

Academic Misconduct Responsibilities: An Empirical Comparison Using 35 Chinese Cases as a Foundation*

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Abstract: This article undertakes a comprehensive exploration of academic misconduct by employing a robust comparative and empirical approach. It meticulously examines 35 representative cases from China, delving into the diverse manifestations of academic misconduct such as fund project evaluation interference, fraud, paper trading, improper authorship, and multiple submissions. Through in-depth legal analysis, it not only investigates the infringements on intellectual property rights and public legal interests but also proposes the application of strict liability in tort law. To enhance the regulatory framework, the article advocates for clearer criminalization criteria for severe academic misconduct. It further extends the discussion to incorporate the roles of academic institutions, the challenges in enforcement, and a more expansive legal framework. By drawing on international experiences and best practices, it formulates comprehensive and actionable suggestions for reforming China's academic misconduct regulations, aiming to address this issue effectively on both national and international levels.

Keywords: Academic Misconduct; Comparative Analysis; Empirical Evidence; Criminalization; Tort Law

1. Introduction

Academic misconduct is a behaviour that disregards academic integrity and violates academic ethics.¹ Currently, there are still deficiencies in China's legal framework for addressing academic misconduct, and the measures to combat it remain insufficient.² According to the *Measures for the Prevention and Handling of Academic Misconduct in Higher Education Institutions*, issued and implemented by the Ministry of Education of China in 2016, academic misconduct in China is primarily addressed through administrative penalties within universities rather than pursuing legal accountability for infringement or criminal liability through judicial procedures.³ However, these administrative penalties often fail to serve as an effective deterrent to academic

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¹ Agheorghiesei, Monica, and Ana-Maria Bercu. "Ethical Behaviour in HEIS. An Exploratory Study from Students Perspective." *Applied Research in Administrative Sciences* 3, no. 2 (2022): 5-18. <https://doi.org/10.24818/ARAS/2022/3/2.01>.

² Lu, Jian-Ping. 2019. "China's New Strategy for Fighting Misconduct in Academic Journals." *Chinese Medical Journal* 132 (15): 1865-66. <https://doi.org/10.1097/CM9.0000000000000347>.

³ Huiling Wang and Haoqiong Lian. 2020. "On Responsive Regulation of Academic Misconduct in Colleges and Universities." In *2020 Conference on Educational Science and Educational Skills (ESES2020)*. Scholar Publishing Group. <https://doi.org/10.38007/Proceedings.0000695>.

misconduct, and the punishments imposed on the offenders are not commensurate with the negative impact caused by their actions.

The *Degree Law* of China stipulates that if an applicant for a degree or a degree holder is found to have engaged in academic misconduct such as ghost-writing, plagiarism, or fabrication in their thesis or practical achievements, the degree-awarding institution, upon the resolution of the academic degree evaluation committee, shall refuse to confer the degree or revoke the degree.⁴ Nevertheless, the current *Degree Law* still has shortcomings in regulating academic misconduct. This law only governs the conferment of degrees in cases of academic misconduct in theses and practical achievements but does not provide legal provisions for the infringing acts of academic misconduct offenders.⁵ Thus, there are still inadequacies in China's legal regulations concerning academic misconduct.

Academic misconduct not only severely erodes a nation's academic reputation and its capacity for technological innovation, affecting the development of science and technology, but it can also constitute serious infringement with significant detrimental effects.⁶ For instance, plagiarism in academic papers infringes on the copyright of the original author. Some serious academic misconduct, such as falsification in fields like medicine, can directly harm public health and safety, posing a threat to public interest. Due to the considerable harm caused by academic misconduct, relying solely on administrative measures is clearly insufficient for effective regulation.⁷ It is necessary to emphasise both the ethical management and legal governance of academia.⁸ Addressing academic fraud should not be limited to administrative measures but should also involve necessary judicial procedures.

Therefore, this article aims to thoroughly investigate the legal regulation of academic misconduct through empirical analysis. By examining 35 typical cases, this article finds that academic misconduct is characterised by diversity, concealment, and harmfulness, which severely negatively impacts academic integrity and research order. Additionally, because academic misconduct often involves complex legal relationships and conflicts of

⁴ He, Chen, Jie Xu, and Lihong Zhou. 2023. "Understanding China's Construction of an Academic Integrity System: A Grounded Theory Study on National Level Policies." *Learned Publishing* 36 (2): 217–38. <https://doi.org/10.1002/leap.1540>.

⁵ Lu, Jian-Ping. 2019. "China's New Strategy for Fighting Misconduct in Academic Journals." *Chinese Medical Journal* 132 (15): 1865–66. <https://doi.org/10.1097/CM9.0000000000000347>.

⁶ Parther, Ceceilia. 2022. "International Students and Academic Misconduct: Considering Culture, Community, and Context." *Journal of College and Character* 23 (1): 60–75. <https://doi.org/10.1080/2194587X.2021.2017978>.

⁷ Birks, Melanie, Jane Mills, Steph Allen, and Stephen Tee. 2020. "Managing the Mutations: Academic Misconduct in Australia, New Zealand and the UK." *International Journal for Educational Integrity* 16 (1): 6. <https://doi.org/10.1007/s40979-020-00055-5>.

⁸ Wira Utami, Dhita Permata, and Dian Indri Purnamasari. 2021. "The Impact of Ethics and Fraud Pentagon Theory on Academic Fraud Behavior." *Journal of Business and Information Systems* 3 (1): 49–59. <https://doi.org/10.36067/jbis.v3i1.88>.

interest, traditional administrative measures are often insufficient.⁹ From the perspective of tort law, academic misconduct infringes on others' intellectual property rights and rights to one's name, while also potentially threatening public interest.¹⁰ Consequently, the principle of strict liability in tort law should be applied to rigorously regulate academic misconduct. Furthermore, depending on the basis of the infringement, different degrees of punishment should be applied to academic misconduct to adhere to the principle of proportionality in judicial processes.

In terms of legal constraints, this article suggests improving the legal regulation of academic misconduct by enacting clearer and more specific legal provisions, defining the legal responsibilities and penalties for academic misconduct. Additionally, the role of judicial procedures in the governance of academic misconduct should be strengthened, initiating necessary judicial processes for serious academic misconduct to hold individuals legally accountable.

2. Method

This article employs comparative analysis, case studies, and legal analysis as its research methodologies. This article primarily explores the regulation and handling of academic misconduct in several cases. By comparing the regulatory and handling approaches of academic misconduct cases, it also highlights areas in China's current handling of related issues that urgently need improvement.

This article employs a case study approach, analysing 35 relevant cases to clarify the potential infringement consequences of various forms of academic misconduct. These 35 cases are primarily sourced from the official website of the National Natural Science Foundation of China, news reports, and publicly available disciplinary results from universities. The main types of these cases include: Soliciting favours from peer reviewers, thereby disrupting the order of fund project evaluations; Falsifying or fabricating experimental research data; Buying and selling papers, commissioning third parties to write papers; Using someone else's name without permission, listing others as co-authors without consent; Submitting the same manuscript to multiple journals, duplicate publications, self-plagiarism; Other behaviours generally recognized as academic misconduct.

Currently, most of these cases are addressed through administrative penalties by the respective institutions, without holding the perpetrators legally accountable. The

⁹ Baporikar, Neeta. 2019. "Preventing Academic Misconduct," 98–115. <https://doi.org/10.4018/978-1-5225-7531-3.ch005>.

¹⁰ Shakhnazarov, B. A. 2023. "Legal Protection of Intellectual Property Rights of Academic Staff Members and Researchers." *Actual Problems of Russian Law* 18 (10): 130–42. <https://doi.org/10.17803/1994-1471.2023.155.10.130-142>.

punitive measures typically involve public criticism, disqualification from project evaluations, suspension of duties, etc. There is no pursuit of infringement liability for the perpetrators of academic misconduct, nor are there criminal penalties imposed. This article will primarily analyse how to identify the infringed subjects in the aforementioned behaviours, what legal interests are violated, and how to improve relevant legal constraints.

This article employs the method of jurisprudential analysis. By examining the rights and obligations of individuals involved in academic misconduct and integrating relevant theories related to the principle of strict liability, it analyses whether academic misconduct constitutes an infringement, how to identify the aggrieved party in cases of academic misconduct, whether individuals involved in academic misconduct should be held liable, and the nature of the responsibilities they should bear.

