

Sui Zhong Fa [2020] No. 35

***Notice on Issuing the Several Provisions of Guangzhou Intermediate People's Court on Online Case Filing (for Trial Implementation)***

To all grass-roots courts and all departments of this court,

In order to further optimize the business environment, the *Several Provisions of Guangzhou Intermediate People's Court on Establishment of City-wide Online Comprehensive Case Acceptance Work Mechanism* (Sui Zhong Fa [2019] No. 154) has been revised, and adopted at the second meeting of the judicial committee of this court in 2020, and is hereby issued to you. Please implement it in light of real situation

Guangzhou Intermediate People's Court

February 25, 2020

# Several Provisions of Guangzhou Intermediate People's Court on Online Case Filing (for Trial Implementation)

## 1. General Provisions

1.1. [Basis for formulation] These Opinions are formulated in order to meet the people's new demands and expectations for online case filing, further improve the IT application, intelligence and standardization of case filing work, establish a city-wide unified cross-level and cross-regional online case filing platform, and create a new situation of the case filing work of city-wide courts, in accordance with the *Opinions of the Supreme People's Court on Deepening the Comprehensive Supporting Reform of the Judicial System of the People's Court - the Fifth Five-Year Reform Outline of the People's Court (2019-2023)*, in light of online case filing of people's courts at both levels in this municipality.

1.2. [Purpose and significance] Online case filing is an important part of the enforcement and trial works of a court. Courts at all levels across the municipality and their departments should attach great importance to and actively participate in it, aiming at creating an intensive litigation service mechanism of online "be accessed via one website" and offline "one-stop service", speeding up the modernization of the litigation service center, and striving to provide inclusive, equal, convenient, efficient, intelligent and accurate litigation services, and improve the convenient case filing mechanism, such as online defect-tolerant acceptance mechanism, It will speed up the promotion of cross-level and cross-regional collaborative case filing, self-help case filing, etc., to realize litigation services of "available locally, city-wide processing, processed remotely", so as to effectively reduce people's litigation exhaustion.

## 2. City-wide Online Case Filing Platform

2.1. [City-wide online case filing platform] The city-wide online case filing platform refers to a quick and convenient case file approach by which an applicant prepares the required complaint materials and submits it to a competent court via the online function module of the online case filing platform, and the online case-filing officer examines the complaint materials by online reading or telephone and completes the case acceptance.

2.2. [Type of case] The types of cases filed online by city-wide courts include first-instance civil and commercial cases, intellectual property rights, criminal private prosecution, enforcement, application for state compensation, cancellation of arbitration award, civil and commercial retrial cases and appeal cases of Guangzhou Internet Court. Next step, we may explore the online case filing of other special cases.

2.3. [Functional departments and personnel] The Case Filing Chamber of people's courts at both levels across the municipality is the functional department of online case filing, and the personnel with strong professional ability and responsibility sense should be appointed for the online case filing work of their court.

2.4. [Explanation and guidance] In order to actively prevent and effectively reduce the false lawsuit, malicious lawsuit and other abuse of litigious rights, the online case-filing officer should carefully check the case filing requirements, such as basic information of the parties, cause of action, purpose of litigation, evidence materials, etc.

If the materials are incomplete, the online case-filing officer should notify at one time the applicant of all materials that need to be supplemented, and submit a list of supplementary materials to the applicant through the online case filing function. For

those that do not meet the requirements of filing a case, the online case-filing officer should explain to the applicant through the online case filing platform and do a good job of legal explanation and guidance.

The online case-filing officer mainly replies online, but also replies by email, telephone or fax. If the reply is made by e-mail, telephone or fax, the officer shall record and indicate the time, manner and main contents of the reply in the online case filing system.

### **3. Defect-tolerant Acceptance Mechanism**

3.1. [Defect-tolerant acceptance mechanism] In event of a case that the plaintiff or the applicant is a legal person or other organization or entrusts a lawyer to represent a lawsuit, or small-amount lawsuit and series of cases, the applicant for online case filing is allowed to upload only a complaint (application), when filing the case online, the subject materials of the parties, the main basis of claims and the materials that can determine the jurisdiction of a court. The applicant may no longer submit a separate paper complaint, and the parties may voluntarily choose whether to scan and upload other materials related to the fact dispute of the case.

