Chu No.1695, Civil Judgement of First Instance

21. Yu Youlin v. Guo Yuexia, Ma Quanjun, Property Damage Compensation Dispute, the Primary People's Court of Jinshui District, Zhengzhou City, Henan Province, (2020)Yu 01 XX Min Chu No.14521, Civil Judgement of First Instance

22. Plaintiff Qi Yuan v. Defendants Wang Xiaosu, Wang Yue, Property Damage Compensation Dispute, the Primary People's Court of Qixia District, Nanjing City, Jiangsu Province, (2020)Su 0113 Min Chu No.4618, Civil Judgement of First Instance

23. Mao Fengzhu v. Liu Yixin, Wang Fusheng, Property Damage Compensation Dispute, the Primary People's Court of Heping District, Shenyang City, Liaoning Province, (2020)Liao 0102 Min Chu No.17932, Civil Judgement of First Instance

24. Cao Youfu v. Jiang Yuan, Liability Dispute Case for Damage Caused by Raising Animals, the Primary People's Court of Tiantai County, Zhejiang Province, (2021)Zhe 1023 Min Chu No.210, Civil Judgement of First Instance

25. Yu Weigang v. Mao Gangqiang, Tort Liability Dispute, the Primary People's Court of Keqiao District, Shaoxing City, Zhejiang Province, (2021)Zhe 0603 Min Chu No.7261, Civil Judgement of First Instance

26. Yu Weigang v. Mao Gangqiang, Tort Liability Dispute, the Intermediate People's Court of Shaoxing City, Zhejiang Province, (2021)Zhe 06 Min Zhong No.4485, Civil Judgement of Second Instance

27. Li Dongjian v. Yu Ting, Property Damage Compensation Dispute, the Intermediate People's Court of Suzhou City, Jiangsu Province, (2021)Su 05 Min Zhong No.7416, Civil Judgement of Second Instance

28. Liu Di v. Yang Yuedong et al., Liability Dispute Case for Damage Caused by Raising Animals, the Primary People's Court of Tiedong District, Anshan City, Liaoning Province, (2021)Liao 0302 Min Chu No.4511, Civil Judgement of First Instance

29. Wu Chao v. Wang Jianghui, Tort Liability Dispute, the Primary People's Court of Changge City, Henan Province, (2021)Yu 1082 Min Chu No.5585, Civil Judgement of First Instance

30. Zeng Pingmei v. Cai Xiaoyang et al., Property Damage Compensation Dispute, the Primary People's Court of Panyu District, Guangdong Province, (2021)Yue 0113 Min Chu No.23627, Civil Judgement of First Instance

31. Zuo Jiao v. Gao Junmin, Liability Dispute Case for Damage Caused by Raising Animals, the Primary People's Court of Gusu District, Suzhou City, Jiangsu Province, (2021)Su 0508 Min Chu No.10373, Civil Judgement of First Instance

32. Li Geng v. Duan Xinyi, Tort Liability Dispute, the Primary People's Court of Hecheng District, Huaihua City, Hunan Province, (2022)Xiang 1202 Min Chu No.3895, Civil Judgement of First Instance

Category III: Animal Medical Disputes

1. Li Jiahui et al. v. Guangjing Animal Hospital of Yuexiu District, Guangzhou City, Property Damage Compensation Dispute Appeal Case, the Intermediate People's Court of Guangzhou City, Guangdong Province, (2017)Yue 01 Min Zhong No.16190, Civil Judgement of Second Instance
2. Xu Wangjun v. Zhan Siqi, Yueyang Pengcheng Pet Hospital Company Limited, Tort Liability Dispute, the Primary People's Court of Yueyanglou District, Yueyang City, Hunan Province, (2018)Xiang 0602 Min Chu No.1174, Civil Judgement of First Instance
3. Xu Wangjun v. Yueyang Pengcheng Pet Hospital Company Limited, Tort Liability Dispute, the Intermediate People's Court of Yueyang City, Hunan Province, (2018)Xiang 06 Min Zhong No.2845, Civil Judgement of Second Instance
4. Han Yinghua v. Aidi Pet Clinic of Bochang Street, Boxing County, Tort Liability Dispute, the Intermediate People's Court of Binzhou Prefecture, Shandong Province, (2020)Lu 16 Min Zhong No.2049, Civil Judgement of Second Instance
5. Ye Yuqing v. Quzhou Muse Animal Hospital Company Limited, Property Damage Compensation Dispute, the Primary People's Court of Kecheng District, Quzhou City, Zhejiang Province, (2020)Zhe 0802 Min Chu No.2787, Civil Judgement of First Instance
6. Ma Luoshan v. Fujian Zhiqiu Animal Hospital Company Limited, Tort Liability Dispute, the Intermediate People's Court of Fuzhou City, Fujian Province, (2021)Min 01 Min Zhong No.1865, Civil Judgement of Second Instance
7. Zhang Yiming v. Foshan Tongle Animal Clinic Company Limited, Property Damage Compensation Dispute, the Primary People's Court of Shunde District, Foshan City, Guangdong Province, (2021)Yue 0606 Min Chu No.19193, Civil Judgement of First Instance
8. Xi'an Jingmei Animal Hospital Company Limited v Liu Jiang, Service Contract Dispute, the Primary People's Court of Yanta District, Xi'an City, Shaanxi Province, (2021)Shaan 0113 Min Chu No.25267, Civil Judgement of First Instance
9. Chen JiXuan v. Beijing Guocuiyiyuan Culture Company Limited, Animal Hospital Branch of Beijing Guocuiyiyuan Culture Company Limited, Property Damage Compensation Dispute, the Primary People's Court of Dongcheng District, Beijing City, (2021)Jing 0101 Min Chu No.24322, Civil Judgement of First Instance
10. Gong Xiangzeng v. Beijing Xinrenren Shengli Animal Hospital Company Limited, Contract Dispute, the Primary People's Court of Shunyi District, Beijing City, (2021)Jing 0113 Min Chu No.23255, Civil Judgement of First Instance
11. Geng Meng v. Daqing Hi-Tech Zone Doug Pet Hospital, Property Damage Compensation Dispute, the Intermediate People's Court of Daqing City, Heilongjiang Province, (2022)Hei 06 Min Zhong No.168, Civil Judgement of Second Instance

Category IV: Custodial Contracts

Shipping

1. China Southern Airlines Company Limited v. Jin Lei, Air Transport Property Damage Liability Dispute, the Intermediate People's Court of Hangzhou City, Zhejiang Province, (2018)Zhe 01 Min Zhong No.1388, Civil Judgement of Second Instance

2. Di X v. Air China Company Limited, Air Transport Damage Liability Dispute, the Primary People's Court of Shunyi District, Beijing City, (2021)Jing 0113 Min Chu No.18399, Civil Judgement of First Instance

Mating

1. Zhang Junfeng v. Xing Pengfei, Property Damage Compensation Dispute Appeal Case, the Intermediate People's Court of Binzhou Prefecture, Shandong Province, (2015)Bin Zhong Min Yi Zhong Zi No.314, Civil Judgement of Second Instance

2. He Jie v. Chen Song, Property Damage Compensation Dispute, the Primary People's Court of Xisaishan District, Huangshi City, Hubei Province, (2016)E 0203 Min Chu No.1062, Civil Judgement of First Instance

3. Zheng Yangyang v. Wang Ying, Property Damage Compensation Dispute, the Primary People's Court of Futian District, Shenzhen City, Guangdong Province, (2019)Yue 0304 Min Chu No.34395, Civil Judgement of First Instance

4. Wang Kai v. Liu Haisha, Property Damage Compensation Dispute, the Primary People's Court of Xicheng District, Beijing City, (2019)Jing 0102 Min Chu No.1548, Civil Judgement of First Instance

Pet Grooming Services

1. Hangzhou Xihu Youjia Pet Supplies Store v. Wang Wei, Property Damage Compensation Dispute Appeal Case, the Intermediate People's Court of Hangzhou City, Zhejiang Province, (2017)Zhe 01 Min Zhong No.4422, Civil Judgement of Second Instance

2. Cai Yuting v. Hesheng Mengyuan Trade (Beijing) Company Limited, Tort Liability Dispute, the Primary People's Court of Chaoyang District, Beijing City, (2017)Jing 0105 Min Chu No.83730, Civil Judgement of First Instance