3. Empirical Landscape of Academic Misconduct Cases and Analysis

This article will explore and analyse a series of specific cases of academic misconduct. Specifically, it will focus on the following types of academic misconduct: maliciously interfering with the evaluation order of fund projects, academic forgery, thesis trading, improper attribution, multiple submissions, duplicate publication and self-plagiarism. By analysing these cases, this article hopes to reveal the causes and motives behind them as well as the possible legal consequences of infringement.

In order to ensure the rigour of the article and the authenticity of the cases, the cases cited in are from authoritative sources such as the official website of the National Natural Science Foundation of China (NSFC), reports of Chinese news media, and the results of public releases by Chinese institutions of higher education. These sources not only provide us with rich case resources, but also ensure the objectivity and accuracy of this article. Through in-depth analyses of these real cases, we aim to make recommendations for improving the legal regulation of academic misconduct and pursuing the tort liability and even criminal liability of academic misconduct perpetrators according to the law.

3.1. Cases of Disrupting the Order of Fund Project Evaluation

Table 1. Eight Cases of Disrupting the Order of Fund Project Evaluation

Case No.	Main Content
1	Academic Misconduct Case Involving Ji Jie from Beijing University of Civil Engineering and Architecture
2	Academic Misconduct Case of Yang Lijun at North China Electric Power University
3	Academic Misconduct Case of Hou Peng at Beijing Institute of Technology
4	Academic Misconduct Incident Involving Huang Guohua from Hunan Agricultural University

5	Academic Misconduct Incident Involving Liao Yongde from Huazhong University of Science and Technology
6	Academic Misconduct by Ma Yongbin and Zhu Zhiwei of Northwestern Polytechnical University
7	Academic Misconduct Incident of Song Shufeng at Chongqing University
8	Academic Misconduct Case of Wu Sixin from Henan University

Source: Supervisory Committee of the National Natural Science Foundation of China (NSFC), 2016-2023.

Case 1

An investigation by the National Natural Science Foundation of China (NSFC) revealed academic misconduct involving Ji Jie from Beijing University of Civil Engineering and Architecture. In 2022, Ji Jie organized an online meeting to gather potential reviewers' information for fund projects and subsequently contacted some of these experts after the meeting. In 2023, Ji Jie solicited support from multiple potential reviewers for his own major project application (which was not funded) through various channels. Given that Ji Jie's actions disrupted the review process of the fund projects, relevant authorities have taken action in accordance with Article 44, Items 1 and 4, and Article 50, Clause 2 of the *Measures for the Investigation and Handling of Scientific Misconduct in National Natural Science Foundation Projects*. The penalties include the cancellation of Ji Jie's eligibility to apply for or participate in National Natural Science Foundation projects for three years (from December 26, 2023, to December 25, 2026), the cancellation of Ji Jie's qualification to review National Natural Science Foundation projects for five years (from December 26, 2023, to December 25, 2028), and the issuance of a formal reprimand to Ji Jie.

Case 2

Following an investigation by the Supervisory Committee of the NSFC, it was found that Yang Lijun applied for NSFC key projects in both 2022 and 2023 but failed to secure funding in either year. During the application process, Yang Lijun solicited potential review experts via email and other means. Given the repeated and long-term nature of these solicitations to multiple potential review experts, the NSFC Supervisory Committee, in its sixth-second meeting, and the NSFC's 21st Executive Committee meeting in 2023, decided to sanction Yang Lijun according to Article 44, Section 1 of the *Regulations on the Investigation and Handling of Scientific Misconduct in NSFC Projects*. Consequently, Yang Lijun is disqualified from applying for or participating in NSFC project applications for three years (from 26 December 2023 to 25 December 2026). Additionally, a public reprimand has been issued against Yang Lijun.

Case 3

Upon investigation, it was found that Hou Peng, a participant in an NSFC project (Grant No. 52272430, now revoked), repeatedly sought favours for the project during the 2022 NSFC application and review process. He requested multiple individuals to support his project and enlisted intermediaries to approach the peer review experts. Following a review by the NSFC Supervisory Committee at its first session of the sixth term, and the decision made at the 13th session of the NSFC Executive Council in 2023,

it was resolved that, in accordance with Article 44, Item 1 of the *Regulations on the Investigation and Handling of Scientific Misconduct in NSFC Projects*, Hou Peng would be disqualified from applying for or participating in NSFC projects for five years (from 21 August 2023 to 20 August 2028) and would be publicly reprimanded.

Case 4

Following an investigation by the Supervision Committee of the NSFC, it was found that during the evaluation phase of a NSFC project in 2022, Huang Guohua engaged in misconduct by seeking information about the reviewers of the NSFC's Foreign Scholars Research Fund Project, which was associated with his own institution's application (later cancelled). Huang directly and indirectly contacted several potential review experts to solicit their support and favour, inquiring about review-related information and making improper requests. The first meeting of the sixth session of the NSFC Supervision Committee and the 13th administrative meeting of the NSFC in 2023 reviewed and confirmed the case. Based on Articles 44.1 and 44.2 of the *Measures for the Investigation and Handling of Scientific Misconduct in NSFC Projects*, it was decided to revoke Huang Guohua's eligibility to apply for or participate in NSFC projects for five years (from 21 August 2023 to 20 August 2028), and a formal criticism was issued.

Case 5

Following an investigation by the Supervisory Committee of the NSFC, it was found that Liao Yongde engaged in improper conduct during the 2023 NSFC project evaluation stage. Specifically, Liao sought favour from potential peer reviewers via email for his project proposal, thereby violating ethical standards. After deliberation during the first session of the sixth Supervisory Committee meeting and confirmation at the 13th NSFC executive meeting in 2023, it was decided to impose penalties in accordance with Article 44, Item 1 of the *Regulations on the Investigation and Handling of Scientific Misconduct in NSFC Projects*. Consequently, Liao Yongde's 2023 NSFC project application (No. 8237101460) has been revoked. Additionally, Liao is barred from applying for or participating in NSFC project applications for three years (from 21 August 2023 to 20 August 2026) and has been issued a formal reprimand.

Case 6

Upon investigation by the Supervision Committee of the NSFC, it was found that Ma Yongbin and Zhu Zhiwei engaged in academic misconduct during the 2022 NSFC project evaluation process. Both individuals independently drafted review opinions for their respective 2022 NSFC project applications (Application Nos. 1227021065 and 1227021495). They sent these opinions via email to an intermediary, who then forwarded them to an expert reviewer, who subsequently received these review opinions through WeChat messages from the intermediary. Ma Yongbin and Zhu Zhiwei were involved in solicitation and influencing activities. Following deliberation at the 15th meeting of the 5th Session of the NSFC Supervision Committee and the 15th Executive Committee Meeting of NSFC in 2022, it was decided to take action according to Article 44, Item 1 of the *Measures for Investigating and Handling Scientific Misconduct in NSFC Projects*. The NSFC decided to revoke Ma Yongbin's NSFC project application (No. 1227021065), disqualify him from applying for or participating in NSFC

projects for three years (from October 9, 2022, to October 8, 2025), and issue a formal criticism of him. Similarly, it was decided to revoke Zhu Zhiwei's NSFC project application (No. 1227021495), disqualify him from applying for or participating in NSFC projects for three years (from October 9, 2022, to October 8, 2025), and issue a formal criticism of him.

Case 7

Following an investigation by the Supervisory Committee of the NSFC, it was discovered that during the review process of the NSFC projects in 2022, Song Shufeng contacted several scholars whom he suspected might be peer reviewers via WeChat, requesting favourable consideration for his application for the 2022 NSFC project (Grant No. 52272192), thus engaging in soliciting and lobbying behaviour. Upon review by the 15th meeting of the fifth session of the Supervisory Committee and subsequent approval by the 15th Committee Meeting of the NSFC in 2022, it was decided, in accordance with Article 44, Item 1 of the *Measures for the Investigation and Handling of Scientific Misconduct in NSFC Projects*, to revoke Song Shufeng's NSFC project, reclaim the disbursed funds, cancel his eligibility to apply for or participate in NSFC projects for two years (from 9 October 2022 to 8 October 2024), and issue a public reprimand against him.

Case 8

Following an investigation by the Supervisory Committee of the NSFC, it was determined that Wu Sixin engaged in misconduct during the application process for the 2017 NSFC-Henan Joint Fund project. Wu Sixin contacted Yang from Yunnan University, a potential review expert, by phone and subsequently sent Yang a self-drafted review of the application project via email. This behaviour violated the relevant requirements and regulations for fund applications and constituted interference with the review process. The Supervisory Committee reviewed the case at its seventh meeting of the fifth session (Comprehensive Professional Committee) and the NSFC's twenty-second committee meeting of 2020. It was decided, in accordance with Article 16, Item 5, and Article 9 of the *Measures for the Handling of Misconduct in the Funding Work of the National Natural Science Foundation of China (Trial)*, to revoke Wu Sixin's 2017 funded project (approval number U1704151). The allocated funds are to be recovered, Wu Sixin's eligibility to apply for NSFC projects is to be revoked for three years (from 3 November 2020 to 2 November 2023), and Wu Sixin is to be publicly criticised.