3.2. [Defect-tolerant material type] For ordinary civil and commercial cases, the applicant may choose to upload only a complaint, the subject materials of the parties, the main contract, the materials related to the jurisdiction dispute and the list of evidence in the online case filing platform, and other evidence materials involving the entity dispute may not be uploaded on the online case filing platform. (See Annex 1 for defect-tolerant reference materials)

For enforcement cases, the applicant may choose to upload only the application form, the subject materials, and the home page and main text on the basis for application for enforcement in the online case filing platform, the pages recording the facts and reasons on other enforcement basis, and unnecessary evaluation reports may not be uploaded in the online case filing platform.

3.3. [Submission of defect-tolerant material type] If a case is filed online, the applicant shall be promptly informed to upload the electronic versions for the complete evidence materials and other materials related to the lawsuit, and the applicant may no longer submit the paper materials separately.

### **4. Cross-level and Cross-regional Collaborative Case Filing Mechanism**

4.1. [Cross-level and cross-regional collaborative case filing mechanism] For the first-instance civil and commercial cases and enforcement case under the jurisdiction of Guangzhou Intermediate People's Court and its grass-roots courts (including Guangzhou Internet Court) according to law, the parties and their agents may choose to submit an application for case filing to any of the above courts. Each court shall assist the applicant to submit the application to a competent court in the online filing case system.

4.2. [Processing method of cross-level and cross-regional collaborative case filing] Each court shall clearly inform the applicant of the acceptance court in the complaint (application) upon receipt of the complaint (application) materials of cross-regional collaborative case filing.

For the cases that meet the conditions for case filing on the spot and should be under the jurisdiction of the court referred to in Article 4.1 of these Provisions, each court shall assist the applicant to submit an online case filing application to the acceptance court, and receive and transfer the complaint (application) materials for the applicant, and issue to the applicant the Guangzhou Courts Cross-regional Collaborative Case Filing Materials Receipt Certificate (See Annex 2).

If a case meets the requirements for case filing but is not under the jurisdiction of the court referred to in Article 4.1 of these Provisions, the applicant shall be informed to

bring a lawsuit and submit materials to the people's court with jurisdiction.

Where the cross-regional collaborative case filing materials are incomplete, each court shall notify at one time the applicant of all materials that need to be supplemented. When the relevant materials are completed, Article 4.2 shall apply.

If a court cannot decide whether the complaint (application) of cross-regional collaborative case filing submitted by the applicant meets the requirements for case filing on the spot, the court may instruct the applicant to submit an application for online case filing to the acceptance court on the spot, and ask the applicant to follow the instruction of the acceptance court after the application passes the online case filing review.

### **5. Time Limit**

5.1. [Time limit for online case filing] The online case filing officer shall, within seven days upon receipt of the online application materials submitted by the applicant, handle the case. If the case meets the requirements for case filing, the officer shall transfer the case to the intranet trial business database on the same day, generate the official case number and assign the case. On the same day, after assigning the case, the officer shall send a Notice on Case Acceptance and a Notice on Payment of Court Costs which are affixed with the court's electronic seal to the applicant, clearly informing the parties of the official case number, search password and the handling judge of the relevant tribunal.

5.2. [Time-out control] If the online case filing officer fails to finish on time upon receipt of the online case filing application submitted by the applicant, the system will send a prompt message. Leaders at all levels should strengthen management and supervision to ensure timely processing of the applications for online case filing.

### **6. Supplementary Provisions**

6.1. The maintenance and management of the municipality's online comprehensive case acceptance platform consists of two kinds of work, among which, the daily online case filing management work is undertaken by the Case Filing Chamber of this court, and the operation guarantee work of the technical system is performed by the Science & Technology and Information Technology Division of this court.

6.2. The time limit specified by these Provisions shall be calculated from the next day. Where the last day of the time limit is a statutory holiday, the first working day after the holiday shall be the expiry date.

6.3. These Provisions shall be interpreted by Guangzhou Intermediate People's Court.

6.4. These Provisions shall come into force as of the date of promulgation. Where these Provisions are in conflict with the provisions of laws, regulations, judicial interpretations and higher courts, the provisions of laws, regulations, judicial interpretations and higher courts shall prevail. Where these Provisions are inconsistent with the previous provisions of this court, these Provisions shall prevail.