3. Hesheng Mengyuan Trade (Beijing) Company Limited v. Cai Yuting, Tort Liability Dispute, the Third Intermediate People's Court of Beijing City, (2018)Jing 03 Min Zhong No.5499, Civil Judgement of Second Instance

4. Li Yujie v. Yueqing Hongqiao Aichongdi Pet Shop, Property Damage Compensation Dispute, the Intermediate People's Court of Wenzhou City, Zhejiang Province, (2020)Zhe 03 Min Zhong No.1052, Civil Judgement of Second Instance

5. Liu Guo, Liu Jinlan et al. v. Liaocheng Chiping Zuozuo Pet Life Store et al., Tort Liability Dispute, the Primary People's Court of Chiping County, Shandong Province, (2020)Lu 1523 Min Chu No.1397, Civil Judgement of First Instance

6. Plaintiff Guo Rongqiang v. Defendant Nanjing Jianye Zhenxi Pet Life Store, Property Damage Compensation Dispute, the Primary People's Court of Jianye District, Nanjing City, Jiangsu Province, (2020)Su 0105 Min Chu 3270, Civil Judgement of First Instance

7. Diao Weixin v. Lu Xuewei, Service Contract Dispute, the Primary People's Court of Tianhe District, Guangzhou City, Guangdong Province, (2021)Yue 0106 Min Chu No.16607, Civil Judgement of First Instance

Pet Behaviour Training

1. Guangzhou Xingyao Pet Service Company Limited v. Huang Keyang, Property Damage Compensation Dispute, the Intermediate People's Court of Guangzhou City, Guangdong Province, (2019)Yue 01 Min Zhong No.930, Civil Judgement of Second Instance

2. Han Ruodan v. Liu Beibei, Property Damage Compensation Dispute, the Primary People's Court of Hongqi District, Xinxiang City, Henan Province, (2020)Yu 0702 Min Chu No.5249, Civil Judgement of First Instance
3. Liu Beibei v. Han Ruodan, Property Damage Compensation Dispute, the Intermediate People's Court of Xinxiang City, Henan Province, (2020)Yu 07 Min Zhong No.6036, Civil Judgement of Second Instance
4. Fang Siqin v. Zhongshan Nanlang Eden Pet Shop, Property Damage Compensation Dispute, the First Primary People's Court of Zhongshan City, Guangdong Province, (2021)Yue 2071 Min Chu No.7824, Civil Judgement of First Instance

Foster Care

1. Xiao Aijing et al. v. Zhengzhou Zhengdong New District Kangcheng Pet Hospital, Custody Contract Dispute Appeal Case, the Intermediate People's Court of Zhengzhou City, Henan Province, (2016)Yu 01 Min Zhong No.12738, Civil Judgement of Second Instance
2. Luo Meiru v. Guangzhou Bowei Animal Clinic Company Limited, Property Damage Compensation Dispute, the Primary People's Court of Haizhu District, Guangzhou City, Guangdong Province, (2017)Yue 0105 Min Chu No.1209, Civil Judgement of First Instance
3. Sun Xiuling v. Ye Zhen, Tort Liability Dispute, the Primary People's Court of Yuhang District, Hangzhou City, Zhejiang Province, (2017)Zhe 0110 Min Chu No.11218, Civil Judgement of First Instance
4. Ye Zhen v. Sun Xiuling, Tort Liability Dispute Appeal Case, the Intermediate People's Court of Hangzhou City, Zhejiang Province, (2017)Zhe 01 Min Zhong No.7970, Civil Judgement of Second Instance
5. Pan Yurou v. Guangzhou Tianhe Dongtang Wuniuwo Pet Grooming Shop et al., Contract Dispute, the Primary People's Court of Tianhe District, Guangzhou City, Guangdong Province, (2017)Yue 0106 Min Chu No.15522, Civil Judgement of First Instance
6. Tian Yue, Zhao Yun v. Zigong Hi-Tech Zone Yichong Pet Paradise, Commission Contract Dispute, the Primary People's Court of Ziliujing District, Zigong City, Sichuan Province, (2018)Chuan 0302 Min Chu No.2812, Civil Judgement of First Instance
7. Appellants Tian Yue, Zhao Yun v. Appellee Zigong Hi-Tech Zone Yichong Pet Paradise, Property Damage Compensation Dispute, the Intermediate People's Court of Zigong City, Sichuan Province, (2018)Chuan 03 Min Zhong No.1047, Civil Judgement of Second Instance
8. Lu Xiaomei v. Suzhou Danshenwang Trade Company Limited, Property Damage Compensation Dispute, the Intermediate People's Court of Suzhou City, Jiangsu Province, (2019)Su 05 Min Zhong No.3039, Civil Judgement of Second Instance
9. Qiao Libin v. Beijing Quanxinquanyi Pet Products Company Limited, Property Damage Compensation Dispute, the Primary People's Court of Fangshan District, Beijing City, (2019)Jing 0111 Min Chu No.28211, Civil Judgement of First Instance
10. Beijing Quanxinquanyi Pet Products Company Limited v. Qiao Libin, Property Damage Compensation Dispute, the Second Intermediate People's Court of Beijing City, (2020)Jing 02 Min Zhong No.6721, Civil Judgement of Second Instance
11. Han Jizhao v. Chen Jianyou, Chen Xi, Dispute over Return of the Original Property, the Primary People's Court of Nankai District, Tianjin City, (2020)Jin 0104 Min Chu No.1216, Civil First Instance Decision
12. Rao Fuying v. Guangzhou Nansha Wangcai Pet Grooming Store, Property Damage Compensation Dispute, the Primary People's Court of Nansha District, Guangzhou City, Guangdong Province, (2020)Yue 0115 Min Chu No.8422, Civil Judgement of First Instance
13. Wang Hao v. Wu Shengjun, Tort Liability Dispute, the Intermediate People's Court of Guangzhou City,

Guangdong Province, (2021)Yue 01 Min Zhong No.14131, Civil Judgement of Second Instance

14. Wang X v. Shenzhen Qila Culture Planning Company Limited et al., Service Contract Dispute, the Primary People's Court of Futian District, Shenzhen City, Guangdong Province, (2021)Yue 0304 Min Chu No.6563, Civil Judgement of First Instance

15. Tong Mingwei v. Yunnan Youban Pet Service Company Limited, Custody Contract Dispute, the Primary Kunming Railway Transport Court, (2021)Yun 7101 Min Chu No.301, Civil Judgement of First Instance

16. Lu Haiyan v. Li Zhiqin, Contract Dispute, the Primary People's Court of Shunyi District, Beijing City, (2022)Jing 0113 Min Chu No.686, Civil Judgement of First Instance

Category V: Possession of Someone's Animal

1. Ping Yuxia v. Chen Xingjiu, Dispute over Return of Possession, the Primary People's Court of Xiangfang District, Harbin City, Heilongjiang Province, (2015)Xiang Min Er Min Chu Zi No.725, Civil Judgement of First Instance

2. Chen Xingjiu v. Ping Yuxia, Dispute over Return of Possession Appeal Case, the Intermediate People's Court of Harbin City, Heilongjiang Province, (2016)Hei 01 Min Zhong No.3320, Civil Judgement of Second Instance

3. Chen Lini v. Gao Shucheng et al., Property Damage Compensation Dispute, the Primary People's Court of Tiexi District, Shenyang City, Liaoning Province, (2017)Liao 0106 Min Chu No.5052, Civil Judgement of First Instance

4. Lin Qingshang v. Yang Xianghong, Dispute over Return of the Original Property, the Primary People's Court of Mentougou District, Beijing City, (2020)Jing 0109 Min Chu No.524, Civil Judgement of First Instance

5. Lin Qingshuang v. Yang Xianghong, Dispute over Return of the Original Property, the First Intermediate People's Court of Beijing City, (2020)Jing 01 Min Zhong No.3757, Civil Judgement of First Instance

Category VI: Injury, Death or Loss of An Animal Caused by A Neighbour

1. Liang X, Cui X v. Su X, Tort Liability Dispute, the Primary People's Court of Baohe District, Hefei City, Anhui Province, (2015)Bao Min Yi Chu Zi No.03620, Civil Judgement of First Instance

2. Chen Jiamin v. Li Minyan, Tort Liability Dispute, the Primary People's Court of Sanshui District, Foshan City, Guangdong Province, (2016)Yue 0607 Min Chu No.2271, Civil Judgement of First Instance