By analysing the above cases, it is not difficult to identify a common characteristic: in all cases, the individuals involved used methods such as soliciting help from relevant experts to interfere with the normal review process of the NSFC projects. Therefore, does interfering with the review process of national funding projects constitute an infringement? This requires further analysis.

Firstly, the motivations behind the actions of individuals who interfere with the evaluation process of national fund projects through solicitation and other means. The reason individuals resort to such methods is that they have the intention of using

improper means to pass the evaluation of fund projects and obtain the corresponding funding. There are two reasons for this intention.¹¹ First, the individual may be attempting to fraudulently secure funding. Second, there may be issues with the project application itself, making it unable to pass the evaluation process normally.

As mentioned previously, there are two reasons why individuals might engage in this behaviour. If the behaviour is motivated by the first reason, and the individual achieves their goal, it will result in the malicious appropriation of the funds, thus unlawfully harming the nation's scientific research funding.¹² If the behaviour is motivated by the second reason, and the individual achieves their goal, it will lead to the allocation of funds to a problematic project.¹³

The essence of tortious acts lies in the illegality of infringing upon others' rights.¹⁴ In other words, the fundamental attribute of a tortious act is its illegality. A tortious act involves the infringement of another person's civil rights, and causing harm to others is a notable characteristic of such acts.¹⁵ From this perspective, interfering with the evaluation process of national funding projects constitutes a tort. Regardless of the perpetrator's motivation, such interference constitutes a tort.

If the perpetrator deliberately interferes with the evaluation process of national funding projects to fraudulently obtain funding, their actions unlawfully harm national property and infringe upon public legal interests. If the perpetrator interferes with the evaluation process for other reasons mentioned previously, it could lead to the misdirection of development in a specific field, adversely affecting the development of the nation's science and technology, thereby also infringing upon public legal interests. In such cases, the perpetrator's actions clearly constitute an illegal act that harms public legal interests. Since the perpetrator is infringing upon public legal interests, 'harming others' here refers to the state and unspecified civil subjects.

In summary, interfering with the evaluation process of national funding projects constitutes a tort.¹⁶ Regarding liability, the principle of strict liability should be applied.

¹¹ Gao, Ji-ping, Cheng Su, Hai-yan Wang, Li-hua Zhai, and Yun-tao Pan. 2019. "Research Fund Evaluation Based on Academic Publication Output Analysis: The Case of Chinese Research Fund Evaluation." *Scientometrics* 119 (2): 959–72. <https://doi.org/10.1007/s11192-019-03073-4>.

¹² Conix, Stijn, Andreas de Block, and Krist Vaesen. 2021. "Grant Writing and Grant Peer Review as Questionable Research Practices." *F1000Research* 10 (December): 1126. <https://doi.org/10.12688/f1000research.73893.2>.

¹³ Álvarez-Bornstein, Belén, and María Bordons. 2021. "Is Funding Related to Higher Research Impact? Exploring Its Relationship and the Mediating Role of Collaboration in Several Disciplines." *Journal of Informetrics* 15 (1): 101102. <https://doi.org/10.1016/j.joi.2020.101102>.

¹⁴ Teremetskyi, Vladyslav, and Yaroslav Zhuravel. 2020. "Concept of Tortious Legal Relations and Their Main Features." *Visnik Mariupol's'kogo Deržavnogo Universitetu. Seriâ: Pravo* 10 (19): 80–89. <https://doi.org/10.34079/2226-3047-2020-10-19-80-89>.

¹⁵ Brennan, Carol. 2021. "1. Tort and the Tort System." In *Tort Law Concentrate*, 1–10. Oxford University Press. <https://doi.org/10.1093/he/9780192897275.003.0001>.

¹⁶ Динар Минзэферович, Фарахчиев. 2023. "Countering Crimes Related to Embezzlement of Budget Funds Allocated for the Implementation of National Projects." *NORTH CAUCASUS LEGAL VESTNIK* 1 (3): 107–16. <https://doi.org/10.22394/2074-7306-2023-1-3-107-116>.

The principle of strict liability is based on the dangerousness of the perpetrator's actions.¹⁷ In the cases mentioned earlier, the perpetrator's actions are evidently dangerous, and thus, the academic misconduct of interfering with the evaluation process of national funding projects should be attributed according to the principle of strict liability. Furthermore, if the perpetrator maliciously defrauds funding, with severe circumstances and a large amount involved, constituting the crime of fraud, they should be prosecuted for criminal liability in accordance with criminal law.

3.2. Cases of Academic Fraud

Case No.	Main Content
9	Case of Academic Misconduct by Huang Feiruo
10	Case of Academic Misconduct in Alzheimer's Research
11	Academic Misconduct Incident Involving Shen Sining and Others at Zhengzhou University
12	Academic Misconduct Incident of Liu Kuixiang from the Eighth People's Hospital of Qingdao
13	Academic Misconduct Incident Involving Tao Shan at Xi'an Jiaotong University
14	Academic Misconduct Incident Involving Zhang Rui and Others at China Medical University
15	Academic Misconduct Case of Wang Zhen at Nanjing Medical University
16	Academic Misconduct Case of Li Zhao at Shanghai Jiao Tong University

Source: NSFC, Science, and the news from universities, 2016-2023.

Case 9

On January 16, 2024, a group of 11 master's and doctoral students from the Animal Nutrition Department at Huazhong Agricultural University formally reported Professor Huang Feiruo for academic misconduct through a 125-page document. On January 19, 2024, Huazhong Agricultural University released an official statement on their Weibo account, confirming the academic misconduct of Huang Feiruo. The investigation concluded that ten papers authored by Huang Feiruo contained fabricated and manipulated experimental data and images. Additionally, Huang Feiruo was found to have engaged in improper authorship practices. Based on the regulations of the *Regulations on Personnel Management of Public Institutions*, the *Measures for the Prevention and Handling of Academic Misconduct in Higher Education Institutions*, and the *Measures for Handling Academic Misconduct at Huazhong Agricultural University*, the university decided to dismiss Huang Feiruo from his position, terminate his employment contract, and revoke his teaching qualifications. Furthermore, the university recommended the retraction of the academic papers and research projects associated with his misconduct.

¹⁷ Bogdanov, E. v. 2023. "Separate Methodological Problems of the Evolution of Guilt in Civil Law." *Lex Russica* 76 (4): 75–85. <https://doi.org/10.17803/1729-5920.2023.197.4.075-085>.

Case 10

On 21 July 2022, the journal *Science* published an investigative report revealing that a seminal paper in the field of Alzheimer's disease research is suspected of falsification. Sylvain Lesné, the first author of the paper, is accused of potential academic misconduct in over 20 publications. This revelation has sent shockwaves through the entire Alzheimer's research community. Since much subsequent research in this field has been based on this foundational paper, Lesné's alleged academic fraud could have potentially steered Alzheimer's research in the wrong direction.

Case 11

Following an investigation by the Supervision Committee of the NSFC, two papers published by Shen Sining and others were found to involve academic misconduct. The issues identified include duplicate publication, falsification of experimental data and figures, unauthorized attribution of other researchers' funding projects, and adding individuals as co-authors without their consent. After deliberation by the second meeting of the sixth session of the NSFC Supervision Committee and approval by the 21st committee meeting of the NSFC in 2023, it was decided to impose sanctions in accordance with Articles 47, 40, 42 (item 1), and 43 (items 1 and 6) of the *Measures for the Investigation and Handling of Scientific Misconduct in NSFC Projects*. As a result, Shen Sining is disqualified from applying for or participating in applications for NSFC projects for five years (from 26 December 2023 to 25 December 2028) and will receive a formal reprimand.

Case 12

Following an investigation by the Supervisory Committee of the NSFC, Liu Kuixiang was found to have committed multiple acts of academic misconduct in the paper titled *Targeting Surviving Suppresses Proliferation and Invasion of Retinoblastoma Cells In Vitro and In Vivo*, published in the *International Journal of Clinical and Experimental Pathology*. The issues identified include the fabrication of experimental data, unauthorized citation of a grant project, use of another person's name without consent, and falsification of another person's email address. After deliberation during the sixteenth meeting of the fifth session of the Supervisory Committee and the second meeting of the NSFC in 2023, it was decided that, based on Articles 47, 40, and 43 (Sections 1 and 6) of the *Measures for the Investigation and Handling of Scientific Misconduct in National Natural Science Foundation Projects* (Document No. 96, 2020), Liu Kuixiang would be prohibited from applying for or participating in NSFC projects for four years (from 6 February 2023 to 5 February 2027) and would receive a public reprimand.