Annex 1:

## **Defect-tolerant Materials for Online Case Filing in Guangzhou Courts**

### **1. Defect-tolerant materials for sales contract dispute cases**

1.1. Evidence of performance of contracts:

1.1.1. Delivery/receiving voucher;

1.1.2. Receipt and payment documents;

1.1.3. Evidence of outstanding payment;

1.1.4. Letter of quality objection from the receiving party, inspection report, customer complaint, return and evidence of claim;

1.1.5. If the performance is made to a third party or by a third party as agreed, a certificate for the performance of the third party and the corresponding vouchers shall be submitted.

1.2. Other evidences that proves the facts of the case and are not relevant to the determination of jurisdiction.

### **2. Defect-tolerant materials for financial loan contract dispute cases**

2.1. Evidence of loan contract relationship and subordinate security contract relationship:

2.1.1. Any part of a loan contract or agreement that has nothing to do with determining jurisdiction;

2.1.2. A mortgage contract, ownership certificate of mortgaged Property, and evidence of mortgage registration;

2.1.3. Guarantee contract and bond;

2.1.4. Evidence of delivery of pledge contract, evidence of the delivery of pledged movable property or documents of pledged rights, evidence of pledge registration.

2.2. Evidence of performance of contracts:

2.2.1. Evidence of issuance of loans;

2.2.2. Evidence of repaying capital with interest.

2.3. Other evidence that proves the facts of the case and is not relevant to the determination of jurisdiction.

### **3. Defect-tolerant materials for processing and work contract dispute cases**

3.1. The contents irrelevant to the determination of jurisdiction in the processing and work contract or agreement;

3.2. Evidence of performance of contracts:

Evidence such as quantity, quality and payment of the ordered goods.

3.3. Other evidence that proves the facts of the case and is not relevant to the determination of jurisdiction.

### **4. Defect-tolerant materials for share transfer contract dispute cases**

4.1. Evidence of share transfer contract relationship:

4.1.1. The contents irrelevant to the determination of jurisdiction in share transfer

contract or agreement;

4.1.2. Evidence that the shareholders agree to transfer their shares (contributions).

4.2. Evidence of performance of contracts:

4.2.1. Evidence of transfer or acceptance of shares (contributions);

4.2.2. Capital contribution certificate and register of shareholders;

4.2.3. Evidence of change in control of the company;

4.2.4. Asset appraisal report and capital verification report;

4.3. Other evidence that proves the facts of the case and is not relevant to the determination of jurisdiction.

### **5. Defect-tolerant materials for partnership dispute cases**

5.1. Evidence of the form and amount of capital contribution of the partners;

5.2. Withdrawal Agreement and evidence of withdrawal liquidation;

5.3. Accounting books and evidence of partnership property status;

5.4. Other evidence that proves the facts of the case and is not relevant to the determination of jurisdiction.

### **6. Defect-tolerant materials for commodity housing sales contract dispute cases**

6.1. Evidence of performance of contracts:

6.1.1. Evidence of housing delivery and payment of housing purchase;

6.1.2. Housing ownership certificate and land use right certificate;

6.1.3. Evidence on handling ownership transfer formalities or reasons or grounds for failure to do so;

6.1.4. In case a common house is sold: evidence that the other co-owners agree to sell and give up the preemptive right;

6.1.5. In case a leased house is sold: evidence that prior notice is sent to the lessee and lessee gives up the preemptive right;

6.1.6. Evidence of the possession and use of the house.

6.2. Other evidence that proves the facts of the case and is not relevant to the determination of jurisdiction.

### **7. Defect-tolerant materials for house leasing contract dispute cases**

7.1. Evidence of performance of contracts:

7.1.1. The evidence that the lessor does not deliver the house as stipulated in the contract and requires the lessee to vacate in advance;

7.1.2. The evidence that the lessee does not accept the house as stipulated in the contract, or refuses or delay to pay the rent, or has demolished and altered the house without authorization, subleased or lent the house without authorization, altered the use of the house, and used the house for illegal activities;