3. Ding Haiyang v. Gong X and Gong Qingfang, Property Damage Compensation Dispute, the Primary People's Court of Sanhe City, Hebei Province, (2019)Ji 1082 Min Chu No.4560, Civil Judgement of First Instance

4. Yang Pingyou v. Tian Yushan, Jin Yongzhen, Property Damage Compensation Dispute, the Primary People's Court of Daiyue District, Tai'an City, Shandong Province, (2019)Lu 0911 Min Chu No.3807, Civil Judgement of First Instance

5. Ren Jianhui v. Yang Dan, Dispute over the Right to Life, Health and Body, Property Damage Compensation Dispute, the Primary People's Court of Quyuan Precinct, Yueyang City, Hunan Province, (2020)Xiang 0691 Min Chu No.298, Civil Judgement of First Instance

6. Zhou Qiannan v. Zeng Yangdan, Property Damage Compensation Dispute, the Primary People's Court of Hengnan County, Hunan Province, (2020)Xiang 0422 Min Chu No.2159, Civil Judgement of First Instance

7. Appellant Zeng Yangdan v. appellee Zhou Qiannan, Property Damage Compensation Dispute, the Intermediate People's Court of Hengyang City, Hunan Province, (2021)Xiang 04 Min Zhong No.761, Civil Judgement of Second Instance

8. Wang Wenjing v. Lan Mei, Property Damage Compensation Dispute, the Primary People's Court of Hanyang

District, Wuhan City, Hubei Province, (2022)E 0105 Min Chu No.726, Civil Judgement of First Instance

Category VII: Other Causes of Injury or Death or Loss of Animals

1. Tang Xiaoxiong et al. v. Chen Dongliang et al., Property Damage Compensation Dispute Appeal Case, the Intermediate People's Court of Hangzhou City, Zhejiang Province, (2015)Zhe Hang Min Zhong Zi No.3085, Civil Judgement of Second Instance
2. Kuang Jichun v. Chuzhou Suburb Power Supply Company of Anhui Electric Power Company of State Grid, Property Damage Compensation Dispute, the Primary People's Court of Nanqiao District, Chuzhou City, Anhui Province, (2017)Wan 1103 Min Chu No.2149, Civil Judgement of First Instance
3. Jin Sisi v. Lin Minggao, Dispute over the Right to Life, Health and Body, the Primary People's Court of Rui'an City, Zhejiang Province, (2019)Zhe 0381 Min Chu No.8546, Civil Judgement of First Instance
4. Wang Chengjianli v. Jiang Jun, Property Damage Compensation Dispute, the Primary People's Court of Qingtian County, Zhejiang Province, (2019)Zhe 1121 Min Chu No.4716, Civil Judgement of First Instance
5. Wang Shunling v. Beijing Xinke Property Management Company Limited, Property Damage Compensation Dispute, the Primary People's Court of Changping District, Beijing City, (2021)Jing 0114 Min Chu No.23988, Civil Judgement of First Instance

APPENDIX II

Cases Classification Based on the Regions (Provinces)

No.	Provincial-Level Administrative Region Involved in The Cases	Prefecture-Level Cities Involved (Numbers of Judgements)	Numbers of Judgements Claiming Mental Damages Compensation Based on Injury or Death of the Pets (% of Total Number of Judgements)	Number of Judgements Upholding Mental Damages Compensation (% Proportion of Judgements on Which Mental Damages Were Claimed)	Numbers of Judgements Claiming Compensation for Medical Expenses in Excess of The Market Value of the Pet Itself	Numbers of Judgements Upholding Medical Expenses Compensation (% Proportion of Judgements Claimed for Medical Expenses)
1	Anhui Province	Chuzhou City(1), Hefei City(2), Ma'anshan City(1), Suzhou City(1)	2	1	3	3
2	Beijing City	(15)	13	3	1	1
3	Chongqing City	(2)	1	0	2	2
4	Fujian Province	Fuzhou City(1), Nanping City(1), Sanming City(1)	3	2	1	1
5	Gansu Province	Qingyang City(1)	1	1	0	0
6	Guangdong Province	Dongguan City(2), Foshan City(3), Guangzhou City(12), Shenzhen City(6), Zhongshan City(1)	23	14	3	3
7	Guangxi Zhuang Autonomous Region	Nanning City(1)	1	0	1	1

8	Hebei Province	Langfang City(1)	1	0	1	0
9	Henan Province	Xinxiang City(2), Xinyang City(2), Xuchang City(1), Zhengzhou City(2)	7	3	2	2
10	Heilongjiang Province	Daqing City(1), Harbin City(2)	3	2	0	0
11	Hubei Province	Huangshi City(1), Wuhan City(3)	4	3	2	2
12	Hunan Province	Hengyang City(2), Huaihua City(1), Yongzhou City(1), Yueyang City(3), Changsha City(1)	7	4	0	0
13	Jiangsu Province	Changzhou City(1), Huai'an City(1), Nanjing City(3), Suzhou City(3), Wuxi City(3)	10	1	4	4
14	Jiangxi Province	Ganzhou City(1), Nanchang City(3), Shangrao City(1)	5	4	3	3
15	Liaoning Province	Anshan City(2), Dalian City(1), Fushun City(1), Shenyang City(3), Yingkou City(1)	4	3	3	2
16	Inner Mongolia Autonomous Region	Alxa League (1), Xing'an League (1)	2	0	1	1
17	Shandong Province	Binzhou City(2), Liaocheng City(1), Qingdao City(1), Tai'an City(1), Weihai City(1)	6	4	0	0

18	Shanxi Province	Xi'an City(1), Xianyang City(2)	1	0	2	2
19	Shanghai City	(5)	4	2	2	2
20	Sichuan Province	Zigong City(2)	2	2	0	0
21	Tianjin Province	(2)	2	0	0	0
22	Xinjiang Uygur Autonomous Region	Urumqi City (2)	1	0	1	1
23	Yunnan Province	Kunming City(4)	4	2	0	0
24	Zhejiang Province	Hangzhou City(7), Lishui City(1), Quzhou City(1), Shaoxing City(2), Taizhou City(1), Wenzhou City(2)	13	3	6	6

APPENDIX III

List of Companion Animal Species Involved in the Cases

No.	Case Number	Dog	Cat	Chinchilla	Rabbit
1	(2003)Xi Min Chu Zi No.6403	Dog(Pomeranian)			
2	(2006)Hui Min Chu Zi No.1311	Dog(Rough Collie)			
3	(2008) Xin Min Yi Chu Zi No.1452	Dog(Labrador Retriever)			
4	(2009) Hang Jiang Min Chu Zi No.2443	Dog			
5	(2014) Xi Fa Bei Min Chu Zi No.0327	Dog(Rough Collie)			
6	(2015) Li Min Chu Zi No.00600	Dog			
7	(2015)Dong Er Fa Min San Chu Zi No.1151	Dog(Yorkshire Terrier-Shih Tzu Mix)			
8	(2015)Tou Min Yi Chu Zi No.608	Dog(Tibetan Mastiff)			
9	(2015)Qu Min Chu Zi No.3827	Dog(Dachshund)			
10	(2015)Pan Fa Pai Min Chu Zi No.1399	Dog(Poodle)			
11	(2016)Yun 01 Min Zhong No.3102	Dog(Poodle)			
12	(2016)Yue 01 Min Zhong No.8592	Dog(Pomeranian)			
13	(2016)Hu 0106 Min Chu No.7970	Dog(Non-prestigious dog breeds)			
14	(2016)Shaan 0402 Min Chu No.1051	Dog(Poodle)			
15	(2016) Shaan 04 Min Zhong No.2342	Dog(Poodle)			
16	(2016)Hu 0112 Min Chu No.23635	Dog(Poodle)			
17	(2016)Yue 0304 Min Chu No.5980	Dog(Poodle)			
18	(2016) Yue 0307 Min Chu No.17661	Dog(Akita)			
19	(2017)Nei 2224 Min Chu No.325	Dog(Pomeranian)			
20	(2017)Yue 1927 Min Chu No.4204	Dog(Golden Retriever)			
21	(2017)Yue 0607 Min Chu No.3423	Dog(Pomeranian)			
22	(2017)Wan 05 Min Zhong No.1091	Dog(Welsh Corgi)			
23	(2017)Gan 1102 Min Chu No.2604	Dog			
24	(2017)Liao 08 Min Zhong No.3612	Dog(French Bulldog)			
25	(2018)Wan 1323 Min Chu No.1814	Dog(Poodle)			
26	(2018)Yun 0114 Min Chu No.2493	Dog			