Case 13

Following an investigation by the Supervision Committee of the NSFC, it was discovered that Tao Shan's paper, which was associated with grant number 81402583, contained fabricated and altered data. After review by the fourteenth meeting of the fifth session of the NSFC Supervision Committee and the tenth committee meeting of the NSFC in 2022, it was decided, in accordance with Articles 47 and 40 of the

Measures for the Investigation and Handling of Scientific Misconduct in National Natural Science Foundation Projects, to revoke Tao Shan's NSFC project *Research on ROS Remodelling CAFs Metabolic Transformation to Regulate Pancreatic Cancer Growth in a Non-vascular Dependent Manner* (Approval No. 81402583). The decision includes reclaiming the disbursed funds and prohibiting Tao Shan from applying for or participating in NSFC projects for three years (from 19th July 2022 to 18th July 2025). Furthermore, Tao Shan will receive an official reprimand.

Case 14

After an investigation by the Supervisory Committee of the NSFC, it was revealed that the paper authored by Zhang Rui and others from China Medical University, titled *Interleukin-37 mediates the antitumor activity in colon cancer through β -catenin suppression* involved academic misconduct including ghost-writing, unauthorized submission, and data fabrication. Zhang Rui, the corresponding author, outsourced certain pathological samples and data to a third-party company with the aim of publishing a paper marked with his NSFC project (Grant No. 81672427). This paper was not only written and submitted by the third party but also contained falsified data. Following deliberations by the Life Sciences and Medicine Committee at the eighth meeting of the fifth session of the NSFC Supervisory Committee and the approval of the first committee meeting of the NSFC in 2021, it was decided, in accordance with Article 2 and Article 33 of the *Rules for the Investigation and Handling of Scientific Integrity Cases (Trial)* and Item 3 of Article 17 of the *Measures for the Handling of Misconduct in NSFC-funded Projects (Trial)*, to: revoke Zhang Rui's NSFC project *Mechanism of $ERR\alpha$ Promoting Oxaliplatin Resistance in Colon Cancer* (Grant No. 81672427), retrieve the disbursed funds, disqualify Zhang Rui from applying for NSFC projects for five years (from January 7, 2021, to January 6, 2026), and issue a public criticism of Zhang Rui.

Case 15

Following an investigation by the Supervision Committee of the NSFC, it was revealed that the paper by Kuangkuang Zhu, Dong Sun, Xiaoqin Zou, Ruixia Liu, and Zhen Wang, contained significant issues. Zhen Wang fabricated the data for the paper, provided it to a third-party company to ghostwrite and submit on her behalf, and paid a fee of 24,000 RMB. This constitutes academic fraud and involves the outsourcing of paper writing and submission.

Upon review at the eighth session of the fifth meeting of the Life Sciences Committee of the NSFC Supervision Committee, and with approval at the first meeting of the NSFC in 2021, it was decided, in accordance with Articles 2 and 33 of the *Rules for the Investigation and Handling of Scientific Research Integrity Cases (Trial)* and Article 17, Item 3 of the *Measures for Handling Misconduct in the National Natural Science Foundation of China (Trial)*, to revoke Zhen Wang's NSFC project titled *The Role and Mechanism of JNK in Regulating MPTP in Uremic Intestinal Epithelial Cells through Mediating Bcl-2 Phosphorylation* (Grant No. 81770732), recover the disbursed funds, cancel Zhen Wang's eligibility to apply for NSFC projects for five years (from January 7, 2021, to January 6, 2026), and issue a public reprimand to Zhen Wang.

Case 16

Following an investigation by the Supervision Committee of the NSFC, it was revealed that in the paper published by Li Zhao and others from Shanghai Jiao Tong University, the first author, Li Zhao, did not base the paper on real data obtained from actual observations and experiments. Instead, he fabricated false observation and experimental results, constituting academic misconduct such as data falsification. Furthermore, this paper was included in his applications for the 2016 unfunded grant project (application number 8160100609) and the 2017 funded grant project (approval number 81702257). After deliberation at the fifth plenary session of the fifth committee meeting of the NSFC Supervision Committee and the ninth committee meeting of the NSFC in 2020, it was decided, according to Article 16, Item 2 of the *Measures for Handling Misconduct in the Work of the National Natural Science Foundation of China (Trial)*, to revoke Li Zhao's 2017 funded grant project *Mechanism of Hypertonic-induced STK39 Enzyme Activation of Wnt/ β -catenin Pathway and Its Role in Non-small Cell Lung Cancer Drug Resistance* (approval number 81702257), recover the disbursed funds, cancel Li Zhao's eligibility to apply for NSFC projects for two years (from 9 April 2020 to 8 April 2022), and issue a public reprimand to Li Zhao.

Firstly, the most obvious characteristic of academic fraud is the falsification or fabrication of data in academic papers or research outcomes.¹⁸ Unlike plagiarism, although both plagiarism and academic fraud are forms of academic misconduct arising from academic papers or research results, their essential difference lies in the fact that academic fraud does not result in intellectual property infringement.¹⁹ The act of falsifying or fabricating data in academic fraud does not infringe upon the intellectual achievements of others but rather constructs false academic results without any factual basis and seeks to benefit from them.²⁰

In the academic fraud case involving Huang Feiruo, Huang was found to have fabricated and manipulated experimental data and images. This misconduct potentially renders parts or all of the research findings and academic viewpoints in his papers to be false or erroneous. Given Huang Feiruo's previously high academic reputation in his field prior to the exposure of this fraud, his deceitful actions may result in consequences similar to those in the Alzheimer's research fraud case. Specifically, his fraudulent behaviour could directly mislead subsequent researchers, causing research in the field to head in a misguided direction. Additionally, academic fraud can harm the legal rights of the public. For instance, in the Alzheimer's research fraud case, the victims included not only misled researchers but also numerous Alzheimer's patients, whose right to health and life was undoubtedly compromised by the fraudulent activities.

¹⁸ Osman, Razis, and Shadiya Mohamed Saleh Ba Qutayan. 2023. "Overcoming Data Fabrication in Scientific Research." *Journal of Science, Technology and Innovation Policy* 9 (1): 26–31. <https://doi.org/10.11113/jostip.v9n1.128>.

¹⁹ Nurunnabi, Mohammad, and Monirul Alam Hossain. 2019. "Data Falsification and Question on Academic Integrity." *Accountability in Research* 26 (2): 108–22. <https://doi.org/10.1080/08989621.2018.1564664>.

²⁰ Boeckstyns, Michel E. H., Grey Giddins, Roy Meals, and Jin Bo Tang. 2020. "Publication Ethics." *Journal of Hand Surgery (European Volume)* 45 (7): 770–74. <https://doi.org/10.1177/1753193420905263>.

Moreover, in the academic fraud cases involving Shen Sining, Liu Kuixiang, and Shan Tao, the perpetrators deceived reviewers of the NSFC through fraudulent means to secure funding, thereby infringing upon state property rights. Their fraudulent actions also misled subsequent researchers, impeding the advancement of national scientific and technological progress.

In conclusion, although academic fraud does not constitute an infringement of intellectual property rights, it still results in harm to public legal interests. This article posits that academic fraud constitutes a tort and that it leads to the infringement of public legal interests. There is a causal relationship between the fraudulent actions and the resultant harm to public legal interests. The perpetrators of academic fraud possess the objective elements required to establish tort liability and should be held strictly liable under the principles of tort liability attribution.

3.3. Cases of Buying and Commissioning Third-Party Essay Writing

Case No.	Main Content
17	Academic Misconduct Incident Involving Wang Haitao et al. from the Wuhan NARI Limited Liability Company of the State Grid Electric Power Research Institute
18	Academic Misconduct Incident of Chunyang Li at Inner Mongolia Medical University
19	Academic Misconduct Incident Involving Chen Yamin at Luoyang Maternal and Child Health Hospital
20	Academic Misconduct by Xie Xiaozhen and Others from Northwest A&F University
21	Academic Misconduct Incident Involving Wang Jianjie and Others from Shanxi University of Finance and Economics
22	Academic Misconduct by Zhang Jian et al. from Qingdao University
23	Academic Misconduct Case of Liao Wenwei from Sun Yat-sen University
24	Academic Misconduct Case Involving Shu Chang and Others at Chengdu University of Technology

Source: NSFC, 2016-2023.