7.1.3. Evidence that the leased house is damaged or collapsed but lessor refuses to repair it.

7.2. Other evidence that proves the facts of the case and is not relevant to the determination of jurisdiction.

### **8. Defect-tolerant materials for real property ownership dispute cases**

8.1. Real estate ownership certificate and evidence of the real property ownership obtained by inheritance, gift, sale, mortgage or pawn;

8.2. Evidence of use of real property;

8.3. In case of reconstruction, expansion, new construction or addition of appendages: evidence of project application, approval and construction;

8.4. Other evidence that proves the facts of the case and is not relevant to the determination of jurisdiction.

### **9. Defect-tolerant materials for commercial housing presale contract dispute cases**

9.1. Partial evidence of commercial housing presale contract relationship

The land use right certificate for commercial housing pre-sale projects, construction project planning permits, commercial housing pre-sale permits.

9.2. Evidence of performance of contracts:

9.2.1. Evidence of the amount, time, method or underpayment or default on the purchase payment;

9.2.2. Evidence of the delivery of the house and the handling of the house ownership certificate, the land use right certificate, or the reasons or grounds for failure to deliver the house and handle the house ownership certificate and the land use certificate;

9.2.3. Evidence of the quality and area of commercial housing, or objections.

9.3. Other evidence that proves the facts of the case and is not relevant to the determination of jurisdiction.

### **10. Defect-tolerant materials for house demolition and resettlement compensation contract dispute cases**

10.1. Evidence such as house demolition permit, construction project planning permit, house demolition notice, etc.;

10.2. In case of entrusted demolition: the demolition entrustment contract and agreement;

10.3. Evidence of the area, structure and appendages of the demolished buildings;

10.4. Household registration materials for the family members of the relocated persons;

10.5. If the relocated person has moved back: evidence of the condition of the relocated house;

10.6. Evidence of payment or receipt of temporary settlement allowances and other related expenses;

10.7. In case of forced demolition: evidence of the reasons, grounds and implementation of forced demolition;

10.8. Other evidence that proves the facts of the case and is not relevant to the determination of jurisdiction.

### **11. Defect-tolerant materials for cooperative housing contract dispute cases**

11.1. The contents not related to the determination of jurisdiction in cooperative housing contract or agreement;

11.2. Evidence of performance of contracts:

11.2.1. Land use right certificate, construction project permit, construction permit, land use right transfer contract, and project application and approval materials;

11.2.2. Evidence of the amount, manner and time of actual capital contribution;

11.2.3. Construction project contract, construction materials, completion acceptance certificate and evidence of other housing construction;

11.2.4. Evidence of the use of building funds;

11.2.5. Where a house has been pre-sold or has been completed for sale: evidence of the amount of funds recovered, the distribution of profits or the sharing of losses.

11.3. Other evidence that proves the facts of the case and is not relevant to the determination of jurisdiction.

## **12. Defect-tolerant materials for land use right transfer contract dispute cases**

12.1. The contents irrelevant to the determination of jurisdiction in the contract or agreement for compensated transfer of land use right.;

12.2. Evidence of performance of contracts:

12.2.1. Evidence of payment of the transfer fee for the land use right, or underpayment or arrears of the transfer fee;

12.2.2. Evidence of delivery of the transferred land;

12.2.3. Evidence of land development, utilization and construction.

12.3. Other evidence that proves the facts of the case and is not relevant to the determination of jurisdiction.

## **13. Defect-tolerant materials for building decoration project contract dispute cases**

13.1. The contents not related to the determination of jurisdiction in building decoration project contract or agreement;

13.2. Evidence of performance of contracts:

13.2.1. Evidence of the acceptance, delivery or non-completion of the project and the progress of the construction;

13.2.2. Evidence of payment, underpayment or arrears of the project costs;

13.2.3. Evidence of the project quality or its objection;

13.2.4. Evidence of project settlement.

13.3. Other evidence that proves the facts of the case and is not relevant to the determination of jurisdiction.

## **14. Defect-tolerant materials for marriage dispute cases**

14.1. Evidence of marital breakdown:

14.1.1. Where domestic violence is involved: information on reporting to the police and police records, forensic identification, witness testimony;

14.1.2. If drug abuse or gambling is involved: a certificate issued by a neighborhood committee, a village committee or a public security organ; a decision on punishment or a corresponding legal document (subject to administrative punishment or criminal investigation);

14.1.3. If bigamy or cohabiting with him or her is involved: marriage certificate, birth certificate of the child, residence certificate, relevant photo or certificate issued by the neighborhood committee, village committee or public security organ;

14.1.4. If a dispute has been resolved or a divorce lawsuit has been instituted: a court judgment, a conciliation statement, a written ruling, or a certificate issued by a street mediation committee or a relevant unit.