27	(2018)Zhe 0106 Min Chu No.5450	Dog(Poodle)			
28	(2018)Hu 0112 Min Chu No.20674	Dog			
29	(2017)Gan 1002 Min Chu No.3248	Dog(Tibetan Mastiff)			
30	(2018)Lu 1002 Min Chu No.6817	Dog			
31	(2019)Hu 0115 Min Chu No.75115	Dog(Welsh Corgi)			
32	(2020)Jing 01 Min Zhong No.2415	Dog(Bichon Frise)			
33	(2020)Liao 0124 Min Chu No.1228	Dog(Border Collie)			
34	(2020)Gan 0734 Min Chu No.522	Dog(Rottweiler)			
35	(2020)Yu 15 Min Zhong No.3202	Dog(Pekingese)			
36	(2020)Liao 0211 Min Chu No.66	Dog			
37	(2020)Nei 2922 Min Chu No.539	Dog(Poodle)			
38	(2020)Lu 0202 Min Chu No.13835	Dog(Miniature Schnauzer)			
39	(2020)Yue 0306 Min Chu No.23554	Dog(Mix)			
40	(2021)Jin 0112 Min Chu No.8510	Dog(Deerdog Mix)			
41	(2021)Xiang 1129 Min Chu No.1702	Dog(Poodle)			
42	(2021)Yu 1521 Min Chu No.3214	Dog(Poodle)			
43	(2021)Min 0702 Min Chu No.5519	Dog(Poodle)			
44	(2021)Liao 04 Min Zhong No.3077	Dog(German Shepherd Dog)			
45	(2009)Min Min Yi (Min) Chu Zi No.1292	Dog(Shih Tzu)			
46	(2014)Tie Dong Min Er Chu Zi No.464	Dog(Bichon Frise)			
47	(2015)Xin Min Yi Chu Zi No.2328	Dog(Pomeranian)			
48	(2016)Xiang 01 Min Zhong No.355	Dog(Poodle)			
49	(2016)Su 0811 Min Chu Zi No.2871	Dog(Yorkshire Terrier)			
50	(2016)Gui 0103 Min Chu No.11588	Dog(Miniature Schnauzer)			
51	(2017)Jing 0105 Min Chu No.3641	Dog(Pomeranian)			
52	(2016)Yue 0306 Min Chu No.24457	Dog(Chihuahua)			
53	(2018)Gan 0105 Min Chu No.196	Dog(Poodle)			
54	(2019)Gan 01 Min Zhong No.412	Dog(Poodle)			
55	(2018)Yue 0114 Min Chu No.3272	Dog(Bichon Frise Mix)			
56	(2019)Min 0402 Min Chu No.2146	Dog(Pomeranian)			
57	(2019)Yue 0104 Min Chu No.11443	Dog(Poodle)			
58	(2020)Yue 01 Min Zhong No.1240	Dog(Poodle)			

59	(2019)Yu 0112 Min Chu No.15636	Dog(Poodle)			
60	(2019)Wan 01 Min Zhong No.7260	Dog			
61	(2019)E 0111 Min Chu No.6934	Dog(Poodle)			
62	(2020)E 01 Min Zhong No.7124	Dog(Poodle)			
63	(2020)Gan 01 Min Zhong No.111	Dog(Shiba Inu)			
64	(2020)Yu 0112 Min Chu No.1695	Dog(Poodle)			
65	(2020)Yu 01 XX Min Chu No.14521	Dog(Pomeranian)			
66	(2020)Su 0113 Min Chu No.4618	Dog(Poodle)			
67	(2020)Liao 0102 Min Chu No.17932	Dog(Poodle)			
68	(2021)Zhe 1023 Min Chu No.210	Dog(Yorkshire Terrier)			
69	(2021)Zhe 0603 Min Chu No.7261	Dog(Bichon Frise)			
70	(2021)Zhe 06 Min Zhong No.4485	Dog(Bichon Frise)			
71	(2021)Su 05 Min Zhong No.7416	Dog(Golden Retriever)			
72	(2021)Liao 0302 Min Chu No.4511	Dog(Pomeranian)			
73	(2021)Yu 1082 Min Chu No.5585	Dog(Japanese Spitz)			
74	(2021)Yue 0113 Min Chu No.23627	Dog(Pug)			
75	(2021)Su 0508 Min Chu No.10373	Dog(Poodle & Shiba Inu)			
76	(2022)Xiang 1202 Min Chu No.3895	Dog(Pomeranian)			
77	(2017)Yue 01 Min Zhong No.16190	Dog(Samoyed)			
78	(2018)Xiang 0602 Min Chu No.1174	Dog(Labrador Retriever)			
79	(2018)Xiang 06 Min Zhong No.2845	Dog(Labrador Retriever)			
80	(2020)Lu 16 Min Zhong No.2049	Dog			
81	(2020)Zhe 0802 Min Chu No.2787	Dog(Golden Retriever)			
82	(2021)Min 01 Min Zhong No.1865		Cat		
83	(2021)Yue 0606 Min Chu No.19193		Cat(British Shorthair)		
84	(2021)Shaan 0113 Min Chu No.25267	Dog(Alaskan Malamute)			
85	(2021)Jing 0101 Min Chu No.24322		Cat		
86	(2021)Jing 0113 Min Chu No.23255		Cat(Chinese Pastoral Cat)		
87	(2022)Hei 06 Min Zhong No.168		Cat		
88	(2018)Zhe 01 Min Zhong No.1388	Dog(French Bulldog)			

89	(2021)Jing 0113 Min Chu No.18399	Dog(Shiba Inu)			
90	(2015)Bin Zhong Min Yi Zhong Zi No.314	Dog(Chow Chow)			
91	(2016)E 0203 Min Chu No.1062	Dog(Border Collie)			
92	(2019)Yue 0304 Min Chu No.34395		Cat(Ragdoll)		
93	(2019)Jing 0102 Min Chu No.1548		Cat		
94	(2017)Zhe 01 Min Zhong No.4422	Dog			
95	(2017)Jing 0105 Min Chu No.83730		Cat(British Shorthair)		
96	(2018)Jing 03 Min Zhong No.5499		Cat(British Shorthair)		
97	(2020)Zhe 03 Min Zhong No.1052	Dog(Samoyed)			
98	(2020)Lu 1523 Min Chu No.1397	Dog			
99	(2020)Su 0105 Min Chu 3270	Dog(French Bulldog)			
100	(2021)Yue 0106 Min Chu No.16607	Dog(Poodle)			
101	(2019)Yue 01 Min Zhong No.930	Dog			
102	(2020)Yu 0702 Min Chu No.5249	Dog(French Bulldog)			
103	(2020)Yu 07 Min Zhong No.6036	Dog(French Bulldog)			
104	(2021)Yue 2071 Min Chu No.7824	Dog(Poodle)			
105	(2016)Yu 01 Min Zhong No.12738	Dog(Poodle)			
106	(2017)Yue 0105 Min Chu No.1209	Dog			
107	(2017)Zhe 0110 Min Chu No.11218		Cat(British Shorthair & Cat)		
108	(2017)Zhe 01 Min Zhong No.7970		Cat(British Shorthair & Cat)		
109	(2017)Yue 0106 Min Chu No.15522			Chinchilla	Rabbit
110	(2018)Chuan 0302 Min Chu No.2812	Dog(French Bulldog)			
111	(2018)Chuan 03 Min Zhong No.1047	Dog(French Bulldog)			
112	(2019)Su 05 Min Zhong No.3039	Dog(Beagle)			
113	(2019)Jing 0111 Min Chu No.28211	Dog(French Bulldog)			
114	(2020)Jing 02 Min Zhong No.6721	Dog(French Bulldog)			
115	(2020)Jin 0104 Min Chu No.1216	Dog(Poodle)			
116	(2020)Yue 0115 Min Chu No.8422	Dog(Golden Retriever)			
117	(2021)Yue 01 Min Zhong No.14131	Dog(Border Collie)			