Case 17

Following an investigation by the Supervisory Committee of the NSFC, it was determined that the paper in question, *Haitao Wang et al. An Improved Cyclic Data Block Construction Based on Signal State Vector* (funded by grant number 51777037), was written by a third party on behalf of the first author, Haitao Wang. During the drafting process, this third party engaged in plagiarism, copying content from manuscripts that were still under review. Additionally, the paper improperly cited funding from other projects and included names without their consent. After deliberation at the first meeting of the sixth session of the NSFC Supervisory

Committee and the 13th committee meeting of the NSFC in 2023, it was decided, in accordance with Articles 40, 42.2, 43.1, and 43.6 of the *Measures for Investigating and Handling Scientific Misconduct in NSFC Projects*, to revoke Haitao Wang's eligibility to apply for or participate in NSFC projects for five years (from 21 August 2023 to 20 August 2028) and to issue a public reprimand.

Case 18

Following an investigation by the Supervisory Committee of the NSFC, it was found that the paper funded by grant number 81360213, was involved in academic misconduct. The issues identified included outsourcing the writing and submission of the paper to a third-party company and falsification of authorship. Upon review at the fourteenth meeting of the fifth Supervisory Committee of the NSFC and approval at the tenth NSFC executive meeting in 2022, it was decided, in accordance with Article 2, Item 3, Article 28, and Article 33 of the *Rules for the Investigation and Handling of Scientific Integrity Cases (Trial)*, as well as Item 4, Article 17 of the *Measures for Handling Misconduct in the Work Supported by the National Natural Science Foundation of China (Trial)*, to revoke Chunyang Li's NSFC project (approval number 81360213). The disbursed funds will be recovered, Chunyang Li will be disqualified from applying for NSFC projects for three years (from 19 July 2022 to 18 July 2025), and he will receive a public reprimand.

Case 19

Following an investigation by the Supervision Committee of the NSFC, it was found that the paper with the fund number 81500430, involved several issues. These included the use of a third-party company for writing and submitting the paper, unauthorized citation of another individual's scientific fund project, and the unauthorized use of another person's name. After deliberation at the 13th meeting of the 5th Life Science Discipline Committee of the NSFC Supervision Committee and approval at the 8th committee meeting of the NSFC in 2022, it was decided to refer to Articles 47, 42(2)(3), and 43(1)(6) of the *Measures for the Investigation and Handling of Scientific Misconduct in National Natural Science Foundation Projects*. As a result, Chen Yamin's eligibility to apply for and participate in NSFC projects has been revoked for four years (from 21 April 2022 to 20 April 2026), and a formal notice of criticism has been issued to Chen Yamin.

Case 20

Following an investigation by the Supervision Committee of the NSFC, it was found that the paper retracted by Xie Xiaozhen and Viouonu Costanza, titled *Some new results on the boundary behaviours of harmonic functions with integral boundary conditions*, (Grant No. 61401368), involved the use of a third-party company for writing and submission, with the company fabricating the corresponding author. Based on the review by the Supervision Committee at its fifth session, tenth meeting (Comprehensive Professional Committee), and the decision of the 13th NSFC Executive Council meeting in 2021, it was decided to take the following actions in accordance with Article 2, Item 3, and Article 33 of the *Regulations on the Investigation and Handling of Scientific Research Integrity Cases (Trial)* and Article 17, Item 4 of the

Measures for Handling Misconduct in the Work of the National Natural Science Foundation of China Supervision Committee (Trial): revoke Xie Xiaozhen's NSFC project (Grant No. 61401368), recover the disbursed funds, disqualify Xie Xiaozhen from applying for NSFC projects for five years (from July 20, 2021, to July 19, 2026), and issue a public reprimand to Xie Xiaozhen.

Case 21

Following an investigation by the Supervisory Committee of the NSFC, the retraction of the paper which cited grant number 11526183, was found to involve several instances of academic misconduct, including ghost-writing, unauthorized submission, plagiarism, unauthorized use of another person's name, and improper citation of another person's funding project. The investigation revealed that Wang Jianjie, the first author, had commissioned the corresponding author, Wang Hong (a fictitious individual), to ghostwrite and submit the paper. Wang Hong, in turn, outsourced the writing and submission process to a third-party company. During this process, the third-party company extensively plagiarized content from other papers, used names without consent, and improperly cited another person's National Natural Science Foundation project. The Supervisory Committee of the NSFC, during its fifth session of the tenth meeting (Comprehensive Professional Committee), reviewed the case. The NSFC's thirteenth administrative meeting of 2021 approved the decision to refer to the relevant regulations, namely Article 2, Item 3, and Article 33 of the *Rules for the Investigation and Handling of Scientific Integrity Cases (Trial)* and Article 17, Item 4 of the *Measures for the Handling of Misconduct in the Work Supported by the National Natural Science Foundation (Trial)*. As a result, Wang Jianjie was disqualified from applying for NSFC projects for a period of five years (from 20 July 2021 to 19 July 2026) and received an official reprimand.

Case 22

Following an investigation by the Supervision Committee of the NSFC, it was determined that the paper (cited under grant number 81370567) was ghostwritten and submitted by a third-party company on behalf of Zhang Jian, who is listed as the first and corresponding author. Moreover, this paper falsely cited the NSFC project (approval number 81370567) and was included in the final report of the said project. After review by the Biomedical Professional Committee during the eighth meeting of the fifth session of the Supervision Committee and approval by the first executive meeting of the NSFC in 2021, the following decisions were made in accordance with Article 2 and Article 33 of the *Rules for the Investigation and Handling of Scientific Research Integrity Cases (Trial)* and Item 3 of Article 17 of the *Measures for the Handling of Misconduct in the Work of the National Natural Science Foundation of China Supervision Committee (Trial)*: The NSFC project (approval number 81370567) is hereby revoked, the funds already disbursed for the project are to be recovered, Zhang Jian is disqualified from applying for NSFC projects for a period of five years (from January 7, 2021, to January 6, 2026), and Zhang Jian is to be publicly criticized.

Case 23

Following an investigation by the Supervision Committee of the NSFC, it was determined that the paper titled *Effects of miR-155 on proliferation and apoptosis by regulating FoxO3a/BIM in liver cancer cell line HCCLM3*, involved multiple instances of academic misconduct. The paper, erroneously marked with the grant number K0226004 instead of the correct 81371693, was found to have clinical samples collected without ethical approval. Furthermore, Liao privately commissioned a third-party company to conduct experiments and write the paper, unilaterally added other individuals as authors, and incorrectly cited the grant number of another person's NSFC project. Based on the findings from the ninth meeting of the fifth session of the Life Science Committee of the NSFC Supervision Committee and the decisions of the seventh committee meeting of the NSFC in 2021, it was resolved to impose sanctions according to Article 2 and Article 33 of the *Rules for the Investigation and Handling of Research Integrity Cases (Trial)* and Articles 17 (3) and 17 (4) of the *Measures for the Handling of Misconduct in the Work Funded by the National Natural Science Foundation of China Supervision Committee (Trial)*. Consequently, Liao Wenwei is disqualified from applying for NSFC projects for five years (from 7 April 2021 to 6 April 2026) and will receive a public reprimand.

Case 24

Following an investigation by the Supervisory Committee of the NSFC, it was determined that the paper (fund number 41672325), authored by Shu Chang, Chen Ling, and Robert Vargas-De-Teón from Chengdu University of Technology, was translated, edited, and submitted by a third-party company at the request of the first author, Shu Chang. During this process, Shu Chang used the names of others without their consent and improperly cited another individual's NSFC project. This case was reviewed at the 10th meeting of the 5th session of the Supervisory Committee of the NSFC (Comprehensive Professional Committee) and approved at the 13th meeting of the NSFC in 2021. In accordance with Article 2, Item 3, and Article 33 of the *Rules for the Investigation and Handling of Scientific Integrity Cases (Trial)* and Article 17, Item 4 of the *Measures for the Handling of Misconduct in the Work Funded by the NSFC (Trial)*, it was decided that Shu Chang would be disqualified from applying for NSFC projects for five years (from 20 July 2021 to 19 July 2026) and would receive a formal reprimand.