14.2. Evidence of children:

14.2.1. Evidence of legitimate children, stepchildren and adoptive children

14.2.2. If a minor over the age of 10 is involved: evidence that the child himself or herself wishes to live with his or her father or mother.

14.3. Evidence of joint property during marriage

14.3.1. Real estate: property certificate (real estate ownership certificate) or

- purchase contracts, invoices and capital contribution certificate;
- 14.3.2. Bank deposits: bank accounts;
- 14.3.3. Stock: shareholder code, capital account number;
- 14.3.4. Vehicle: vehicle license, license plate number;
- 14.3.5. Equity: evidence of business registration and capital contribution;
- 14.3.6. Income Certificate;
- 14.3.7. Evidence to prove the existence of creditor's rights and debts;
- 14.3.8. Evidence of the origin of the property acquired as a result of the inheritance or gift after marriage;
- 14.3.9. If there is agreement for the property: documentary evidence.
- 14.4. Other evidence that proves the facts of the case and is not relevant to the determination of jurisdiction.

### **15. Defect-tolerant materials for succession dispute cases**

- 15.1. Evidence of statutory succession:
  - 15.1.1. The death certificate of the decedent;
  - 15.1.2. Evidence of the marital, reproductive and child-rearing status of the decedent;
  - 15.1.3. The adoptive children of the decedent: certificate of adoption;
  - 15.1.4. A person, other than a successor, who is dependent on the decedent, unable to work and without source of income, or who, other than a successor, brings up the decedent: A certificate issued by a neighborhood committee, a village committee or the employer of the decedent.
- 15.2. Evidence of testamentary succession
  - 15.2.1. The death certificate of the decedent;
  - 15.2.2. Notary testament: notarial certificate;
  - 15.2.3. Allograph testament: allograph testament
  - 15.2.4. Autographic testament: autographic testament
  - 15.2.5. Oral testament: Testimony of two or more witnesses who are not interested in the succession;
  - 15.2.6. A testament made in the form of a sound-recording: Testimony of two or more witnesses who are not interested in the succession.
- 15.3. Evidence of the property of the decedent
  - 15.3.1. Real estate: property certificate or purchase contract, invoices and capital contribution certificate;
  - 15.3.2. Bank deposits: bank accounts;
  - 15.3.3. Stock: shareholder code, capital account number;
  - 15.3.4. Vehicle: vehicle license, license plate number;
  - 15.3.5. Equity: evidence of business registration and capital contribution;
  - 15.3.6. Creditor's rights and debts: receipt for a loan (IOU) or relevant evidence
- 15.4. Other evidence that proves the facts of the case and is not relevant to the determination of jurisdiction.

### **16. Defect-tolerant materials for road traffic accident damage dispute cases**

- 16.1. Forensic identification of the victim's disability and a certificate of disability grade assess;
- 16.2. Proof of the s financial income of the injured parties and the status of his family member;
- 16.3. Evidence of hospital diagnosis, and documents of medical expenses, disability equipment fees (subject to domestic appliances), transportation and accommodation

fees;

16.4. Other evidence that proves the facts of the case and is not relevant to the determination of jurisdiction.

**17. Defect-tolerant materials for damage dispute cases**

17.1. Evidence of the time, place and manner of the damage;

17.2. Evidence that the parties acknowledge or agree on damages;

17.3. Evidence of personal injury:

17.3.1. Diagnosis certificate of medical establishment or hospital;

17.3.2. Forensic identification and a certificate of disability grade assess;

17.3.3. Evidence of medical expenses, hospitalization expenses, transportation expenses, charge for loss of working time, nursing expenses, etc.

17.4. Evidence of damage to property

Evidence of damage to property, assessment of damage degree, original value of damaged property, repair cost, etc.

17.5. Other evidence that proves the facts of the case and is not relevant to the determination of jurisdiction.