118	(2021)Yue 0304 Min Chu No.6563			Chinchilla	
119	(2021)Yun 7101 Min Chu No.301	Dog(Border Collie)			
120	(2022)Jing 0113 Min Chu No.686	Dog(Poodle)			
121	(2015)Xiang Min Er Min Chu Zi No.725	Dog(German Shepherd Dog)			
122	(2016)Hei 01 Min Zhong No.3320	Dog(German Shepherd Dog)			
123	(2017)Liao 0106 Min Chu No.5052	Dog			
124	(2020)Jing 0109 Min Chu No.524		Cat		
125	(2020)Jing 01 Min Zhong No.3757		Cat		
126	(2015)Bao Min Yi Chu Zi No.03620	Dog(American Cocker Spaniel)			
127	(2016)Yue 0607 Min Chu No.2271		Cat		
128	(2019)Ji 1082 Min Chu No.4560	Dog			
129	(2019)Lu 0911 Min Chu No.3807	Dog			
130	(2020)Xiang 0691 Min Chu No.298	Dog			
131	(2020)Xiang 0422 Min Chu No.2159		Cat		
132	(2021)Xiang 04 Min Zhong No.761		Cat		
133	(2022)E 0105 Min Chu No.726		Cat		
134	(2015)Zhe Hang Min Zhong Zi No.3085	Dog(Poodle)			
135	(2017)Wan 1103 Min Chu No.2149	Dogs (French Bulldog 4, Shiba Inu 1)			
136	(2019)Zhe 0381 Min Chu No.8546	Dog			
137	(2019)Zhe 1121 Min Chu No.4716	Dog(Shiba Inu)			
138	(2021)Jing 0114 Min Chu No.23988	Dog			
Total Numbers		119	17	2	1

APPENDIX IV

List of Claims for Mental Damages & Excessive Medical Expenses and Corresponding Results

No.	Case Number	Whether There Was A Claim for Mental Damages	Whether The Judge Upheld The Claim for Mental Damage	Whether There Was A Claim for High Medical Expenses	Whether The Judge Upheld The Claim for High Medical Expenses
1	(2003)Xi Min Chu Zi No.6403	Yes	No	—	—
2	(2006)Hui Min Chu Zi No.1311	Yes	No	—	—
3	(2008) Xin Min Yi Chu Zi No.1452	Yes	No	—	—
4	(2009) Hang Jiang Min Chu Zi No.2443	Yes	Yes	—	—
5	(2014) Xi Fa Bei Min Chu Zi No.0327	Yes	No	—	—
6	(2015) Li Min Chu Zi No.00600	Yes	No	—	—
7	(2015)Dong Er Fa Min San Chu Zi No.1151	Yes	Yes	—	—
8	(2015)Tou Min Yi Chu Zi No.608	Yes	No	—	—
9	(2015)Qu Min Chu Zi No.3827	Yes	No	—	—
10	(2015)Pan Fa Pai Min Chu Zi No.1399	Yes	Yes	—	—
11	(2016)Yun 01 Min Zhong No.3102	Yes	Yes	—	—
12	(2016)Yue 01 Min Zhong No.8592	Yes	Yes	—	—
13	(2016)Hu 0106 Min Chu No.7970	Yes	No	Yes	Yes
14	(2016)Shaan 0402 Min Chu No.1051	No	—	Yes	Yes
15	(2016) Shaan 04 Min Zhong No.2342	No	—	Yes	Yes
16	(2016)Hu 0112 Min Chu No.23635	Yes	Yes	—	—
17	(2016)Yue 0304 Min Chu No.5980	Yes	Yes	—	—
18	(2016) Yue 0307 Min Chu No.17661	Yes	No	—	—
19	(2017)Nei 2224 Min Chu No.325	Yes	No	Yes	Yes
20	(2017)Yue 1927 Min Chu No.4204	Yes	Yes	—	—
21	(2017)Yue 0607 Min Chu No.3423	Yes	Yes	—	—
22	(2017)Wan 05 Min Zhong No.1091	No	—	Yes	Yes
23	(2017)Gan 1102 Min Chu No.2604	Yes	Yes	Yes	Yes
24	(2017)Liao 08 Min Zhong No.3612	Yes	No	—	—
25	(2018)Wan 1323 Min Chu No.1814	No	—	Yes	Yes

26	(2018)Yun 0114 Min Chu No.2493	Yes	No	—	—
27	(2018)Zhe 0106 Min Chu No.5450	Yes(subsequently withdrew)	—	Yes	Yes
28	(2018)Hu 0112 Min Chu No.20674	Yes	No	—	—
29	(2017)Gan 1002 Min Chu No.3248	Yes	Yes	—	—
30	(2018)Lu 1002 Min Chu No.6817	Yes	不 No	—	—
31	(2019)Hu 0115 Min Chu No.75115	No	—	Yes	Yes
32	(2020) Jing 01 Min Zhong No.2415	Yes	No	—	—
33	(2020)Liao 0124 Min Chu No.1228	No	—	Yes	Yes
34	(2020)Gan 0734 Min Chu No.522	Yes	No	—	—
35	(2020)Yu 15 Min Zhong No.3202	Yes	Yes	—	—
36	(2020) Liao 0211 Min Chu No.66	No	—	Yes	No
37	(2020) Nei 2922 Min Chu No.539	Yes(Waived at trial)	—	—	—
38	(2020)Lu 0202 Min Chu No.13835	Yes	Yes	—	—
39	(2020)Yue 0306 Min Chu No.23554	No	—	—	—
40	(2021)Jin 0112 Min Chu No.8510	Yes	No	—	—
41	(2021)Xiang 1129 Min Chu No.1702	Yes	Yes	—	—
42	(2021)Yu 1521 Min Chu No.3214	Yes	Yes	—	—
43	(2021)Min 0702 Min Chu No.5519	Yes	Yes	—	—
44	(2021)Liao 04 Min Zhong No.3077	No	—	—	—
45	(2009)Min Min Yi (Min) Chu Zi No.1292	Yes	Yes	—	—
46	(2014)Tie Dong Min Er Chu Zi No.464	No	—	—	—
47	(2015)Xin Min Yi Chu Zi No.2328	No	—	Yes	Yes
48	(2016)Xiang 01 Min Zhong No.355	Yes	Yes	—	—
49	(2016)Su 0811 Min Chu Zi No.2871	Yes	No	—	—
50	(2016)Gui 0103 Min Chu No.11588	Yes	No	Yes	Yes
51	(2017)Jing 0105 Min Chu No.3641	Yes	Yes	Yes	Yes
52	(2016)Yue 0306 Min Chu No.24457	Yes	Yes	—	—
53	(2018)Gan 0105 Min Chu No.196	Yes	Yes	Yes	Yes
54	(2019)Gan 01 Min Zhong No.412	Yes	Yes	Yes	Yes
55	(2018)Yue 0114 Min Chu No.3272	Yes	No	Yes	Yes
56	(2019)Min 0402 Min Chu No.2146	Yes	No	Yes	Yes
57	(2019)Yue 0104 Min Chu No.11443	Yes	Yes	—	—