By analysing the aforementioned cases, a conclusion can be drawn that the buying and selling of papers, as well as the commissioning of third parties to write papers, essentially constitutes a 'transaction of money for manuscripts.' In this transaction, the client pays a fee, and the commissioned party delivers the paper to the client.²¹ In such cases, the client is likely to infringe on copyright. Although both parties enter the agreement voluntarily, with the commissioned party transferring copyright to the client in exchange for payment, the *Copyright Law* only allows the transfer of rights stipulated in items 5 to

²¹ Stone, Richard. 2016. "In Iran, a Shady Market for Papers Flourishes." *Science* 353 (6305): 1197–1197. <https://doi.org/10.1126/science.353.6305.1197>.

17 of the first clause of Article 10. The right of publication and the right of authorship cannot be transferred.²² Therefore, in such cases, the client infringes on the commissioned party's right of publication and right of authorship. Moreover, if the paper is created by the client and the third party only performs tasks such as editing or translating, the paper should be considered a collaborative work between the client and the commissioned party.²³

In addressing the issue of how individuals should bear liability for infringement in cases of purchasing essays or commissioning third parties to write essays, this article suggests that a case-by-case analysis is required. If the third party engages in plagiarism or other forms of copyright infringement during the writing process, then the third party should be held liable for copyright infringement in accordance with the law. Since the third party's infringement is carried out for the purpose of providing a service to the client, the client should also bear joint liability for the infringement resulting from the joint harmful act. If the third party merely writes the essay without infringing on others' copyrights, then the client should bear liability for infringing on the right of authorship, the right to publish, and other related rights of the commissioned party.

3.4. Case of Fictitious Authorship

Case No.	Main Content
25	Academic Misconduct Incident Involving Ming Li from Tongji University
26	Academic Misconduct Incident Involving He Wei and Others from Qinghai Provincial People's Hospital
27	Academic Misconduct Incident Involving Wang Ming et al. from Inner Mongolia University for the Nationalities
28	Academic Misconduct Incident Involving Xie Pengmu and Others at Jining Medical University
29	Academic Misconduct Incident Involving Junfeng Sun and Others from Zhengzhou University
30	Academic Misconduct Incident Involving Chen Yin of Hainan Medical University
31	Academic Misconduct Case of Xiao Yu at Shandong University
32	Academic Misconduct Incident Involving Qiao Bin of Zhengzhou University

Source: NSFC, 2016-2023.

Case 25

Following an investigation by the Supervision Committee of the NSFC, several issues were identified in the paper with grant numbers 81372175 and 81172229. These

²² Resnik, David B, and Elise Smith. 2023. "Should Authorship on Scientific Publications Be Treated as a Right?" *Journal of Medical Ethics* 49 (11): 776–78. <https://doi.org/10.1136/jme-2022-108874>.

²³ Nelson, Phillip, and Marina G. Petrova. 2022. "Research Assistants: Scientific Credit and Recognized Authorship." *Learned Publishing* 35 (3): 423–27. <https://doi.org/10.1002/leap.1467>.

issues include the repetitive and chaotic use of images within the same paper or between different papers, inability to provide all original data, unauthorized citation of other researchers' grant projects, unauthorized use of other researchers' names, and incorrect affiliation of corresponding and co-authors. Additionally, another retracted paper by Ming Li, *PART1 expression is associated with poor prognosis and tumour recurrence in stage I-III non-small cell lung cancer (Journal of Cancer)*, was found to have unauthorized citation of other researchers' grant projects and unauthorized use of other researchers' names. Following a review by the Supervision Committee during its sixth session and the 21st NSFC council meeting in 2023, it was decided to impose the following sanctions on Ming Li in accordance with Articles 47, 40, 42 (item 5), and 43 (items 1 and 6) of the *Measures for Investigating and Handling Scientific Misconduct in National Natural Science Foundation Projects*: Ming Li is disqualified from applying for or participating in applications for NSFC projects for five years, from 26 December 2023 to 25 December 2028, and a formal notice of criticism will be issued against Ming Li.

Case 26

Following an investigation by the Supervision Committee of the NSFC, it was found that the paper by He Wei et al., titled *Effects of Taxol on Fibroblast Proliferation, Apoptosis, and the TGF- β 1/Smad Signalling Pathway* (Fund Number 81860583), published by He Wei and others from Qinghai Provincial People's Hospital, contained issues of unauthorised use of another person's name and the unauthorised citation of another person's scientific fund project. After deliberation by the first meeting of the sixth session of the Supervision Committee of the NSFC, and as ratified by the 13th committee meeting of the NSFC in 2023, it was decided to implement the following sanctions based on Article 47 and Article 43 (Items 1 and 6) of the *Measures for the Investigation and Handling of Scientific Misconduct in National Natural Science Foundation Projects*: He Wei's eligibility to apply for or participate in NSFC projects is revoked for three years (from 21 August 2023 to 20 August 2026); a public criticism is issued; and He Wei is required to promptly issue corrections. This formal decision underscores the commitment to upholding the integrity and ethical standards of scientific research.

Case 27

Following an investigation by the Supervisory Committee of the NSFC, it was found that the paper authored by Wang Ming et al., titled *Mechanism of miR-let-7c Improving Mouse Sperm Quality by Mediating Spermatogonial Stem Cell Differentiation* (grant number 81860583), contained instances of unauthorized use of another individual's name and unauthorized citation of another person's NSFC project. After deliberation at the first meeting of the Sixth Supervisory Committee of the NSFC and the 13th Executive Meeting of the NSFC in 2023, it was decided, in accordance with Article 47 and Items 1 and 6 of Article 43 of the *Measures for the Investigation and Handling of Scientific Misconduct in NSFC Projects*, to cancel Wang Ming's eligibility to apply for or participate in NSFC projects for three years (from 21 August

2023 to 20 August 2026). Furthermore, Wang Ming was issued a public reprimand and was required to promptly complete the necessary corrections.

Case 28

After an investigation by the Supervisory Committee of the NSFC, it was found that the paper by Pengmu Xie et al., titled *Knockdown of lncRNA CCAT2 inhibits endometrial cancer cells growth and metastasis via sponging miR-216b* and published in *Cancer Biomarkers* in 2018, contained fabricated research processes, falsified the email address of the corresponding author, and used the names of other individuals without their consent. Following deliberation at the 16th meeting of the Supervisory Committee of the NSFC's Fifth Council, and the approval of the NSFC's second committee meeting in 2023, it was decided, in accordance with Articles 40 and 43 (Clause 1) of the *Measures for Investigating and Handling Scientific Misconduct in National Natural Science Foundation Projects* (Document No. 96 [2020] issued by the NSFC), to revoke Pengmu Xie's eligibility to apply for and participate in NSFC projects for four years (from 6 February 2023 to 5 February 2027) and to issue a public criticism.

Case 29

Following an investigation by the Supervision Committee of the NSFC, Junfeng Sun and colleagues from Zhengzhou University have had their paper retracted. The retracted paper Grant Number is 81702343. The investigation revealed issues including fabrication of experimental research processes, falsification of research conclusions, and unauthorized use of others' names. During the eleventh meeting of the fifth session of the Supervision Committee (Biomedical Division) and the eighteenth committee meeting of the NSFC in 2021, it was decided to take the following actions in accordance with Articles 43, 46, 47, and 50 of the *Measures for the Investigation and Handling of Scientific Misconduct in National Natural Science Foundation Projects*: the revocation of Junfeng Sun's NSFC projects (Grant Number 81702343 and 82072710); the recovery of funds allocated to the above two projects; a five-year disqualification for Junfeng Sun from applying for or participating in NSFC projects, effective from 18 October 2021 to 17 October 2026; and a formal reprimand issued to Junfeng Sun.

Case 30

Following an investigation by the Supervision Committee of the NSFC, it was determined that the paper *Reliability of Quantitative Ultrasound Assessment of Normal Tissue Damage Related to Radiotherapy for Breast Cancer*, published (Grant No. 81871365) by Chen Yin and others, was solely written by the first author, Chen Yin. The content was found to be plagiarised from other works, and the unauthorized use of other authors' names and their NSFC project numbers was noted in the paper. After deliberation by the 8th meeting of the 5th session of the NSFC Supervision Committee (Life Science Committee) and approval by the 1st administrative meeting of the NSFC in 2021, it was decided to cancel Chen Yin's eligibility to apply for NSFC projects for three years (from January 7, 2021, to January 6, 2024) in accordance with

Article 17, Section 4 of the *Measures for the Handling of Misconduct in NSFC-funded Projects (Trial)*. Additionally, a public notice of criticism was issued against Chen Yin.