58	(2020)Yue 01 Min Zhong No.1240	Yes	Yes	—	—
59	(2019) Yu 0112 Min Chu No.15636	No	—	Yes	Yes
60	(2019)Wan 01 Min Zhong No.7260	No	—	Yes	Yes
61	(2019)E 0111 Min Chu No.6934	Yes	Yes	Yes	Yes
62	(2020)E 01 Min Zhong No.7124	Yes	Yes	Yes	Yes
63	(2020)Gan 01 Min Zhong No.111	Yes	Yes	—	—
64	(2020)Yu 0112 Min Chu No.1695	Yes	No	Yes	Yes
65	(2020)Yu 01 XX Min Chu No.14521	Yes	No	Yes	Yes
66	(2020)Su 0113 Min Chu No.4618	Yes	No	Yes	Yes
67	(2020)Liao 0102 Min Chu No.17932	Yes	Yes	Yes	Yes
68	(2021)Zhe 1023 Min Chu No.210	Yes	No ²³³	—	—
69	(2021)Zhe 0603 Min Chu No.7261	Yes	No	Yes	Yes
70	(2021)Zhe 06 Min Zhong No.4485	Yes	No	Yes	Yes
71	(2021)Su 05 Min Zhong No.7416	No	—	Yes	Yes
72	(2021)Liao 0302 Min Chu No.4511	Yes	Yes	—	—
73	(2021)Yu 1082 Min Chu No.5585	Yes	No	Yes	Yes
74	(2021)Yue 0113 Min Chu No.23627	Yes	No	Yes	Yes
75	(2021)Su 0508 Min Chu No.10373	Yes ²³⁴	No	Yes ²³⁵	Yes (Both)
76	(2022)Xiang 1202 Min Chu No.3895	Yes	No	—	—
77	(2017)Yue 01 Min Zhong No.16190	Yes	Yes		
78	(2018)Xiang 0602 Min Chu No.1174	Yes	No		
79	(2018)Xiang 06 Min Zhong No.2845	Yes	No		
80	(2020)Lu 16 Min Zhong No.2049	Yes	No		
81	(2020)Zhe 0802 Min Chu No.2787	Yes	Yes		
82	(2021)Min 01 Min Zhong No.1865	Yes	Yes		
83	(2021)Yue 0606 Min Chu No.19193	Yes	Yes		
84	(2021)Shaan 0113 Min Chu No.25267	Yes	No		
85	(2021)Jing 0101 Min Chu No.24322	Yes	Yes		
86	(2021)Jing 0113 Min Chu No.23255	Yes	No		
87	(2022)Hei 06 Min Zhong No.168	Yes	Yes		
88	(2018)Zhe 01 Min Zhong No.1388	Yes	Yes	—	—

²³³ The plaintiff and the defendant were not qualified and the lawsuit was dismissed.

²³⁴ Both the plaintiff and the defendant filed this claim.

²³⁵ Both the plaintiff and the defendant filed this claim.

89	(2021)Jing 0113 Min Chu No.18399	Yes	No	—	—
90	(2015)Bin Zhong Min Yi Zhong Zi No.314	Yes	Yes	—	—
91	(2016)E 0203 Min Chu No.1062	Yes	No	—	—
92	(2019)Yue 0304 Min Chu No.34395	Yes	No	—	—
93	(2019)Jing 0102 Min Chu No.1548	No	—	—	—
94	(2017)Zhe 01 Min Zhong No.4422	Yes	No	Yes	Yes
95	(2017)Jing 0105 Min Chu No.83730	Yes	No	—	—
96	(2018)Jing 03 Min Zhong No.5499	Yes	No	—	—
97	(2020)Zhe 03 Min Zhong No.1052	Yes	No	—	—
98	(2020)Lu 1523 Min Chu No.1397	Yes	Yes	—	—
99	(2020)Su 0105 Min Chu 3270	Yes	No	—	—
100	(2021)Yue 0106 Min Chu No.16607	Yes	No	—	—
101	(2019)Yue 01 Min Zhong No.930	Yes	Yes	—	—
102	(2020)Yu 0702 Min Chu No.5249	Yes	Yes	—	—
103	(2020)Yu 07 Min Zhong No.6036	Yes	No	—	—
104	(2021)Yue 2071 Min Chu No.7824	Yes	No	—	—
105	(2016)Yu 01 Min Zhong No.12738	Yes	No	—	—
106	(2017)Yue 0105 Min Chu No.1209	Yes	Yes	—	—
107	(2017)Zhe 0110 Min Chu No.11218	Yes	No	Yes	Yes
108	(2017)Zhe 01 Min Zhong No.7970	No	—	Yes	Yes
109	(2017)Yue 0106 Min Chu No.15522	Yes	Yes	—	—
110	(2018)Chuan 0302 Min Chu No.2812	Yes	Yes	—	—
111	(2018)Chuan 03 Min Zhong No.1047	Yes	Yes	—	—
112	(2019)Su 05 Min Zhong No.3039	Yes	Yes	Yes	Yes
113	(2019)Jing 0111 Min Chu No.28211	Yes	No	—	—
114	(2020)Jing 02 Min Zhong No.6721, Civil Judgement of Second Instance	No	—	—	—
115	(2020)Jin 0104 Min Chu No.1216	Yes	No ²³⁶	No.	—
116	(2020)Yue 0115 Min Chu No.8422	Yes	Yes	—	—
117	(2021)Yue 01 Min Zhong No.14131	Yes	No	—	—
118	(2021)Yue 0304 Min Chu No.6563	Yes	No	—	—
119	(2021)Yun 7101 Min Chu No.301	Yes	No	—	—

²³⁶ Transfer of Jurisdiction to another court.

120	(2022)Jing 0113 Min Chu No.686	Yes	Yes	—	—
121	(2015)Xiang Min Er Min Chu Zi No.725	Yes	Yes	—	—
122	(2016)Hei 01 Min Zhong No.3320	Yes	No ²³⁷	—	—
123	(2017)Liao 0106 Min Chu No.5052	Yes	Yes	—	—
124	(2020)Jing 0109 Min Chu No.524	Yes	No ²³⁸	—	—
125	(2020)Jing 01 Min Zhong No.3757	Yes	No ²³⁹	—	—
126	(2015)Bao Min Yi Chu Zi No.03620	Yes	Yes	—	—
127	(2016)Yue 0607 Min Chu No.2271	Yes	No	Yes	Yes
128	(2019)Ji 1082 Min Chu No.4560	Yes	No ²⁴⁰	Yes	No ²⁴¹
129	(2019)Lu 0911 Min Chu No.3807	Yes	Yes	—	—
130	(2020)Xiang 0691 Min Chu No.298	No	—	—	—
131	(2020)Xiang 0422 Min Chu No.2159	Yes	Yes	—	—
132	(2021)Xiang 04 Min Zhong No.761	Yes	Yes	—	—
133	(2022)E 0105 Min Chu No.726	Yes	Yes	—	—
134	(2015)Zhe Hang Min Zhong Zi No.3085	Yes	No	—	—
135	(2017)Wan 1103 Min Chu No.2149	Yes	No	—	—
136	(2019)Zhe 0381 Min Chu No.8546	Yes	No	—	—
137	(2019)Zhe 1121 Min Chu No.4716	Yes	No	—	—
138	(2021)Jing 0114 Min Chu No.23988	Yes	No	—	—

²³⁷ The court of second instance quashed the judgement of first instance because the plaintiff had mistakenly listed the defendant of the lawsuit at first instance.

²³⁸ Lost the lawsuit.

²³⁹ Lost the lawsuit.

²⁴⁰ Since the three defendants are minors, in other words, they are persons without civil capacity or with restricted civil capacity, the judge ruled that they were not liable.

²⁴¹ Since the three defendants are minors, in other words, they are persons without civil capacity or with restricted civil capacity, the judge ruled that they were not liable.

APPENDIX V

List of Detailed Information on the Judges' Attitudes

(Sorted by time of completion)

No.	Case Number	Whether the Judges Recognised Emotional Connection or Mental Suffering	Whether the Judges Recognised Pets As Special Objects	Whether the Judges Recognized Personal Significance of Pets
1	(2003)Xi Min Chu Zi No.6403	Yes		
2	(2006)Hui Min Chu Zi No.1311			Denied the pet as a special memento of personal significance
3	(2008) Xin Min Yi Chu Zi No.1452	Yes		Attempted to apply the law relating to "a specific memento of personal significance" to pets, but gave up due to lack of directly applicable law
4	(2009)Min Min Yi (Min) Chu Zi No.1292	Yes	Yes. "The most important feature that makes it different from other common objects is that it has life and spirituality..."	Yes, "...can form personalized emotional connection, affective interaction and spiritual support with its owner...the plaintiff did have some personal interest connection with the Shih Tzu..."
5	(2009) Hang Jiang Min Chu Zi No.2443	Yes		Attempted to apply the law relating to "a specific memento of personal significance" to pets, but gave up due to lack of directly applicable law
6	(2014)Tie Dong Min Er Chu Zi No.464			

7	(2014) Xi Fa Bei Min Chu Zi No.0327	Yes		
8	(2015) Li Min Chu Zi No.00600	Yes		
9	(2015) Bin Zhong Min Yi Zhong Zi No.314	Yes	Yes, "...it is different from ordinary property. It is not only the property of their owners, but most importantly, it is an object with a special emotional relationship with its owner. The pet has an irreplaceable position in its owner's emotional feelings."	
10	(2015) Dong Er Fa Min San Chu Zi No.1151	Yes	Yes, "which is special property with life characteristics..."	Yes, "an important part of their lives"
11	(2015) Bao Min Yi Chu Zi No.03620	Yes	Yes. "The most important feature that makes it different from other ordinary property is that it has life and spirituality, and can develop emotional connection, affective interaction and spiritual support with its owner."	
12	(2015) Zhe Hang Min Zhong Zi No.3085			Denied the pet as "a special memento of personal significance"

13	(2015)Xin Min Yi Chu Zi No.2328	Yes		
14	(2015)Tou Min Yi Chu Zi No.608	Yes		
15	(2015)Qu Min Chu Zi No.3827			
16	(2015)Xiang Min Er Min Chu Zi No.725	Yes		
17	(2016)Xiang 01 Min Zhong No.355	Yes	Yes, "it is different from ordinary property. It is not only the property of their owners, but more importantly, it is an object with a special emotional relationship with its owner. The pet has an irreplaceable position in its owner's emotional feelings."	
18	(2015)Pan Fa Pai Min Chu Zi No.1399	Yes		
19	(2016)Yue 01 Min Zhong No.8592	Yes	Yes. "Pet dogs are ...unlike ordinary objects. There could be a deep bond between the pet dog and the owner, and a certain emotional dependence do exist."	
20	(2016)Hu 0106 Min Chu No.7970	Yes		
21	(2016)Hei 01 Min Zhong No.3320			

22	(2016)Shaan 0402 Min Chu No.1051	Yes	Yes, "they are different from ordinary inanimate objects"	
23	(2016)Su 0811 Min Chu Zi No.2871	Yes		Denied the pet as "a special memento of personal significance", only acknowledged its commemorative significance.
24	(2016)Yue 0607 Min Chu No.2271	Yes	Yes, "...pets have life characteristics compared to general properties such as real estate and vehicles, and they are not just single property for their owners. Pet damages compensation should be different from that of general property damages such as movable and immovable properties..."	
25	(2016)Hu 0112 Min Chu No.23635	Yes	Yes. "The most important feature that makes it different from other common objects is that it has life and spirituality..."	Yes, "...can form personalized emotional connection, affective interaction and spiritual support with its owner...the plaintiff regarded the poodle Baobao as a member of the family. The plaintiff did have some personal interest connection with the pet in some aspects of his daily life."

26	(2016)Yun 01 Min Zhong No.3102	Yes		
27	(2016)E 0203 Min Chu No.1062	Yes		Denied the pet as “a special memento of personal significance”
28	(2016) Shaan 04 Min Zhong No.2342	Yes	Yes. “They should be treated as specific property endowed with special spiritual significance.”	
29	(2016)Yue 0304 Min Chu No.5980	Yes		
30	(2016)Yu 01 Min Zhong No.12738			
31	(2016)Gui 0103 Min Chu No.11588	Yes		Denied the pet dog as “a special memento of personal significance”, only acknowledged its commemorative significance.
32	(2017)Jing 0105 Min Chu No.3641	Yes		
33	(2016)Yue 0306 Min Chu No.24457	Yes		
34	(2016) Yue 0307 Min Chu No.17661	Yes		
35	(2017)Nei 2224 Min Chu No.325	Yes		
36	(2017)Yue 1927 Min Chu No.4204	Yes	Yes, “which is a special property with life characteristics”	Yes, “an important part of their lives”

37	(2017)Liao 0106 Min Chu No.5052	Yes	Yes. "Pet dogs ... are different from the ordinary objects. Pet dogs and their owners can develop a deep emotional relationship and a certain affective dependence between them."	
38	(2017)Zhe 01 Min Zhong No.4422			
39	(2017)Yue 0105 Min Chu No.1209	Yes		
40	(2017)Zhe 0110 Min Chu No.11218			
41	(2017)Yue 0607 Min Chu No.3423	Yes	Yes, "a special object"	Yes. "The dog is part of the plaintiff's emotional life and is of special personal significance."
42	(2017)Wan 05 Min Zhong No.1091	Yes	Yes. "The injured corgi in this case is a living being with warmth and emotions, not an ordinary object that can be repaired."	
43	(2017)Yue 01 Min Zhong No.16190	Yes		Yes, "as part of their lives and members of the family"
44	(2017)Yue 0106 Min Chu No.15522	Yes		
45	(2017)Wan 1103 Min Chu No.2149			

46	(2017)Gan 1102 Min Chu No.2604	Yes	Yes. "Pet dogs are different from ordinary objects...special objects...living objects"	Yes, "an object of personal significance or spiritual and emotional value", "a member of the family"
47	(2017)Liao 08 Min Zhong No.3612	Yes		
48	(2017)Zhe 01 Min Zhong No.7970	Yes		
49	(2017)Jing 0105 Min Chu No.83730	Yes		
50	(2018)Zhe 01 Min Zhong No.1388	Yes		Yes. "Jin Lei regards the dog as a family member and an indispensable part of his life."
51	(2018)Jing 03 Min Zhong No.5499	Yes		
52	(2018)Wan 1323 Min Chu No.1814	Yes		
53	(2018)Xiang 0602 Min Chu No.1174	Yes		
54	(2018)Yun 0114 Min Chu No.2493			
55	(2018)Chuan 0302 Min Chu No.2812	Yes		
56	(2018)Chuan 03 Min Zhong No.1047	Yes		
57	(2018)Zhe 0106 Min Chu No.5450			
58	(2018)Hu 0112 Min Chu No.20674	Yes		Denied the pet as "a special memento of personal significance"
59	(2018)Xiang 06 Min Zhong No.2845			

60	(2018)Gan 0105 Min Chu No.196	Yes	Yes, "pet dogs are different from general objects..."	
61	(2017)Gan 1002 Min Chu No.3248	Yes		
62	(2019)Yue 01 Min Zhong No.930	Yes		Yes. "As a pet, the dog Duoduo has been anthropomorphized to a certain extent and has become a specific object with personal significance." "...the dog DuoDuo, as a pet, has been integrated into the daily life of Huang Keyang and Luo Yuehua."
63	(2018)Yue 0114 Min Chu No.3272			
64	(2019)Gan 01 Min Zhong No.412	Yes	Yes, "pet dogs were different from ordinary property"	Denied the pet as "a special memento of personal significance"
65	(2018)Lu 1002 Min Chu No.6817			
66	(2019)Min 0402 Min Chu No.2146	Yes		Denied the pet as "a special memento of personal significance"
67	(2019)Ji 1082 Min Chu No.4560			
68	(2019)Yue 0104 Min Chu No.11443	Yes		

69	(2019)Su 05 Min Zhong No.3039	Yes	Yes. "The pet dog involved in the case is different from ordinary property. It has life characteristics. Long-term breeding will establish a close relationship between the breeder and the dog, and the dog can become the breeder's emotional support."	
70	(2019)Lu 0911 Min Chu No.3807	Yes	Yes, "a special object"	Yes. "The dog is part of the plaintiff's emotional life and is of special personal significance."
71	(2019) Yu 0112 Min Chu No.15636	Yes		
72	(2019)Zhe 0381 Min Chu No.8546	Yes		
73	(2019)Wan 01 Min Zhong No.7260	Yes	Yes. "Pet dogs have the characteristic of life compared to general property...the particularity of pets among property..."	
74	(2019)Hu 0115 Min Chu No.75115	Yes	Yes, "although pet dogs are the property of their owners in legal nature, they also have the natural attributes of life...Pet dogs are specific objects to the owner, different from other general property."	