Case 31

After an investigation by the Supervisory Committee of the NSFC, the paper titled *LncRNA CAS15 functions as an oncogene by sponging miR-130b-3p in bladder cancer* has been retracted. The paper was marked with the grant number 81572534. It was discovered that Xiao Yu, the first author, had purchased experimental data from a third-party company at his own expense and had commissioned them to write and submit the paper on his behalf, leading to issues of data fabrication. Additionally, Xiao Yu had arbitrarily included others as authors and improperly cited the grant number of another person's NSFC project. Following the deliberation of the Supervisory Committee of the NSFC during the ninth meeting of the fifth session (Life Sciences and Medicine Committee) and the seventh meeting of the NSFC Executive Committee in 2021, it was decided, based on Articles 2 and 33 of the *Rules for the Investigation and Handling of Scientific Research Integrity Cases (Trial)* and in reference to Items 3 and 4 of Article 17 of the *Measures for the Handling of Misconduct in the Work Funded by the National Natural Science Foundation of China (Trial)*, to cancel Xiao Yu's eligibility to apply for NSFC projects for five years (from 7 April 2021 to 6 April 2026) and issue a public criticism of Xiao Yu.

Case 32

Following an investigation by the Supervisory Committee of the NSFC, it was determined that the paper (marked with grant numbers 81200796 and 81302796) authored by Qiao Bin et al. from Zhengzhou University, contained instances of image manipulation, unauthorised use of others' names, and improper attribution of others' NSFC project funding. Upon review by the 10th meeting of the 5th Session of the Supervisory Committee of the NSFC (Biomedical Sciences Committee) and approval by the 13th Executive Meeting of the NSFC in 2021, it was decided, in accordance with Articles 47, 40, and 43 (items 1 and 6) of the *Measures for the Investigation and Handling of Scientific Misconduct in NSFC Projects*, to revoke the NSFC project (grant number 81200796) led by Qiao Bin. Additionally, funds already disbursed for this project are to be recovered, and Qiao Bin is barred from applying for or participating in NSFC projects for three years (from 20 July 2021 to 19 July 2024). Furthermore, a formal reprimand has been issued to Qiao Bin.

By analysing the aforementioned cases, it is evident that in such instances, the individuals involved used another person's name and listed them as an author of the paper without their permission. Whether this behaviour constitutes an infringement issue depends on the specific circumstances.

The first scenario is when the individual using the name did so without informing the person and without obtaining their consent, but the person later agreed upon learning that their name had been used. In this case, according to the principle of autonomy of will in civil law, the autonomy of the individual must be respected, and the individual's actions do not constitute an infringement.

The second scenario is when the individual uses the person's name despite knowing that the person does not consent, or uses the name without informing the person, and the person, upon becoming aware, explicitly expresses their disapproval. In this situation, the individual's actions infringe upon the person's right to their name.²⁴ If the poor quality of the paper or other reasons results in damage to the person's reputation, the individual should also be held liable for infringing upon the person's right to reputation.

In such cases, if the individual's actions have violated the person's rights to their name, reputation, and other personal rights, the person can request the individual to eliminate the impact, restore their reputation, and issue a formal apology.

3.4. Cases of Multiple Submissions, Duplicate Publication, and Self-Plagiarism

Case No.	Main Content
33	Professor from Xiangtan University Submits One Paper to Ten Journals
34	Incident Involving Haobin Wang of Henan University
35	Incident of a First-Year Graduate Student's Withdrawal from Zhejiang University

Source: NSFC, the news from universities, 2017-2023.

Case 33

In 2009, a professor from the Business School of Xiangtan University was exposed for engaging in duplicate submissions. His paper, titled *The Evolution of Income Disparity Among Chinese Residents: An Empirical Study from the Perspective of Financial Deepening*, was published in ten academic journals: *Journal of North China Electric Power University (Social Sciences Edition)*, *Gansu Finance*, *Research on Financial Development*, *Hebei Finance*, *Journal of Shanghai Business School*, *Journal of Wuhan Commercial Service College*, *Economics and Management*, *Journal of Shanghai Finance University*, *Journal of Shandong Commercial Vocational and Technical College*, and *Journal of Suihua University*.

Case 34

In 2011, Haobin Wang, an associate professor at Henan University, was exposed for engaging in practices such as duplicate publication and multiple submissions of the same manuscript. For instance, his paper titled *Gadamer's Interpretation of Hermeneutic Universality and Its Practical Turn* was published in both the fifth issue of the *Journal of Guangzhou Radio & TV University* in 2010 and the second issue of the *Journal of Jining Teachers College* in the same year. It is reported that Haobin Wang repeated the same behaviour at least 18 times, submitting the same paper to different journals.

²⁴ Teixeira da Silva, Jaime A. 2023. "Manuscripts With Fake Chatgpt-Created References: A Case Study." *Central Asian Journal of Medical Hypotheses and Ethics* 4 (3): 168–71. <https://doi.org/10.47316/cajmhe.2023.4.3.05>.

Case 35

In 2012, a first-year graduate student at Zhejiang University authored four high-quality papers and submitted them to multiple journals. Ultimately, the student was expelled from Zhejiang University due to the practice of submitting the same manuscript to multiple journals simultaneously.

Based on the cases discussed, it is evident that simultaneous submission of manuscripts to multiple journals and duplicate publication often occur together.²⁵ This is because once duplicate publication is established, it is inevitable that there was simultaneous submission. The motive behind such actions is typically to increase one's academic output for personal gain. Indeed, simultaneous submission, duplicate publication, and self-plagiarism are violations of academic ethics, as clearly defined in the *Regulations on Academic Misconduct in Scholarly Publishing*. However, from a legal perspective, these actions do not necessarily constitute a breach of the law or intellectual property infringement.

Firstly, regarding simultaneous submission, this paper argues that it may not be illegal. Article 35, Paragraph 1 of the Chinese *Copyright Law* stipulates: If an author does not receive a notification of acceptance from a newspaper or journal within fifteen days from the date of submission, or within thirty days for a journal, they may submit the same work to other newspapers or journals, unless otherwise agreed. This means that if an author submits the same work to different newspapers or journals according to the relevant provisions of the Copyright Law, such actions are entirely legal, and penalties should not be imposed for what is termed 'simultaneous submission.'²⁶

Secondly, concerning duplicate publication, current laws do not prohibit it. Although the right to publish is a one-time right, and once a work is published, the right to publish is extinguished, there is no legal prohibition on duplicate publication in China.²⁷

Lastly, regarding self-plagiarism, according to current relevant laws, it neither constitutes a legal violation nor is it likely to infringe upon any rights.²⁸ In cases of self-plagiarism, there is no infringement of rights because the author is 'plagiarising' their own previous work, and the copyright of the earlier work remains with the author. The author cannot infringe upon their own intellectual property.²⁹ Article 13 of the *Copyright Law* states:

²⁵ Dr Fatema Jawad. 2022. "Redundant Publication – A Dilemma of Publication Ethics." *Journal of the Pakistan Medical Association* 72 (01). <https://doi.org/10.47391/JPMA.22-001>.

²⁶ Yong-chao, Gu. 2020. "Dilemma and Outlet: The Substantive Linking between Copyright Law and Criminal Law of China Copyright Crime." *Legal Science in China and Russia*, no. 3 (June): 44–48. <https://doi.org/10.17803/2587-9723.2020.3.044-048>.

²⁷ Zhang, Yan, Guangfeng Ruan, and Changhai Ding. 2020. "Avoidance of Duplicate Publications From Randomized Clinical Trials." *JAMA Network Open* 3 (12): e2027184. <https://doi.org/10.1001/jamanetworkopen.2020.27184>.

²⁸ Rozhkova, M. A., and O. v. Isaeva. 2022. "Plagiarism and 'Self-Plagiarism' in Scientific Works in the Age of Digital Technologies." *Digital Law Journal* 3 (2): 25–35. <https://doi.org/10.38044/2686-9136-2022-3-2-25-35>.

²⁹ BUGIULESCU, Marin. 2022. "SELF-PLAGIARISM A MATTER OF ETHICS AND ACADEMIC INTEGRITY." *Pro Edu. International Journal of Educational Sciences* 4 (6): 53–57. <https://doi.org/10.26520/peijes.2022.6.4.53-57>.

The copyright of works produced by adapting, translating, annotating, or organizing existing works belongs to the person who adapted, translated, annotated, or organized them, but the exercise of such copyright must not infringe upon the copyright of the original work. In this context, self-plagiarism can be understood as the author adapting and organizing their own existing work, with the new work resulting from this adaptation still belonging to the author. Prohibiting self-plagiarism could, in fact, infringe upon the author's own copyright.

In summary, although simultaneous submission, duplicate publication, and self-plagiarism violate academic ethics and have certain harmful effects, according to current legal regulations, these actions do not necessarily breach the law and, if prohibited, could potentially infringe upon the author's rights.