75	(2019)Zhe 1121 Min Chu No.4716	Yes		The judge denied that the pet involved in the case was of personal significance because there was no evidence.
76	(2019)E 0111 Min Chu No.6934	Yes	Yes. "The dog is both Zhang Huixiang's property and a living animal."	Yes, "a special memento of personal significance"
77	(2020)Gan 01 Min Zhong No.111	Yes		Yes, "regarded it as one of his family members"
78	(2020)Zhe 03 Min Zhong No.1052	Yes		Denied the pet as "a special memento of personal significance"
79	(2020)Yue 01 Min Zhong No.1240	Yes		Yes. "The dog has been integrated into the daily life of Luo Haoyu, and Luo Haoyu and the dog have developed emotional interdependence. This dog does have personal significance for Luo Haoyu."
80	(2020) Jing 01 Min Zhong No.2415			
81	(2020)Jing 0109 Min Chu No.524			
82	(2020)Yu 0112 Min Chu No.1695			
83	(2019)Jing 0111 Min Chu No.28211			Denied the pet as "a special memento of personal significance"

84	(2020)Lu 16 Min Zhong No.2049	Yes		The judge only recognized that Han Yinghua “regarded the pet dog as a family member”, but failed to connect its personal significance.
85	(2020)Liao 0124 Min Chu No.1228	Yes	Yes, “...compared with ordinary property, the pet dog has its particularity.”	
86	(2019)Yue 0304 Min Chu No.34395			
87	(2020)Gan 0734 Min Chu No.522			
88	(2020)Jing 02 Min Zhong No.6721			Denied the pet as “a special memento of personal significance”
89	(2020)Jin 0104 Min Chu No.1216			
90	(2020)Lu 1523 Min Chu No.1397	Yes	Yes, “...the dog is not just considered as ordinary property, but as a special property with life.”	Yes, “...an important member of his family and an indispensable part of his life...” “The dog is a part of the plaintiff’s emotional life and has an irreplaceable position in the plaintiff’s emotion.”
91	(2020)Jing 01 Min Zhong No.3757			
92	(2020)Yu 15 Min Zhong No.3202	Yes		Yes, “had become an inseparable part of the family”

93	(2020)E 01 Min Zhong No.7124	Yes	Yes. "The dog is both Zhang Huixiang's property and a living animal."	Yes, "a special memento of personal significance"
94	(2020)Su 0105 Min Chu 3270	Yes		
95	(2020)Xiang 0691 Min Chu No.298	Yes		
96	(2020)Zhe 0802 Min Chu No.2787	Yes		Yes, "part of their lives and members of the family"
97	(2020)Yu 01 XX Min Chu No.14521	Yes	Yes, "pet dogs are different from general objects"	
98	(2020)Yu 0702 Min Chu No.5249	Yes		Yes, "Gongxi has also acquired a certain degree of personal significance for Han Ruodan."
99	(2019)Jing 0102 Min Chu No.1548			
100	(2020) Liao 0211 Min Chu No.66	Yes		

101	(2020)Yue 0115 Min Chu No.8422	Yes	Yes. "The natural attributes of pet dogs determine that they are different from ordinary property. Pet dogs have lives... Pet dogs are able to communicate with humans to a certain extent. The ability to communicate with humans enables pet dogs to communicate with humans spiritually and form emotional dependence. Pet dogs are particular, unique and irreplaceable."	
102	(2020) Nei 2922 Min Chu No.539			
103	(2020)Su 0113 Min Chu No.4618	Yes		
104	(2020)Lu 0202 Min Chu No.13835	Yes	Yes. "The pet dog in this case is property with life value, and it is an object with property attribute, life value, emotional factors and spiritual value attached to it."	Yes, "...an equivalent of a family member to Yang Ning and his family", "a special memento of personal significance"
105	(2020)Liao 0102 Min Chu No.17932	Yes		Yes, "...the plaintiff... regarded it as a family member with spiritual attachment. The plaintiff and the dog are witnesses to each other's life journey..."

106	(2020)Yue 0306 Min Chu No.23554	Yes	Yes, "...was not ordinary property, ... was irreplaceable and was a particular living being."	
107	(2020)Yu 07 Min Zhong No.6036			
108	(2020)Xiang 0422 Min Chu No.2159	Yes		
109	(2021)Zhe 1023 Min Chu No.210			
110	(2021)Xiang 04 Min Zhong No.761	Yes		
111	(2021)Min 01 Min Zhong No.1865	Yes	Yes. "Pet cats are different from ordinary property in that they have the characteristics of life, and when they are kept for a long period of time, they establish a close relationship with the owner and become the owner's emotional support."	
112	(2021)Yue 2071 Min Chu No.7824	Yes		The judge denied that the pet involved in the case was "a special memento of personal significance" because there was not sufficient evidence.
113	(2021)Yue 01 Min Zhong No.14131	Yes		The judge denied the pet involved in the case as "a specific object with spiritual attribute or personal significance" based on the human-pet relationship in the case.

114	(2021)Yue 0304 Min Chu No.6563			
115	(2021)Jin 0112 Min Chu No.8510	Yes		The judge only recognized that pets could become a "member of the family" but failed to connect their personal significance.
116	(2021)Yun 7101 Min Chu No.301	Yes		
117	(2021)Xiang 1129 Min Chu No.1702	Yes	Yes. "Pets are special objects that have multiple values for people. Dogs can understand and interact with people. If they live with together for a long time, the human being will develop an inseparable emotional and spiritual attachment with dogs."	Yes, "an object of personal significance".
118	(2021)Yue 0606 Min Chu No.19193	Yes	Yes. "Pet cats have lives, which are different from ordinary property."	
119	(2021)Zhe 0603 Min Chu No.7261	Yes		
120	(2021)Yu 1521 Min Chu No.3214	Yes		Yes, "...the dog has indeed become attached with some personal and emotional significance."

121	(2021)Su 05 Min Zhong No.7416	Yes	Yes, "...dogs are indeed objects in a broad sense, but they are also different from general objects. Pet dogs are living things."	The judge mentioned that "more and more dog owners regard their pet dogs as one of their 'family members' ", but failed to connect their personal significance.
122	(2021)Liao 0302 Min Chu No.4511	Yes		
123	(2021)Min 0702 Min Chu No.5519	Yes	Yes. "Pets are special objects that have multiple values for people. Dogs can understand and interact with people. If they live with together for a long time, the human being will develop an inseparable emotional and spiritual attachment with dogs."	
124	(2021)Shaan 0113 Min Chu No.25267			
125	(2021)Yu 1082 Min Chu No.5585			
126	(2021)Yue 0113 Min Chu No.23627	Yes		Denied the pet involved in the case as "a special memento of personal significance" and analyzed it.
127	(2021)Zhe 06 Min Zhong No.4485			

128	(2021)Jing 0113 Min Chu No.18399	Yes		Yes. The judge recognized the pet as “an object of personal significance” and agreed that “the pet became an indispensable part of the plaintiff's family”.
129	(2021)Liao 04 Min Zhong No.3077			
130	(2021)Su 0508 Min Chu No.10373			
131	(2021)Jing 0101 Min Chu No.24322			
132	(2021)Jing 0113 Min Chu No.23255			
133	(2022)Jing 0113 Min Chu No.686	Yes		Yes, “an object of personal significance”
134	(2022)Hei 06 Min Zhong No.168	Yes		Yes, “an object of personal significance”
135	(2022)E 0105 Min Chu No.726	Yes		
136	(2021)Yue 0106 Min Chu No.16607			
137	(2022)Xiang 1202 Min Chu No.3895	Yes		Denied the pet as an object of personal significance
138	(2021)Jing 0114 Min Chu No.23988			Denied the dog as “an object of personal significance”

<p>Total 138 Judgments²⁴²</p>	<p>A total of 100 judgments mentioned and recognized the human-pet emotional relationship.</p>	<p>A total of 34 judgments recognized that pets were special objects/special property.</p>	<p>A total of 25 judgments affirmed the personal significance of pets;²⁴³ a total of 17 judgments denied the personal significance of pets.²⁴⁴</p>
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²⁴² Note: In the (2020)Lu 16 Min Zhong No.2049, (2021)Jin 0112 Min Chu No.8510, and (2021)Su 05 Min Zhong No.7416 Judgements, the judges recognized that pets are "family members" but did not connect their personal significance. These 3 judgments are not included in the statistics.

²⁴³ In addition, in the (2008) Xin Min Yi Chu Zi No.1452 and (2009)Hang Jiang Min Chu Zi No.2443 Judgments, the judges tried to apply the regulations on "a special memento of personal significance" or "an object of personal significance" to pets, but they gave up because these laws could not be directly applied. Although the two judges did not affirm the personal significance of pets, they did not explicitly deny the personal significance of pets.

²⁴⁴ Among them, in the (2019)Zhe 1121 Min Chu No.4716, (2021)Yue 2071 Min Chu No.7824, and (2021)Yue 01 Min Zhong No.14131 Judgements, the judges denied that the pets involved in the case were objects of personality significance individually on the grounds of "no evidence", "insufficient evidence", or based on the judgment of the human-pet relationship, but did not generally deny the possibility of pets having personal significance.