4. Strengthening the Legal Framework and Enforcement Mechanisms for Academic Misconduct: A Comparative and Comprehensive Analysis

4.1. Deficiencies in the Current Chinese Legal System

At present, China's legal system exhibits deficiencies in regulating academic misconduct, and the existing laws struggle to form a cohesive and effective regulatory framework.³⁰ The legal instruments currently available in China for addressing academic misconduct include the Academic Degrees Law, the Civil Code, and the Copyright Law, along with certain administrative regulations.³¹

The *Academic Degrees Law* merely stipulates provisions regarding the conferment of degrees to individuals involved in academic misconduct but fails to hold such individuals accountable for their tortious acts. The *Tort Liability* section of the *Civil Code* also reveals inadequacies when attributing liability to those committing academic misconduct. Ideally, liability should be attributed based on the principle of strict liability; however, this principle is not widely applicable.³² It only pertains to tort liability expressly stipulated by law, and there are no specific provisions in the law addressing tort liability arising from academic misconduct.

The *Copyright Law*, while offering some regulatory measures against academic misconduct, exhibits limitations. It cannot regulate academic misconduct that does not involve copyright infringement and fails to effectively curb practices such as multiple

³⁰ He, Chen, Jie Xu, and Lihong Zhou. 2023. "Understanding China's Construction of an Academic Integrity System: A Grounded Theory Study on National Level Policies." *Learned Publishing* 36 (2): 217–38. <https://doi.org/10.1002/leap.1540>.

³¹ Sun, Xiaoya, and Guangwei Hu. 2024. "Institutional Policies on Plagiarism Management: A Comparison of Universities in Mainland China and Hong Kong." *Accountability in Research* 31 (4): 281–304. <https://doi.org/10.1080/08989621.2022.2120390>.

³² Steele, Jenny. 2017. *Tort Law*. Vol. 1. Oxford University Press. <https://doi.org/10.1093/he/9780198768807.001.0001>.

submissions of the same manuscript, redundant publication, and self-plagiarism.³³ Moreover, since China's Criminal Law does not explicitly state that academic misconduct constitutes a crime, it is challenging to hold individuals criminally accountable for academic misconduct that is severe in nature and malicious in intent.³⁴

Currently, in China, the measures to punish academic misconduct are relatively lenient and infrequent. When addressing incidents of academic misconduct, administrative regulations are typically used to impose administrative sanctions on the offenders, or the institutions to which the offenders belong administer internal disciplinary actions according to their own regulations. However, pursuing civil or criminal liability is quite rare. The insufficient severity of these punitive measures is one of the reasons why academic misconduct is difficult to regulate effectively.

4.2. Feasible Improvement Strategies

To address the issues of multiple submissions, duplicate publications, and self-plagiarism that the current *Copyright Law* fails to effectively control, this article suggests the improvement or addition of specific provisions to the relevant regulations of the *Copyright Law*. Appropriate limitations could be imposed on certain rights of copyright holders. For instance, a new provision could be introduced to restrict authors from creating new works by adapting or reorganising their existing works, thereby regulating self-plagiarism. Additionally, Article 35 of the *Copyright Law* could be refined to better constrain multiple submissions. Regarding the issue of duplicate publications, improvements could be made to the provisions concerning the right of publication, such as clearly stipulating that once the right of publication is exhausted, the author is no longer entitled to publish the same work again.

Given that the principle of no-fault liability does not have broad applicability, it is currently challenging to apply this principle to hold individuals accountable for academic misconduct. Relevant authorities should introduce special provisions in the *Civil Code* or issue related judicial interpretations to enable the application of the no-fault liability principle to those responsible for academic misconduct in judicial practice.

Due to the widespread occurrence of academic misconduct globally, various countries have accumulated considerable experience in addressing this issue. China can draw on foreign legislative experiences to address some of the current challenges it faces. Notably, China can learn from the legislative experience of the United States. In 2000, the White House Office of Science and Technology Policy officially implemented the *Federal*

³³ Yu, Jing, Jiajia Wu, Fangfang Qi, Huilan Sun, and Jie Xu. 2023. "Analysis of Academic Norms and Copyright Cognition of Scientific and Technological Journals: Questionnaire Survey Based on Authors and Editors." *Editing Practice* 1 (October). <https://doi.org/10.54844/ep.2023.0446>.

³⁴ Lu, Jian-Ping. 2019. "China's New Strategy for Fighting Misconduct in Academic Journals." *Chinese Medical Journal* 132 (15): 1865–66. <https://doi.org/10.1097/CM9.0000000000000347>.

Policy on Research Misconduct. This policy represents the highest standard and normative guideline for the U.S. government's approach to addressing academic misconduct.³⁵ Its introduction marked the establishment of a unified and standardized system, led by the government, for governing academic misconduct in the United States.

Additionally, China can take inspiration from Denmark's experience. In 2003, Denmark enacted the *Act on Research Consultancy System*, which delineates the composition and managerial authority of the Danish Committee on Scientific Dishonesty (DCSD).³⁶ The guidelines issued by the DCSD provide a basis and standard for handling cases of academic misconduct.

Currently, China lacks both the unified and standardized policies and regulations seen in the United States and the dedicated institutions like Denmark's DCSD for managing academic misconduct. The Ministry of Education in China has issued the *Measures for the Prevention and Handling of Academic Misconduct in Higher Education Institutions*, which only apply to higher education institutions. Meanwhile, the internal regulations and standards for addressing academic misconduct vary across different units. Therefore, China needs to establish unified and standardized guidelines, similar to those in the United States, by formulating a set of broadly applicable laws. Furthermore, China lacks specialized institutions for governing academic misconduct and should follow Denmark's example by enacting relevant legislation and establishing a committee dedicated to overseeing the governance of academic misconduct nationwide.

The question of whether academic misconduct should be criminalized has long been a topic of debate within the academic community. Some scholars, considering the societal harm caused by academic misconduct, argue that individuals engaging in such behaviour should face criminal penalties. Conversely, other scholars, adhering to the principle of criminal law restraint, oppose holding individuals criminally responsible for academic misconduct. This article posits that the decision to criminalize academic misconduct should be based on a comprehensive assessment of factors such as the subjective malice of the perpetrator, the severity of the circumstances, and the egregiousness of the nature of the misconduct. For instances of academic misconduct that are particularly severe and egregious in nature, the perpetrators should be subject to criminal sanctions.

³⁵ Resnik, David B. 2019. "Is It Time to Revise the Definition of Research Misconduct?" *Accountability in Research* 26 (2): 123–37. <https://doi.org/10.1080/08989621.2019.1570156>.

³⁶ Abdi, Shila, Benoit Nemery, and Kris Dierickx. 2023. "What Criteria Are Used in the Investigation of Alleged Cases of Research Misconduct?" *Accountability in Research* 30 (2): 109–31. <https://doi.org/10.1080/08989621.2021.1973894>.

5. Conclusion

This article has employed comparative and empirical legal analysis to investigate 35 representative cases of academic misconduct in China. The analysis has revealed the various manifestations of academic misconduct and the corresponding penalties, as well as the infringements on intellectual property rights and public legal interests. It has been established that academic misconduct should be attributed to the perpetrator according to the principle of strict liability. Regarding the criminalization of academic misconduct, as discussed earlier, it is a crucial issue. Based on the comprehensive assessment of factors such as the subjective malice of the perpetrator, the severity of the circumstances, and the egregiousness of the nature of the misconduct, severe academic misconduct should indeed be subject to criminal sanctions. This conclusion is drawn from the in-depth analysis of the cases and the understanding of the potential harm caused by such behavior. The empirical case analysis clearly demonstrates the need for strict liability. The diverse and harmful nature of academic misconduct cases, especially those involving data fraud, plagiarism, and improper interference in the evaluation process, calls for a stringent legal approach. By applying strict liability, it becomes possible to hold the perpetrators accountable more effectively and act as a deterrent to future misconduct.

In terms of international practices, countries like the United States and Denmark have established relatively mature systems. The United States' Federal Policy on Research Misconduct and Denmark's Act on Research Consultancy System provide valuable references. These international experiences can help China fill the legislative gaps identified in its current system. For example, China can learn from the unified and standardized governance models and the establishment of specialized institutions in these countries. In summary, this research not only highlights the existing problems in China's academic misconduct regulation but also proposes feasible solutions based on the analysis of cases and international experiences. It is hoped that these findings and suggestions will contribute to the improvement of China's academic integrity environment and the strengthening of the legal framework for academic misconduct regulation.

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